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PENNSYLVANIA BULLETIN

Volume 37
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Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Transportation
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Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Pennsylvania Regional Port Authority
State Board of Nursing

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

No. 386, January 2007

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2007.

4 Pa. Code (Administration)		58 Pa. Code (Recreation)	
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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 81 AND 83]

Amendments to the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement Relating to Safekeeping Property and Funds of Clients and Third Persons—Mandatory Overdraft Notification

On June 10, 2006, The Disciplinary Board of the Supreme Court of Pennsylvania published a Notice of Proposed Rulemaking, Volume 36, *Pennsylvania Bulletin*, page 2801. In light of the comments received in response to that Notice, the Disciplinary Board has made changes to the proposed amendments to Pennsylvania Rule of Professional Conduct 1.15 and Pennsylvania Rule of Disciplinary Enforcement 221.

Notice is hereby given that The Disciplinary Board is considering recommending to the Supreme Court that these Rules be amended as set forth in Annex A and Annex B. The changes to Rule of Professional Conduct 1.15 permit attorneys acting as fiduciaries to exercise appropriate fiduciary judgment, make prudent investments, and administer fiduciary assets in accordance with law and accepted practice. The definition of "Financial Institution" is broadened to permit deposit of IOLTA funds in various instrumentalities in addition to traditional banks and savings and loan associations to the extent that such instrumentalities chose to qualify as "Eligible Institutions" under Rule of Disciplinary Enforcement 221(h), as well as to permit investment of entrusted funds in or through such entities, consistent with the Prudent Investor Rule or other applicable law.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before March 1, 2007.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:
CLIENT-LAWYER RELATIONSHIP

Rule 1.15. Safekeeping Property.

(a) The following definitions are applicable to Rule 1.15:

(1) *Eligible Institution.* An Eligible Institution is a Financial Institution which has been approved as a depository of Trust Accounts pursuant to Pa.R.D.E. 221(h).

(2) *Fiduciary.* A Fiduciary is a lawyer acting as a personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar position.

(3) *Fiduciary Funds.* Fiduciary Funds are Rule 1.15 Funds which the lawyer holds as a Fiduciary. Fiduciary Funds may be either Qualified Funds or Non-Qualified Funds.

(4) *Financial Institution.* A Financial Institution is an entity which is authorized by federal or state law and licensed to do business in the Commonwealth of Pennsylvania as one of the following: a bank, bank and trust company, trust company, credit union, savings bank, savings and loan association or foreign banking corporation, the deposits of which are insured by an agency of the federal government, or as an investment adviser registered under the Investment Advisers Act of 1940 or with the Pennsylvania Securities Commission, an investment company registered under the Investment Company Act of 1940, or a broker dealer registered under the Securities Exchange Act of 1934.

(5) *Interest On Lawyer Trust Account (IOLTA Account).* An IOLTA Account is an income producing Trust Account from which funds may be withdrawn upon request as soon as permitted by law. Qualified Funds are to be held or deposited in an IOLTA Account.

(6) *IOLTA Board.* The IOLTA Board is the Pennsylvania Interest On Lawyers Trust Account Board.

(7) *Non-IOLTA Account.* A Non-IOLTA Account is an income producing Trust Account from which funds may be withdrawn upon request as soon as permitted by law in which a lawyer deposits Rule 1.15 Funds. Only Nonqualified Funds are to be held or deposited in a Non-IOLTA Account. A Non-IOLTA Account shall be established only as:

(i) a separate client Trust Account for the particular client or matter on which the net income will be paid to the client or third person; or

(ii) a pooled client Trust Account with sub-accounting by the Eligible Institution or by the lawyer, which will provide for computation of net income earned by each client's or third person's funds and the payment thereof to the client or third person.

(8) *Nonqualified Funds.* Nonqualified Funds are Rule 1.15 Funds, whether cash, check, money order or other negotiable instrument, which are not Qualified Funds.

(9) *Qualified Funds.* Qualified Funds are Rule 1.15 Funds which are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient income will not be generated to justify the expense of administering a segregated account.

(10) *Rule 1.15 Funds.* Rule 1.15 Funds are funds which the lawyer receives from a client or third

person in connection with a client-lawyer relationship, or as an escrow agent, settlement agent or representative payee, or as a Fiduciary, or receives as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such. When the term "property" appears with "Rule 1.15 Funds," it means property of a client or third person which the lawyer receives in any of the foregoing capacities.

(11) **Trust Account.** A Trust Account is an account in an Eligible Institution in which a lawyer holds Rule 1.15 Funds. A Trust Account must be maintained either as an IOLTA Account or as a Non-IOLTA Account.

(b) A lawyer shall hold all Rule 1.15 Funds and property [of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship] separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.

(c) Complete records of the receipt, maintenance and disposition of [such] Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later. A lawyer shall maintain, in electronic or hard copy form, with backup at least monthly on a separate electronic storage device, the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l):

(1) all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks, deposited items and records of electronic transactions; and

(2) check register or separately maintained ledger, which shall include the payee, date and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction.

[(b)] (d) Upon receiving Rule 1.15 Funds or property [of a client or third person in connection with a client-lawyer relationship], a lawyer shall promptly notify the client or third person, consistent with the requirements of applicable law.

(e) Except as stated in this Rule or otherwise permitted by law, or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding [such] the property.

[(c)] (f) When in [connection with a client-lawyer relationship a lawyer is in possession of] possession of funds or property in which two or more persons, one of whom may be the lawyer, claim an interest, the funds or property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or property, including Rule 1.15 Funds, as to which the interests are not in dispute.

[(d) In those parts of this Rule dealing with funds of clients or third persons which the lawyer receives in connection with a client-lawyer relationship, excluding funds which the lawyer receives while acting as fiduciary for an estate, trust, guardianship or conservatorship, the following definitions are applicable:

(1) Trust Account means an interest-bearing account in a financial institution, as defined in Rule of Disciplinary Enforcement 221, in which the lawyer deposits such funds.

(2) Qualified funds means such funds when they are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient income will not be generated to justify the expense of administering a segregated account.

(3) Nonqualified Funds means all other such funds.

(4) An Interest On Lawyer Trust Account (IOLTA Account) is an unsegregated Trust Account for the deposit of Qualified Funds by a lawyer.

(5) The IOLTA Board means the Pennsylvania Interest on Lawyers Trust Account Board.

(e)] (g) The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held.

(h) A lawyer shall not deposit the lawyer's own funds in a Trust Account except for the sole purpose of paying [bank services] service charges on that account, and only in an amount necessary for that purpose.

(i) A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.

(j) At all times while a lawyer holds [funds of a client or third person in connection with a client-lawyer relationship] Rule 1.15 Funds, the lawyer shall also maintain another account that is not used to hold such funds.

[(f)] (k) All Nonqualified Funds which are not Fiduciary Funds shall be placed in a [Trust] Non-IOLTA Account or in another investment vehicle specifically agreed upon by the lawyer and the client or third person which owns the funds.

(l) All Fiduciary Funds shall be placed in a Trust Account (which, if the Fiduciary Funds are also Qualified Funds, must be an IOLTA Account) or in another investment which is authorized by the law applicable to the entrustment or the terms of the instrument governing the Fiduciary Funds.

[(g)] (m) All Qualified Funds which are not Fiduciary Funds shall be placed in an IOLTA Account. [The rate of interest payable on an IOLTA Account shall not be less than the highest rate or dividend generally available from the financial institution to its non-IOLTA Account customers when the IOLTA Account meets or exceeds the same minimum balance and other account eligibility qualifications applicable to those other accounts. In no event shall the rate of interest payable on an IOLTA Account be less than the rate paid by the financial institution

on negotiable order of withdrawal accounts (NOW) or super negotiable order of withdrawal accounts. An account shall not be considered an IOLTA Account unless the financial institution at which the account is maintained shall:

(1) Remit at least quarterly any interest earned on the account to the IOLTA Board.

(2) Transmit to the IOLTA Board with each remittance and to the lawyer who maintains the IOLTA Account a statement showing at least the name of the account, service charges or fees deducted, if any, the amount of interest remitted from the account and the average daily balance, if available.

(h)] (n) A lawyer shall be exempt from the requirement that all Qualified Funds be placed in an IOLTA Account only upon exemption requested and granted by the IOLTA Board. If an exemption is granted, the lawyer must hold Qualified Funds in a Trust Account **which is not income producing**. Exemptions shall be granted if:

(1) the nature of the lawyer's practice does not require the routine maintenance of a Trust Account in Pennsylvania;

(2) compliance with this paragraph would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographical distance between the lawyer's principal office and the closest **[financial institution] Eligible Institution**, or on other compelling and necessitous factors; or

(3) the lawyer's historical annual Trust Account experience, based on information from the **[financial institution] Eligible Institution** in which the lawyer deposits funds, demonstrates **that** the service charges on the account would significantly and routinely exceed any **[interest] income** generated.

(o) An account shall not be considered an IOLTA Account unless the Eligible Institution at which the account is maintained shall:

(1) Remit at least quarterly any income earned on the account to the IOLTA Board;

(2) Transmit to the IOLTA Board with each remittance and to the lawyer who maintains the IOLTA Account a statement showing at least the name of the account, service charges or fees deducted, if any, the amount of income remitted from the account, and the average daily balance, if available; and

(3) Pay a rate of interest or dividends no less than the highest interest rate or dividend generally available from the Eligible Institution to its non-IOLTA customers when the IOLTA Account meets the same minimum balance or other eligibility qualifications, and comply with the Regulations of the IOLTA Board with respect to service charges, if any.

[(i)] (p) * * *

[(j)] (q) There is hereby created the Pennsylvania Interest On Lawyers Trust Account Board, which shall administer the IOLTA program. The IOLTA Board shall consist of nine members who shall be appointed by the Supreme Court. Two of the appointments shall be made from a list provided to the Supreme Court by the Pennsylvania Bar Association in accordance with its own rules and regulations. With respect to these two appoint-

ments, the Pennsylvania Bar Association shall submit three names to the Supreme Court, from which the Court shall make its final selections. The term of each member shall be three years and no member shall be appointed for more than two consecutive three year terms. The Supreme Court shall appoint a Chairperson. In order to administer the IOLTA program, the IOLTA Board shall promulgate rules and regulations consistent with this Rule for approval by the Supreme Court. **[Additionally, upon approval of the Supreme Court, the IOLTA Board shall distribute and/or expend IOLTA funds for the purpose set forth in this Rule.]**

(r) The IOLTA Board shall comply with the following:

(1) The IOLTA Board shall prepare an annual audited statement of its financial affairs.

(2) [Disbursement and allocation of IOLTA funds shall be subject to the prior approval of the Supreme Court.] The IOLTA Board shall submit to the Supreme Court for its approval a copy of its audited statement of financial affairs, clearly setting forth in detail all funds previously approved for disbursement under the IOLTA program **[. Additionally, a copy of]** and the IOLTA Board's proposed annual budget **[will be provided to the Court]**, designating the uses to which IOLTA Funds are recommended.

(3) Upon approval of the Supreme Court, the IOLTA Board shall distribute and/or expend IOLTA Funds.

[(k) Interest] (s) Income earned on IOLTA Accounts (IOLTA Funds) may be used only for the following purposes:

* * * * *

[(l)] (t) * * *

Comment

(1) A lawyer should hold property of others with the care required of a professional fiduciary. The obligations of a lawyer under this Rule apply when the lawyer has come into possession of property of clients or third persons because the lawyer is acting or has acted as a lawyer in a client-lawyer relationship with same person, **or when the lawyer is acting as a Fiduciary, or as an escrow agent, a settlement agent or a representative payee, or as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such.** Securities should be **[kept in a safe deposit box, except when some other form of safe-keeping is warranted by special circumstances]** **appropriately safeguarded.** All property which is the property of clients or third persons, including prospective clients, must be kept separate from the lawyer's business and personal property and, if **[monies] Rule 1.15 Funds**, in one or more Trust Accounts, **or, if a Fiduciary entrustment, in an investment authorized by applicable law or a governing instrument.** The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held. Whenever a lawyer holds **[funds of a client or third person] Rule 1.15 Funds**, the lawyer must maintain at least two accounts: one in which those funds are held and another in which the lawyer's own funds may be held.

(2) A lawyer should maintain on a current basis books and records in accordance with sound accounting practices consistently applied and comply with any recordkeeping rules established by law or court order, including those records identified in paragraph (c).

[(2) The following books and records shall be maintained for each Trust Account:

(i) bank statements and check registers (which shall include the payee, date, amount and the client matter involved);

(ii) all transaction records returned by the financial institution, including canceled checks in whatever form and records of electronic transactions;

(iii) records of deposits and a ledger separately listing each deposited item and the client or third person for whom the deposit is being made.

(3) The records required by this Rule may be maintained in electronic or other form if they can be retrieved in printed hard copy. Electronic records must be regularly backed up by an appropriate storage device.

(4)] (3) While normally it is impermissible to commingle the lawyer's own funds with [client] Rule 1.15 funds, paragraph [(e)] (h) provides that it is permissible when necessary to pay [bank] service charges on that account. Accurate records must be kept regarding [that part of] the funds [which are the lawyer's].

(4) A lawyer's obligations with respect to funds of clients and third persons depend on the capacity in which the lawyer receives them, on whether they are Fiduciary Funds as defined in paragraph (a)(3) and on whether they are Nonqualified Funds or Qualified Funds as defined in paragraphs (a)(8) or (9) respectively. If the lawyer receives them in one of the capacities identified in paragraph (a)(10), the obligations in paragraphs (b) through (h), such as safeguarding, notification, and recordkeeping, apply. Nonqualified Funds other than Fiduciary Funds are to be placed in a Non-IOLTA Account, as defined in paragraph (a)(7), in an Eligible Institution, as defined in paragraph (a)(1), unless the client or third person specifically agrees to another investment vehicle for the benefit of the client or third person. Qualified Funds other than Fiduciary Funds must, subject to certain exceptions, be placed in an IOLTA Account defined in paragraph (a)(5).

(5) If the funds, whether Qualified Funds or Nonqualified Funds, are Fiduciary Funds, they may be placed in an investment authorized by the law applicable to the entrustment or authorized by the terms of the instrument governing the Fiduciary Funds. In such investment they shall be subject to the obligations of safeguarding, notification and recordkeeping.

(6) This Rule does not require a Fiduciary to liquidate entrusted investments or investments made in accordance with applicable law or a governing instrument or to transfer non-income producing fiduciary account balances to an IOLTA Account. This Rule does not prohibit a Fiduciary from making an investment in accordance with applicable law or a governing instrument. Funds which are controlled by a non-lawyer professional

co-fiduciary shall not be considered to be Rule 1.15 Funds for the purposes of this Rule.

[(5)] (7) Lawyers often receive funds from which the lawyer's fee will be paid. **Unless the fee is non-refundable, it should be deposited to a Trust Account and drawn down as earned.** The lawyer is not required to remit to the client funds that the lawyer reasonably believes represent fees owed. However, a lawyer may not hold funds to coerce a client into accepting the lawyer's contention. The disputed portion of the funds must be kept in a Trust Account and the lawyer should suggest means for prompt resolution of the dispute, such as arbitration. The undisputed portion of the funds shall be promptly distributed.

[(6) Paragraph (c) also recognizes that third] (8) Third parties may have lawful claims against specific funds or other property in a lawyer's custody such as a client's creditor who has a lien on funds recovered in a personal injury action. A lawyer may have a duty under applicable law to protect such third-party claims against wrongful interference by the client. In such cases, when the third party claim is not frivolous under applicable law, the lawyer must refuse to surrender the property to the client unless the claims are resolved. A lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party. When there are substantial grounds for dispute as to the person entitled to the funds, the lawyer may file an action to have a court resolve the dispute.

[(7)] (9) Other applicable law may impose pertinent obligations upon a lawyer independent of [any] and in addition to the obligations arising from this Rule. For example, a lawyer who [serves only] receives funds as an escrow agent [is governed by the law relating to fiduciaries even though the lawyer does not render legal service in the transaction and is not governed by this Rule. A lawyer who receives funds while serving as an executor or trustee remains subject to the formal accounting procedures and other supervision of the Orphans Court; when such funds are nominal in amount or reasonably expected to be held for such a short period that sufficient will not be generated to justify maintaining a segregated account such funds may, in the discretion of the lawyer, be deposited into the IOLTA account of the lawyer even though such deposit is not required.], a representative payee, or a Fiduciary remains subject to the law applicable to the entrustment, such as the Probate, Estates and Fiduciaries Code, Orphans' Court Rules, the Social Security Act, and to the terms of the governing instrument. When the lawyer who is serving as a Fiduciary reasonably expects that the funds cannot earn income for the client or third person in excess of the cost incurred to secure such income while the funds are held, the lawyer may, in the discretion of the lawyer, deposit the funds into the IOLTA Account of the lawyer.

[(8)] (10) A lawyer must participate in the Pennsylvania Lawyers Fund for Client Security established in Rule 503 of the Pennsylvania Rules of Disciplinary Enforcement. It is a means through the collective efforts of the bar to reimburse persons who have lost money or property as a result of dishonest conduct of a lawyer.

[(9)] (11) Paragraphs [(g)] (q) through [(l)] (t) provide for the Interest on Lawyer Trust Account (IOLTA)

program], and the definitions in paragraph (d) distinguish two types of funds of clients and third persons held by a lawyer: Qualified Funds, which must be placed in an IOLTA account, and Nonqualified Funds, which are to be placed in an interest bearing account unless the client or third person specifically agrees to another investment vehicle for the benefit of the client or third person]. There are further instructions relating to the IOLTA program in Rules 219 and 221 of the Pennsylvania Rules of Disciplinary Enforcement and in the Regulations of the Interest [on] On Lawyers Trust Account Board, 204 Pa. Code, § 81.1 et seq., which are referred to as the IOLTA Regulations.

Annex B

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 221. Funds of clients and third persons. Mandatory overdraft notification.

(a) For purposes of this rule, [a] the following definitions apply:

(1) **Eligible Institution.** An Eligible Institution is a Financial Institution which has been approved as a depository of Trust Accounts pursuant to section(h), *infra*.

(2) **Financial Institution.** A Financial Institution is an entity which is authorized by federal or state law licensed to do business in the Commonwealth of Pennsylvania as one of the following: a bank, bank and trust company, trust company, credit union, savings bank, savings and loan association or foreign banking corporation, the deposits of which are insured by an agency of the federal government, or as an investment adviser registered under the Investment Advisers Act of 1940 or with the Pennsylvania Securities Commission, an investment company registered under the Investment Company Act of 1940, or a broker dealer registered under the Securities Exchange Act of 1934.

(3) **Fiduciary Funds.** Fiduciary Funds are Rule 1.15 Funds which the lawyer holds as a Fiduciary, as defined in Rule 1.15(a)(2) of the Pennsylvania Rules of Professional Conduct. Fiduciary funds may be either Qualified Funds or Non-Qualified Funds.

(4) **Rule 1.15 Funds.** Rule 1.15 Funds are funds which the lawyer receives from a client or third person in connection with a client-lawyer relationship, or as an escrow agent, settlement agent or representative payee, or as a Fiduciary, or receives as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such. When the term "property" appears with "Rule 1.15 Funds," it means property of a client or third person which the lawyer receives in any of the foregoing capacities.

(5) **Trust Account.** A Trust Account [of an attorney] is an account in an Eligible Institution in which an attorney[, in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, deposits] holds Rule 1.15 funds [received from a client or a third person in connection with a client-lawyer

relationship, excluding funds which the attorney receives while acting as fiduciary for an estate, trust, guardianship or conservatorship]. A Trust Account must be maintained either as an IOLTA Account or as a Non-IOLTA Account, as defined in Rule 1.15(a)(5) and (7) of the Pennsylvania Rules of Professional Conduct.

(b) An attorney shall maintain a Trust Account with respect to his/her practice in this Commonwealth only in [a financial institution] an Eligible Institution approved by the Supreme Court of Pennsylvania for the maintenance of such accounts. Subject to the provisions set forth herein, the Disciplinary Board shall establish regulations governing approval and termination of approval for [financial institutions] Eligible Institutions, shall make appropriate recommendations to the Supreme Court of Pennsylvania concerning approval and termination, and shall periodically publish a list of [approved financial institutions] Eligible Institutions.

(c) [A financial institution shall be approved as a depository for Trust Accounts of attorneys if it shall file with the Disciplinary Board an agreement (in a form provided by the Board) to make a prompt report to the Lawyers Fund for Client Security Board whenever any check or similar instrument is presented against a Trust Account when such account contains insufficient funds to pay the instrument, regardless of

(1) whether the instrument is honored, or

(2) whether funds are subsequently deposited that cover the overdraft or the dishonored instrument is made good.

(d) For purposes of this Rule, a Trust Account shall not be deemed to contain insufficient funds to pay a check or similar instrument solely because it contains insufficient collected funds to pay the instrument, and no report shall be required in the case of an instrument presented against uncollected or partially uncollected funds. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(e) The term "financial institution" means banks, bank and trust companies, trust companies, savings and loan associations, credit unions, savings banks or foreign banking corporations, whether incorporated, chartered, organized or licensed under the laws of the Commonwealth of Pennsylvania or the United States, doing business in Pennsylvania and insured by the Federal Deposit Insurance Corporation, the National Credit Union Administration or an alternative share insurer.]

All Fiduciary Funds shall be placed in a Trust Account (which, if the Fiduciary Funds are also Qualified Funds as defined in Rule 1.15(a)(9) of the Pennsylvania Rules of Professional Conduct, must be an IOLTA Account). Fiduciary Funds as defined in Rule 1.15(a)(3) of the Pennsylvania Rules of Professional Conduct may be placed in another investment which is authorized by the law applicable to the entrustment or the terms of the instrument governing the Fiduciary Funds.

[(f)] (d) The responsibility for identifying an account as a Trust Account shall be that of the attorney in whose name the account is held.

[(g) The] (e) An attorney shall maintain the following books and records [shall be maintained] for each Trust Account and for any other account in which Rule 1.15 Funds are held:

(1) [bank statements and check registers (which shall include the payee, date, amount and the client matter involved);

(2)] all transaction records [returned] provided to the attorney by the [financial institution] Financial Institution, [including] such as periodic statements, canceled checks in whatever form, deposited items and records of electronic transactions; and

[(3) records of deposits and a ledger separately listing each deposited item and the client or third person for whom the deposit is being made.]

(2) check register or separately maintained ledger, which shall include the payee, date and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction.

[(h)] (f) The records required by this rule may be maintained in electronic or [other form if they can be retrieved in printed] hard copy form. [Electronic records must be regularly backed up by an appropriate storage device.] If records are kept only in electronic form, then such records shall be backed up at least monthly on a separate electronic storage device.

[(i)] (g) The records required by this rule may be subject to subpoena and must be produced in connection with an investigation or hearing pursuant to these rules. Failure to produce such records may result in the initiation of proceedings pursuant to Enforcement Rule 208(f) (relating to emergency temporary suspension orders and related relief), which permits disciplinary counsel to commence a proceeding for the temporary suspension of a respondent-attorney who refuses to comply with a valid subpoena.

[(j) For purposes of this rule, funds deposited in an account prior to the close of business on the calendar date of presentation of an instrument shall be considered to be in the account at the close of business on that date notwithstanding the financial institution's treatment of such funds, for other purposes, as being received at the opening of the next banking day pursuant to 13 Pa.C.S. § 4107(b) (relating to items or deposits received after cutoff hour).

(k) For purposes of the rule, a check or draft against a Trust Account shall be deemed to be presented at the close of business on the date of presentation.

(l) No report need be made when the financial institution determines that the instrument presented against insufficient funds had been issued in reliance on a deposited instrument that was ultimately dishonored. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(m) A failure on the part of a financial institution to make a report called for by this rule may be cause for termination of approval by the Supreme Court, but such failure shall not, absent gross negligence, give rise to a cause of action, by any person who is proximately caused harm thereby.]

(h) An Eligible Institution shall be approved as a depository for Trust Accounts of attorneys if it shall be in compliance with applicable provisions of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and the Regulations of the IOLTA Board and shall file with the Disciplinary Board an agreement (in a form provided by the Board) to make a prompt report to the Lawyers Fund for Client Security Board whenever any check or similar instrument is presented against a Trust Account when such account contains insufficient funds to pay the instrument, regardless of

(1) whether the instrument is honored, or

(2) whether funds are subsequently deposited that cover the overdraft or the dishonored instrument is made good.

(i) For purposes of this rule:

(1) A Trust Account shall not be deemed to contain insufficient funds to pay a check or similar instrument solely because it contains insufficient collected funds to pay the instrument, and no report shall be required in the case of an instrument presented against uncollected or partially uncollected funds. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(2) Funds deposited in an account prior to the close of business on the calendar date of presentation of an instrument shall be considered to be in the account at the close of business on that date notwithstanding the treatment of such funds by the Eligible Institution, for other purposes, as being received at the opening of the next banking day pursuant to 13 Pa.C.S. § 4108(b) (relating to items or deposits received after cutoff hour).

(3) A check or draft against a Trust Account shall be deemed to be presented at the close of business on the date of presentation.

(j) No report need be made when the Eligible Institution determines that the instrument presented against insufficient funds had been issued in reliance on a deposited instrument that was ultimately dishonored. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(k) A failure on the part of an Eligible Institution to make a report called for by this rule may be cause for termination of approval by the Supreme Court, but such failure shall not, absent gross negligence, give rise to a cause of action, by any person who is proximately caused harm thereby.

[(n) Financial institutions] (l) Eligible Institutions shall be immune from suit for the filing of any reports required by this Rule or believed in good faith to be required by this Rule.

[(o) A financial institution] (m) An Eligible Institution shall be free to impose a reasonable service charge upon the attorney in whose name the account is held for the filing of the report required by this rule.

[(p)](n) * * *

[(q)] (o) * * *

[(r)] (p) * * *

[Pa.B. Doc. No. 07-114. Filed for public inspection January 26, 2007, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Local Civil Rules 205.2(B); 206.4(C); 212.1; 229 and 1301

Order

And Now, November 28, 2006, the Court hereby amends its order of November 2, 2006, as follows:

The court hereby adopts the following local rules 212.1 and 229; and 1301, as amended, to be effective thirty (30) days after the publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall send seven (7) certified copies of these rules to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

With regard to Local Civil Rule 205.2(B) and 206.4(C), in compliance with Pa.R.C.P. 239.8(b), the court directs that the District Court Administrator shall transmit a copy of said rules to the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts for publication on the Pennsylvania Judiciary's Web Application Portal. Said rules shall be effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

It is further ordered that these local rules shall be kept continuously available in the Prothonotary's Office for public inspection and copying.

By the Court

JEFFREY A. SMITH,
President Judge

[Pa.B. Doc. No. 07-115. Filed for public inspection January 26, 2007, 9:00 a.m.]

DELAWARE COUNTY

Local Rule 1303(b)(5); No: 05-0193

Order

And Now, this 9th of January, 2007, it is hereby *Ordered and Decreed* that Delaware County Local Rule 1303(b)(5) is amended to read as follows:

Should an adverse decision be entered under this Rule against a Defendant who failed to appear, the Defendant may file a Motion for post-trial relief which may include a request for a new trial on the ground of satisfactory excuse for the Defendant's failure to appear.

By the Court

EDWARD J. ZETUSKY, Jr.,
President Judge

[Pa.B. Doc. No. 07-116. Filed for public inspection January 26, 2007, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Adoption of Local Criminal Rule 39-117; Misc. Doc. CP-28-AD-1-2007

Order of Court

January 9, 2007, local Criminal Action Rule 39-117 is hereby adopted for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALHER,
President Judge

Rule 39-117. Continuous Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; Setting and Accepting Bail; Emergency Orders Under the Protection From Abuse Act

A. In both branches of the 39th Judicial District of Pennsylvania, all Magisterial District Judge offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 a.m. to 4:30 p.m., prevailing time.

B. Magisterial District Judges shall be available twenty-four hours per day, every day of the calendar year, to provide continuous coverage for the issuance of search warrants, arrest warrants, warrants issued in summary cases, for the issuance of emergency orders under the Protection From Abuse Act, and for those services set forth in Pa.R.Crim.P. 117(A)(2)(a), (b), (c) and (d).

The Magisterial Judges shall satisfy this rule by remaining "on-call" during non-regular business hours on a rotating basis pursuant to a schedule prepared by the District Court Administrator and approved by the President Judge. The "on-call" schedule for each year shall be filed with the Clerk of Courts and be available for public inspection, as well as distributed and publicized pursuant to the order of the President Judge.

C. Magisterial District Judges, the Clerk of Courts and the Warden of the Franklin County Prison, or his designee, shall be authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure, specifically Pa.R.Crim.P. 535.

[Pa.B. Doc. No. 07-117. Filed for public inspection January 26, 2007, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Adoption of Local Criminal Rule 39-150; Misc. Doc. CP-28-AD-2-2007

Order of Court

January 9, 2007, local Criminal Action Rule 39-150 is hereby adopted for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALHER,
President Judge

Rule 39-150. Bench Warrants

A. In all cases where an individual is committed to the Franklin County Prison pursuant to an executed bench warrant, the Warden, or his designee, shall promptly, or in no case later than the beginning of the next business day, notify the District Court Administrator who shall:

1. promptly schedule a hearing for bench warrants within the time permitted by Pa.R.Crim.P. 150.
2. give prompt notice of the hearing to the Office of the Public Defender, the District Attorney's Office, the Clerk of Courts and the Sheriff.

B. If the individual is committed to the Franklin County Prison pursuant to a bench warrant issued by another judicial district, the Warden, or his designee shall promptly notify the proper authorities in the judicial district of issuance.

C. Any judge of the Court of Common Pleas of the 39th Judicial District may conduct a bench warrant hearing if the judge who issued the bench warrant is unavailable. Any magisterial district judge within the 39th Judicial District may conduct a bench warrant hearing if the magisterial district judge who issued the bench warrant is unavailable.

D. If the bench warrant hearing does not occur within the time limit permitted by Pa.R.Crim.P. 150, the Franklin County Prison shall release said individual by operation of law.

[Pa.B. Doc. No. 07-118. Filed for public inspection January 26, 2007, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Amendment of Local Civil Action Rule 39-1915.3; Misc. Doc. 2007-46

Order of Court

January 4, 2007, Civil Action Rule 39-1915.3 is hereby amended as follows. Deletions are shown lined out and additions are shown as double underlined. This amendment is adopted for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin County Branches, and will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALHER,
President Judge

RULE 39-1915.3. COMMENCEMENT OF ACTION. COMPLAINT. ORDER

(b) Reference to Conciliator and Assignment to Judge.

(1) Assignment to Conciliator: The Court Administrator shall assign all custody actions to a Conciliator designated by the Court, who shall conduct a Conciliation Conference with both legal counsel and the parties. Further, the Court Administrator shall assign the Conciliator, date, time and place for the Conciliation Conference after the Order has been signed by the Court. The Order of Court and directive for Conciliation shall be in a form similar to Sample Form "A." ~~A copy of the signed Order shall be deposited with the Court Administrator.~~ (See Sample Form "A").

(2) Assignment to Judge: The Court Administrator shall assign all custody actions to a Judge after the Order has been signed by the Court and at the same time that the Court Administrator assigns the Conciliator, date, time and place for the Conciliation Conference.

(3) Conciliator: The Conciliator shall be a member of the Bar of this Court who, along with any other members of his/her professional practice, shall not be engaged in the practice of law in the field of Domestic Relations. The Conciliator shall not be subject to the subpoena power of this Court to force testimony regarding information revealed during the Conciliation Conference.

(4) Service: Counsel for the Moving Party shall serve a copy of the Complaint and Order for Conciliation upon the Non-Moving Party in accordance with the Pennsylvania Rules of Court. The Court Administrator shall notify the Conciliator of the list of cases scheduled for conciliation ~~and shall provide a copy of the Complaint and Order to the Conciliator.~~ The Moving Party shall serve a copy of the Complaint and Order for Conciliation upon the assigned Conciliator and shall certify service by filing a Certificate of Service with the Office of the Prothonotary.

(5) Administrative Fee: The Moving Party shall deposit a nonrefundable administrative fee of \$200.00 with the Office of the Prothonotary upon the filing of the Complaint. The Conciliator shall be compensated at the rate of \$200.00 for each custody conciliation scheduled. Each conference is expected to last one (1) hour. In the event the Conciliation lasts more than one hour, the Conciliator may petition the Court for additional compensation at the rate of \$100.00 per hour. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary as directed by the Court. The fee may be changed from time to time upon direction from the Court without the necessity for amending these Rules. The Prothonotary shall post the administrative fee for such filings in its office. The fee shall be paid to the Conciliator by the Prothonotary upon receipt of the conciliator's billing statement. In the event the Moving Party is unable to pay the administrative fee, such party may apply for an Order to Proceed In Forma Pauperis. If the Court authorized In Forma Pauperis status, the administrative fee shall be paid by the County of Franklin.

In the event a party files a request for an additional Conciliation, the party shall pay an additional administrative fee for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

In the event a party requests a general continuance of a scheduled Conciliation Conference, if the rescheduled Conciliation Conference is scheduled more than six months after the continued Conciliation Conference, the party shall pay an additional administrative fee of \$200.00 for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

(6) Authority of Conciliator. The Conciliator shall have the following authority and responsibility:

a. To conciliate custody cases which specifically includes meeting with the parties and children, if appropriate. If a party desires the children to be present at the Conciliation Conference, he/she shall make said request of the Conciliator no later than seven days prior to the scheduled conference. The Conciliator shall determine the appropriateness of the request on a case-by-case factual basis after consultation with counsel for both parties or with a pro se party;

b. To address the need for home studies, as appropriate;

c. To address the issue of utilization of expert witnesses, as appropriate; and

d. To recommend a resolution of the custody conflict which recommendation shall be included in the Summary Report and submitted to the Court for further action.

If the parties are not able to agree upon the need for home studies and/or the need for any other expert witnesses, either party may petition the Court pursuant to Pa.R.C.P. 1915.8 for the appointment of an expert and the payment of his or her fees.

(7) Memorandum by Parties. At least ~~three (3)~~ two (2) days prior to the scheduled Conciliation Conference, the Conciliator and counsel for the opposing party, or the pro se party individually, shall receive a Memorandum addressing the following:

- a. Factual background including a brief history of the case.
- b. Names and ages of the children.
- c. A Proposed Order for resolution of matters.
- d. Issues, both factual and legal, for resolution.
- e. Whether a home study is requested.
- f. Whether the party will agree to a particular psychologist/psychiatrist for evaluation or request psychological evaluations.

The parties are directed to supplement the Memorandum from time to time if new information becomes available prior to conciliation.

(8) Summary by Conciliator. Following the conclusion of each conference and within ~~three (3)~~ seven (7) business days thereof, the Conciliator shall ~~prepare file with the Prothonotary a Summary Report and proposed order of court if applicable in the original plus two (2) copies, a Summary Report together with a Proposed Order of Court for signature.~~ In the event the parties are unable to reach an agreement at the Conciliation Conference, the Proposed Order of Court shall address only the need for home studies and the need for psychological evaluations. In the event the parties reach an agreement at the Conciliation Conference, the Proposed Order of Court

~~shall reflect the terms of the agreement and shall be submitted to the Court for entry of a Final Order in the matter. Said Report and Proposed Order shall be submitted in its original form along with two (2) copies to the Prothonotary's office for forwarding to the Court for its approval. Said Order of Court shall be forwarded by the Prothonotary's Office.~~

a. In the event the parties reach a comprehensive agreement at the Conciliation Conference, the Summary Report shall so state and the Proposed Order of Court shall reflect the terms of the agreement and shall be titled a Final Order of Court.

b. In the event the parties reach a partial agreement, or fail to reach any agreement to modify the existing order, said Summary Report shall include the following:

i. Custody status at the time of conciliation;

ii. Summary of the parties' positions;

iii. Identification of legal and factual issues before the Court; and

iv. The Conciliator's recommendation and rationale therefore.

The Proposed Order of Court shall reflect the terms of any partial agreement reached and the need for home studies, psychological evaluations, or both.

The Prothonotary shall serve copies of the Summary Report and any Order entered upon the parties, or their legal counsel if represented in accordance with rule 236.

~~If no final agreement has been achieved, a Summary Report and Proposed Order shall be submitted to the Court and filed of record. The Summary Report shall include the following:~~

~~a. Custody status at the time of conciliation;~~

~~b. Summary of the parties' positions;~~

~~c. Identification of legal and factual issues before the Court; and~~

~~d. Conciliator's recommendation and the reasons therefor.~~

~~Copies of the Summary Report and Order of Court shall be provided to the parties and their legal counsel.~~

(c) Entry of Court Order. Upon review of the conciliator's Summary, the Court may issue an Order addressing the appropriate issues. A copy of said Order of Court shall be furnished to legal counsel for the parties or in the event a party is unrepresented, to the party directly, according to the procedures outlined in 29-1915.3(b)(8).

(d) Scheduling of Pre-Trial Conferences and Hearings. Upon the completion of home studies and psychological evaluations (if applicable) and at any time after the entry of the Order of Court approving the Conciliator's Summary, either party may present a Motion and Proposed Order for scheduling a Pre-Trial Conference with the Court. (See Sample Form "B") Every effort shall be made by the Court Administrator to schedule a Pre-Trial Conference within thirty (30) days of the submission of a Motion by either party requesting said conference taking into consideration the availability of the Court. Each party's presentation at the Pre-Trial Conference shall not exceed a time limit of fifteen (15) minutes. At least three (3) ~~two (2)~~ days prior to the

scheduled Pre-Trial Conference, a Pre-Trial Memorandum containing the following matters shall be filed of record:

- a. Statement of the case.
- b. Issues to be resolved.
- c. Stipulated issues and facts.
- d. Names and addresses of all factual witnesses, and a brief summary concerning the anticipated testimony of each listed witness and a certification by counsel that all witnesses listed have been directly contacted by counsel or by pro se party to confirm the substance of the testimony proffered.
- e. Names and addresses of all expert witnesses.
- f. Identification of exhibits for trial.
- g. Expected length of trial.

Failure to produce the information set forth in this Rule may be grounds for imposition of sanctions upon legal counsel or the party directly if appearing pro se.

At the scheduled Pre-Trial Conference, both counsel shall be present and the parties shall be personally present. In the event that neither legal counsel nor a party appears, the Pre-Trial Conference shall be held in that party's absence upon proof of service of the Order of Court for Pre-Trial Conference in accordance with the Pennsylvania Rules of Civil Procedure. Although the Court may not discuss the case with represented parties, they are directed to be present in the event issues arise where the parties' input may be beneficial.

In the event that an agreement is not reached at the Pre-Trial Conference, a hearing date shall be established by the Court Administrator at the conclusion of said conference.

SAMPLE FORM "A"

**IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN/FULTON COUNTY
BRANCH**

,)	Civil Action- Law
Plaintiff)	
v.)	No. F.R.
)	
,)	Custody
Defendant)	_____
		J.

**ORDER OF COURT AND DIRECTIVE FOR
CONCILIATION**

NOW this ____ day of _____, 20 __, This Order will notify _____, Defendant that you have been sued in court to obtain custody of the child(ren): _____, date of birth _____.

It is ordered and directed that _____, Esquire, the Court's child Custody Conciliation Officer, is hereby directed to conduct a Conciliation Conference on _____, 20 __, at _____ o'clock ____ .M. at the Assigned Room, Third Floor, Franklin County Courthouse, Chambersburg, Pennsylvania. The anticipated length of the Conciliation Conference is one (1) hour. The parties along with their legal counsel shall appear in person at the designated time for the Conciliation Conference. A Memorandum shall be furnished to the Conciliator at least three (3) two (2) days prior to the scheduled Conciliation Conference pursuant to 39th Judi-

cial District Civil Rule No. 1915.3(b)(8)(7). Failure to provide said Memorandum may result in the imposition of sanctions.

At the Conciliation Conference, an effort will be made to see if the issues can be resolved by an agreement between the parties. If an agreement cannot be reached, the Conciliator will assist in defining and narrowing the issues to reduce the time required for hearing by the Court. At the conclusion of the conference, the Conciliator will prepare a Conference Summary Report for further action by the Court.

You have the right to be represented by an attorney who may attend the Conciliation Conference with you. If you have not secured an attorney by the date of the scheduled Conciliation Conference, you shall nonetheless personally appear at the time scheduled for the Conciliation Conference without an attorney.

The Plaintiff has deposited the sum of \$200.00 with the Prothonotary for the cost of the Conciliation Conference and the Court reserves the right to further assign or divide these costs.

_____, Defendant, is notified that if you fail to appear as provided by this Order, an Order of Court for Custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Pending the hearing, with emphasis placed on the arrangements for the six (6) months preceding the filing of this Complaint and with particular attention paid to the role of primary caretaker, the Court hereby establishes the following temporary Order for custody pending a hearing; (the appropriate language should be inserted at this point detailing the custody arrangements sought by the Plaintiff keeping in mind the emphasis to be placed upon the prior six (6) months and the role of primary caretaker.) (It is suggested one (1) inch of blank space be left for judge's comments or changes to the proposed Order)

Defendant is hereby notified that if (s)he disputes the Plaintiff's averments regarding the current status of the custody arrangement and this Order entered on the basis of those averments, (s)he has the right to request a prompt conference with the Court. If the matter of the temporary custody arrangements is not resolved at the conference, the Court may in atypical factual situations and its sole discretion schedule a brief hearing limited to the issues of determining temporary custody arrangements pending the scheduled Conciliation Conference.

The parties and their legal counsel, if applicable, are hereby directed to engage in meaningful negotiations to resolve this matter before the Conciliation Conference.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Bar Association
Lawyer Referral Service
1-800-692-7375 (PA ONLY) or 1-717-238-6715

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Franklin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court.

BY THE COURT,

J.

SAMPLE FORM "B"

**IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN/FULTON COUNTY
BRANCH**

_____,
Plaintiff) Civil Action- Law
v.)
_____) No. F.R.
)
) Custody
_____) _____
Defendant)
J.

ORDER OF COURT

AND NOW this ____ day of _____,
20 __, upon consideration of the within Motion,

IT IS HEREBY ORDERED that a Pre-Trial Conference in the above-captioned custody matter is scheduled for _____, 20 __, at _____ o'clock __.M. in the Chambers of the Honorable _____, Franklin County Courthouse, Chambersburg, Pennsylvania.

A Pre-Trial Memorandum shall be furnished to the Court at least three (3) ~~two (2)~~ days prior to the scheduled Pre-Trial Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(d). Failure to provide said Pre-Trial Memorandum may be grounds for imposition of sanctions.

Failure of a party or legal counsel to appear upon proper notice shall result in the holding of the conference in absentia and the entry of an Order of Court that may be to the detriment of the absent party.

BY THE COURT,

J.

**IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN/FULTON COUNTY
BRANCH**

_____,
Plaintiff) Civil Action- Law
v.)
_____) No. F.R.
)
) Custody
_____) _____
Defendant)
J.

**MOTION FOR SCHEDULING OF A PRE-TRIAL
CONFERENCE**

AND NOW comes _____,
, Esquire, legal counsel for the above-captioned Plaintiff and moves the Court as follows:

- 1. A Conciliation Conference in the above-captioned matter was held on _____.
- 2. A Summary Report and Proposed Order of Court was prepared by the Conciliator and filed of record on _____.

3. The Order of Court was signed on _____ containing further directives in this matter.

4. The undersigned legal counsel hereby certifies that all court-ordered directives have been complied with and the matter is now ready for a hearing.

5. Notification of this Motion has been given to _____, Esquire Attorney for (Plaintiff/Defendant) who concurs with/opposes the request.

WHEREFORE, it is respectfully requested that an Order be entered by the Court establishing a date and a time for a Pre-Trial Conference.

Date: _____
By _____
(Signature), Esquire
Counsel for (Plaintiff/Defendant)

I verify that the statements made in this Motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____

[Pa.B. Doc. No. 07-119. Filed for public inspection January 26, 2007, 9:00 a.m.]

**WASHINGTON COUNTY
Local Rules; No. 2007-1**

Order

And Now, this 11th day of January, 2007; it is hereby Ordered that the Local Rules governing Petition for Approval of Settlements Where a Minor has an Interest (L-2039.1), Notice of Sale—Real Property (L-3129) and Filing of Certificate of Deposition (L-4017(d)) be moved from under the Divorce Rules title and re-titled as attached and that the Local Rules governing Divorce, Custody and Support be rescinded and re-stated as attached.

These rules will be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DEBBIE O'DELL SENECA,
President Judge

MINORS AS PARTIES

L-2039.1 PETITION FOR APPROVAL OF SETTLEMENTS WHERE A MINOR HAS AN INTEREST

a. A petition for settlement of a case in which a minor has an interest shall initially be filed with the Prothonotary. When a minor's settlement has been approved by a settlement conference or a Trial Judge, that Judge shall retain jurisdiction for judicial determination of the peti-

tion in accord with paragraph B. In all other cases, such petition will be determined by the Motions Court Judge.

b. The petition shall:

1. Set forth the factual circumstances of the case;
2. State the reasons why the settlement is a proper one; and

3. Be accompanied by the following:

a. A proposed order of distribution;

b. A written report of a physician;

c. A statement under oath by the guardian certifying (1) the present physical or mental condition of the minor, and (2) approval of the proposed settlement and distribution thereof.

d. A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and

e. In the event that the minor is sixteen years of age or over, his or her written approval of the proposed settlement and distribution thereof.

c. The Order of Distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that such fees must be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Rules of Professional Conduct. Under normal circumstances a counsel fee in the amount of one-third of the net fund recovered shall be considered reasonable, subject to the approval of the Court. The attorney fee determined shall be reduced by the amount of collateral payments received as counsel fees for representation involving the same matter from third parties such as Blue Cross/Blue Shield.

d. The approving Judge, to whom the petition is submitted, may, at his or her discretion, require the personal appearance of the minor, his guardian, his doctor, or any other relevant party, as well as the production of any other evidence deemed necessary for approval of the Petition.

ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

L-3129—NOTICE OF SALE—REAL PROPERTY

a. The Plaintiff causing the issuance of the writ of execution for the sale of real property shall furnish to the sheriff, (1) a complete description of the property to be sold and the improvements, if any, with a brief recital of title, which complete description and recital shall be included in full in the deed executed pursuant to a sale; and (2) a brief description of the property to be sold, its location, the improvements, if any, and the name of the owner or reputed owners, with or without a brief recital of title, which shall be the description used in the notice of sale provided for in Subdivisions (a) and (b) of Pa. R.C.P. 3129.1, 3129.2.

b. The notice of sale provided in Subdivisions (a) and (b) of Pa.R.C.P. 3129.1, 3129.2 shall also include a notice of the terms and conditions of sale.

c. Execution sales of real property shall be held only in the Sheriff's Office or the meeting room of the Washington County Office Building on the first Friday of each month except August provided, however, that if the first Friday be a holiday, the sale shall be held the following Monday.

DEPOSITIONS AND DISCOVERY

L-4017(d)—FILING OF CERTIFICATE OF DEPOSITION

a. Upon completion of the stenographic transcription of any deposition, the stenographer before whom the deposition has been taken shall file with the Prothonotary a Certificate of Deposition. The Certificate of Deposition shall contain the following information and shall substantially conform to the form shown in Appendix K.

1. The name(s) of the person(s) deposed; and

2. That the witness was duly sworn; and

3. The total number of pages in each deposition; and

4. The date, time and place deposition was taken; and

5. The counsel present at deposition; and

6. The name of counsel who has received the original transcription and copies thereof.

b. The Prothonotary shall promptly file the Certificate and record its filing on the docket.

c. Custody and responsibility for original deposition transcript shall remain with the attorney who has received the original transcription until the case is terminated or the deposition has been filed pursuant to paragraph 4 herein.

d. The attorney having custody of the original deposition shall forthwith file the entire original deposition transcription with the Prothonotary whenever so directed by the Court.

ACTION OF DIVORCE OR ANNULMENT OF MARRIAGE

L-1920.1 DEFINITIONS

(a) Reserved.

(b) Reserved.

(c) A copy of these rules shall be maintained by the Court Administrator's Office, and a copy shall be provided to the Prothonotary and County Law Library and be made generally available pursuant to Pa.R.C.P. 239(c)(5).

L-1920.2 RESERVED

L-1920.3 COMMENCEMENT OF ACTION

(a) A duplicate copy of the complaint shall be filed with the Prothonotary who shall forward it to the Civil Division of the Court Administrator's Office. Upon receipt of the complaint, the Court Administrator shall assign the case to a Judge based upon current administrative assignments.

(b) A duplicate copy of other pleadings and other documents shall be filed with the Prothonotary who shall forward it to the Civil Division of the Court Administrator's Office, specifically including petitions and orders to bifurcate proceedings.

(c) At the time of the filing of the complaint, the plaintiff will pay the non-refundable charge as set forth in Appendix G, Custody/Divorce Fee Schedule. Each item of relief requested in the original complaint or any future amended complaints shall be designated in a separate numbered count. The Prothonotary shall in the monthly report indicate the amount collected pursuant to this Rule. This amount is in addition to the Prothonotary's filing fees.

(d) When a request for appointment of a Master in Divorce or Child Custody Conference Officer is made, the request must be accompanied with proof of payment of

the non-refundable Master/Stenographic fee as set forth in Appendix G, Custody/Divorce Fee Schedule.

L-1920.4 SERVICE

(a) When service is made by registered or certified mail, restricted delivery, return receipt requested, the return receipt card shall be attached to the affidavit of service.

(b) When a special order for service is sought, a motion, or petition, shall be presented to the Court, setting forth what attempts have been made to serve the defendant, as well as the nature and extent of the good faith search to locate the defendant.

(c) The affidavit of service required under section 3301(d) of the Divorce Code may be served with the complaint.

(d) The affidavit of service must set forth with particularity the pleadings, attachments and documents so served.

L-1920.5—L-1920.30 RESERVED

L-1920.31 JOINDER OF RELATED CLAIMS. CHILD AND SPOUSAL SUPPORT. ALIMONY. ALIMONY PENDENTE LITE. COUNSEL FEES. EXPENSES.

(a) Reserved.

(b)(1) The Civil Division of the Court Administrator's Office shall route all applications for child support to the Domestic Relations Section. If there is an existing/pending action for child support in the Domestic Relations Section, it shall be incorporated by the Master in Divorce into his report. The Civil Division of the Court Administrator's Office shall route requests for APL and counsel fees, costs, and expenses to a Master in Divorce for consideration upon assignment of the Master to the case. A request for APL may be heard by a Support Hearing Officer pursuant to Local Rule 1910.10-2.

(b)(2) Reserved.

(c) Reserved.

(d) Reserved.

L-1920.32 JOINDER OF RELATED CLAIMS. CUSTODY. HEARING BY COURT.

(a) All complaints containing a Custody Count and all Counts of Custody filed separately must be accompanied with a scheduling order found at Appendix E if the moving party is seeking to have the Custody Count immediately addressed by the Court. The order shall be processed in accordance with L-1915.3. If the moving party does not seek to have the Custody Count immediately addressed by the Court, the party may subsequently seek Court action on the Custody Count by presenting a scheduling order to the Civil Division of the Court Administrator's Office.

(b) The Custody Count shall follow the practice and procedures governing Custody by filing a custody complaint or petition and scheduling order at the divorce case number in the Prothonotary's Office.

L-1920.42 AFFIDAVIT AND DECREE UNDER § 3301(c) OR § 3301(d) OF THE DIVORCE CODE. NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE IN § 3301(c) AND § 3301(d) DIVORCES. COUNTER-AFFIDAVIT.

(a) Reserved.

(b) Reserved.

(c) Where both parties have filed affidavits under § 3301(c) of the Divorce Code evidencing consent to the entry of a final decree, the plaintiff shall file at the Prothonotary's Office a Praeceptum to Transmit Record indicating whether a marital settlement agreement should be incorporated or merged into the decree. See L-1920.73.

(d) If a complaint has been filed requesting a divorce on the grounds of irretrievable breakdown and the plaintiff has filed an affidavit under § 3301(d) of the Divorce Code, the averments of which the defendant has either admitted or not denied, the plaintiff shall file at the Prothonotary's Office a Praeceptum to Transmit Record indicating whether a marital settlement agreement should be incorporated or merged into the decree. See L-1920.73.

L-1920.43 SPECIAL RELIEF

(a) Requests for injunctive relief shall be presented to the Family Court Judge to whom the case is assigned and not to the Master in Divorce. All motions must be presented to the Family Court Judge to whom the case is assigned including motions to continue Master's Hearings.

(b) Reserved.

L-1920.44 RESERVED

L-1920.45 COUNSELING

(a) Reserved.

(b) The Civil Division of the Court Administrator's Office will maintain a list of counselors approved for use by the court. The parties may agree to use the services of a counselor or agency not on the list approved by the court.

(c) In the event the parties cannot agree on any or all of the following issues, the moving party shall petition the Court to determine:

(1) Which party shall pay for counseling or how the payments for counseling shall be apportioned;

(2) The counselor or agency to be utilized;

(3) The number of counseling sessions—see Divorce Code § 3302.

(d) Reserved.

L-1920.46—L-1920.50 RESERVED

L-1920.51 HEARING BY THE COURT. APPOINTMENT OF MASTER. NOTICE OF HEARING.

(a) Any divorce case may be referred to a Master. Standing and Special Masters may be appointed by the Court. The Court may assign a case to a particular Standing Master rather than conduct assignments on a strictly rotational basis.

(1) The Standing Masters in Divorce shall be assigned by the Court. Before a Master is appointed by the Court, the moving party shall pay to the Prothonotary the non-refundable Master/Stenographic fee as set forth in Appendix G, Custody/Divorce Fee Schedule. Proof of this payment must accompany the Motion to Appoint a Master.

(i) The Motion to Appoint a Master shall be delivered to the Civil Division of the Court Administrator's Office along with an Appointment Order. See PA.R.C.P. 1920.74. The Civil Division of the Court Administrator's Office will assign a Standing Master and will deliver the Motion to Appoint a Master and the Appointment Order to the

Family Court Judge to whom the case is assigned. When the Motion to Appoint a Master is signed by the Family Court Judge to whom the case is assigned, the Civil Division of the Court Administrator's Office will contact the moving party to pick up the Motion and Order. The moving party will then file the Motion and Order in the Prothonotary's Office and will provide a copy of the Motion and Order to the Civil Division of the Court Administrator's Office. The Civil Division of the Court Administrator's Office will not file Motions, Petitions, Orders, or other documents on behalf of a party.

(ii) Upon the written agreement of counsel for the parties or the parties the Court may appoint a Special Master in appropriate cases. The parties shall present the written agreement by way of a Motion to the Family Court Judge to whom the case is assigned. The Motion shall specify the payment terms of the Special Master, including the apportionment of the payment and the terms and conditions of the payment. The Motion shall also address the provisions made by the parties for private, stenographic services and shall set forth the apportionment and terms and conditions of the payment for these services. The Special Master shall comply with all Rules of Civil Procedure and the Local Rules of Court. The moving party shall provide a copy of the Motion and Order to the Civil Division of the Court Administrator's Office.

(b) A Master in Divorce shall give counsel of record at least 10 days notice before conducting any conference or hearing.

(c) A Master in Divorce shall give a party who is not represented by counsel at least 10 days notice before conducting any hearing or conference.

(d) Reserved.

(e) Reserved.

(f) Payment of the Master/Stenographic fee shall entitle the parties to a maximum of two Preliminary Conferences, a one-hour Hearing on Preliminary Issues, if necessary, and a maximum of a one-day hearing or two half-day hearings. If the Master determines that additional testimony is required, then the Master shall assign payment of costs at the current rate to either the plaintiff or the defendant or shall apportion the costs between the parties as deemed appropriate. Upon the recommendation of the Master the assignment of costs will be made in an Interim Interlocutory Order signed by the Family Court Judge to whom the case is assigned. The issue shall be addressed in the final Master's Report. A Master shall conduct no more than three full-day hearings or five half-day hearings in any case, except upon specific approval of the Family Court Judge to whom the case is assigned. The party or parties seeking an additional hearing(s) must, within seven days of the last scheduled hearing in the case, present a Motion to the Family Court Judge to whom the case is assigned specifying the need for the additional hearing(s). The moving party will file the Motion and resulting Order at the Prothonotary's Office and will provide a copy of the order and proof of payment of the costs to the Civil Division of the Court Administrator's Office. If the Motion is granted, the costs will be apportioned at the same rate established by the Master for previous hearings in the same matter. The costs will be payable to the Prothonotary's Office at the time the Motion and resulting Order are filed. If the Motion is granted, the Civil Division of the Court Administrator's Office will schedule the hearing.

(g) Motions for continuances of proceedings before a Master will be presented by the moving party to the

Family Court Judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The order granting or denying the continuance will be filed in the Prothonotary's Office. A copy of an order granting a continuance will be delivered by the moving party to the Civil Division of the Court Administrator's Office.

(1) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled conference or hearing the party will be charged a \$75.00 fee. The fee will be paid by the moving party to the Prothonotary's Office when the Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Prothonotary.

(2) Motions for continuances shall be set forth in writing containing the following information:

(i) A clear, concise, and certain reason for the request.

(ii) A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable.

(iii) A statement of the number of prior continuances, if any.

(iv) If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.

(3) The Notice of Presentation of the Continuance Motion shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented.

L-1920.52 RESERVED

L-1920.53 HEARING BY MASTER. REPORT.

Subject to the direction and control of the Court, the court-appointed Master shall have procedural and administrative control of the proceedings in regard to the detention of witnesses for examination and the general course of the proceedings. The Master shall rule on objections to the competency or relevance of testimony, as well as the admissibility of evidence. If the Master sustains the objection, the testimony shall not be heard or reported. Parties may file exceptions to the Master's rulings in accordance with L-1920.55.

L-1920.54 HEARING BY MASTER. REPORT. RELATED CLAIMS.

(a) The Master shall subdivide the report into separate sections, one for each claim for relief raised in the proceedings.

(b) Reserved.

(c) Reserved.

(d) The Master may afford the parties the opportunity to submit suggested findings of fact and/or conclusions of law within 30 days of the close of testimony.

(e) The Master shall file the original and two copies of the report and recommendations with the Prothonotary who shall mail notice of the filing and a copy of the report and recommendations to counsel of record or to a party, if unrepresented.

(f) The Master may file a preliminary report and recommendations concerning matters such as the basis for the divorce or the payment of counsel fees and expenses.

L-1920.55—L-1920.55-1 RESERVED

L-1920.55-2 MASTER'S REPORT. NOTICE. EXCEPTIONS. FINAL DECREE.

- (a) Reserved.
- (b) Reserved.

(c)(1) Exceptions to the Master's Report and Recommendations shall be filed with the Prothonotary and a copy shall be delivered to the Civil Division of the Court Administrator's Office. The Family Court Judge to whom the case is assigned will then schedule argument on the exceptions or order that the matter will be decided on the briefs. The Civil Division of the Court Administrator's Office will mail notices of the date and time of the exceptions argument by first class mail to the counsel for the parties or to the parties if unrepresented.

(c)(2) Exceptions may be filed to a Preliminary Master's Report and Recommendations only if the Preliminary Report and Recommendations addresses the underlying basis for the divorce and must be limited to that issue only. In such a case, exceptions must be filed within 10 days of the filing in the Prothonotary's Office of the Preliminary Report and Recommendations. The parties must then comply with paragraphs (c)(3) and (c)(4) below. No exceptions may be taken to any other issues included in the Preliminary Master's Report and Recommendations. Such issues will be included in the Final Master's Report and Recommendations, and parties may take exceptions thereto.

(c)(3) The excepting party must file its brief with the Family Court Judge to whom the case is assigned no later than 20 days before the scheduled argument, and the non-excepting party must file its brief with the Family Court Judge to whom the case is assigned no later than 10 days before the scheduled argument. If both parties file exceptions, the first party to file the exceptions must file its brief no later than 20 days before the scheduled argument, and the opposing party must file its brief no later than 10 days before the scheduled argument. The Court may order submission on the briefs or the parties may agree to submit to the Court on the briefs without argument.

(c)(4) Oral arguments shall be restricted to issues addressed in written briefs.

(c)(5) The Family Court Judge to whom the case is assigned may remand the case to the Master for further review, may hear argument, or may conduct an evidentiary hearing.

L-1920.56—1920.61 RESERVED

L-1920.62 PROCEEDINGS BY INDIGENT PARTIES

Petitions regarding indigency and requesting relief from payment of costs shall be addressed to the Family Court Judge to whom the case has been assigned and must contain a request that the Court require the other party to pay the costs of the action. The Court may order the other party to pay all or part of such costs.

L-1920.63—1970-72 RESERVED

L-1920.73 NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE. PRAECIPE TO TRANSMIT RECORD. FORMS.

- (a) Reserved.
- (b) When the grounds for divorce are based on § 3301(c) or § 3301(d) of the Divorce Code, the Praecipe to Transmit Record shall include the follow:

6. Check applicable box:

- (a) Section 3301(c) with incorporation of property/marital settlement Yes () No ()
- (b) Section 3301(d) with incorporation of property/marital settlement Yes () No ()

L-1920.74 SETTLEMENT AGREEMENTS AND STIPULATIONS.

Property/Marriage Settlement Agreements or Stipulations which include a provision or provisions concerning child support shall be subject to Local Rules 1910.17-3 and 1910.17-4.

L-1930.5 DISCOVERY IN DOMESTIC RELATIONS MATTERS

(a) Applications for discovery contemplated by Pa R.C.P. 1930.5(a) shall be presented to the Family Court Judge to whom the case is assigned and shall not be presented to the Master in Divorce or Child Custody Conference Officer.

APPENDIX J

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA CIVIL DIVISION

,)
)
 Plaintiff,)
)
 vs.) No.
)
 ,)
)
 Defendant.)

MOTION FOR APPOINTMENT OF MASTER

_____ (Plaintiff) (Defendant), moves the court to appoint a master with respect to the following claims:

- () Divorce () Distribution of Property
- () Annulment () Support
- () Alimony () Counsel Fees
- () Alimony Pendente Lite () Costs and Expenses

and in support of the motion states:

(1) Discovery (is) (is not) complete as to the claims(s) for which the appointment of master is requested.

(2) The non-moving party (has) (has not) appeared in the action (personally) (by his attorney, _____, Esquire).

(3) The statutory ground(s) for divorce (is) (are)

(4) Delete the inapplicable paragraph(s):

(a) The action is not contested.

(b) An agreement has been reached with respect to the following claims:

(c) The action is contested with respect to the following claims:

(5) The action (involves) (does not involve) complex issues of law or fact.

(6) The hearing is expected to take _____ (hours) (days)

(7) Additional information, if any, relevant to the motion: _____

(8) Attached to this motion is proof of payment of the Master/Stenographer fee or request to proceed in forma pauperis.

Date: _____

Attorney for (Plaintiff) (Defendant)

**ACTIONS FOR CUSTODY, PARTIAL CUSTODY,
AND VISITATION OF MINOR CHILDREN**

L-1915.1 SCOPE

(a) These Rules shall apply to actions for custody, partial custody and visitation of minor children and to modification of existing orders relating thereto as governed by the Pa.R.C.P. 1915.1—1915.25 and by reference, 1920.32.

(b) A copy of these rules shall be maintained by the Court Administrator's Office and a copy shall be provided to the Prothonotary and County Law Library and be made generally available pursuant to Pa.R.C.P. 239(c)(5).

L-1915.2 RESERVED

L-1915.3 COMMENCEMENT OF ACTION, COMPLAINT, ORDER

(a) All actions raising custody, partial custody, visitation or modification of existing orders for minor children shall be commenced by the filing of a verified complaint or, in the case of a custody count in a divorce complaint, a petition and a separate scheduling order as set forth in Appendix E. The scheduling order located in Appendix E must also be filed and processed in accordance with this rule when any Divorce Complaint with a Custody Count is filed or when any Custody Count is filed separately.

(b) The moving party shall proceed to the Civil Division of the Court Administrator's Office with an original and two (2) copies of the complaint or petition and the separate scheduling order for an assignment of a date and a time for the Pre-Custody Conciliation Meeting. The Pre-Custody Conciliation Meeting shall be scheduled for a date and a time not later than forty-five (45) days after the filing of the complaint or petition. The Civil Division of the Court Administrator's Office will present the complaint or petition to the Family Court Judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party. The moving party will file the complaint or petition with the Prothonotary's Office. The Civil Division of the Court Administrator's Office will not file complaints or petitions on behalf of parties. A copy of the scheduling order will then be delivered by the moving party to the Civil Division of the Court Administrator's Office. The Civil Division of the Court Administrator's Office will give parenting program information as well as the Parent Plan form to the moving party. The moving party shall attach copies of each to the filed, time-stamped copies of the complaint or petition and serve the defendant(s) with the complaint or petition, the parenting program information and a copy of the Parent Plan form.

(c) The moving party shall file proof of service of the complaint or petition with the Washington County Prothonotary and provide a copy of the proof of service of the

complaint or petition, the parenting program information, and a copy of the Parent Plan form to the Civil Division of the Court Administrator's Office prior to the Pre-Custody Conciliation Meeting.

(d) The presentation of the pleadings referred to in subdivision (a) shall be the responsibility of the moving party and if necessary, may be ex parte. The moving party shall be responsible for filing and serving the pleadings in accordance with Pa.R.C.P. 1915.3 and 1915.4. The moving party shall insure that a minimum of seven (7) days notice of the meeting or conference or any other appropriate proceeding is afforded to any interested parties. In the event seven (7) days' notice cannot be afforded to any interested parties, the moving party shall notify the Civil Division of the Court Administrator's Office forthwith.

(e) All appropriate costs and fees shall be paid at the time of filing.

(f) A duplicate copy of other pleadings and other documents shall be filed with the Prothonotary who shall forward it to the Civil Division of the Court Administrator's Office, specifically including petitions and orders to bifurcate proceedings.

L-1915.4 PARENTING PROGRAM

As a prerequisite to court involvement in a custody matter, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court. See Administrative Regulation 2002-1.

L-1915.5 MOTIONS

(a) Objections to jurisdiction or venue, motions concerning discovery, joinder of parties, psychological or psychiatric examinations, and appointment of counsel for minors shall be presented to the Family Court Judge to whom the case is assigned.

(b) If the issue of paternity is raised, the parties shall immediately apply for appropriate relief to the Family Court Judge to whom the case is assigned, with all Custody proceedings to be stayed pending resolution of the paternity issue.

L-1915.6—1915.7 RESERVED

L-1915.8 PHYSICAL AND MENTAL EXAMINATION OF PERSONS

Issues concerning physical and mental examinations of persons will be addressed directly to the Family Court Judge to whom the case is assigned who will follow the procedures set forth in Pa.R.C.P. 1915.8.

L-1915.9—L-1915.11 RESERVED

L-1915.12 CONTEMPT

All petitions for contempt for failure to comply with an Order related to custody shall be presented to the Family Court Judge to whom the case is assigned. The Family Court Judge to whom the case is assigned may refer the Petition, at his/her discretion, to the Child Custody Conference Officer for conference and review. If a resolution of the matter cannot be made promptly, the Child Custody Conference Officer will refer the contempt proceeding to the Family Court Judge to whom the case is assigned, and a date for a hearing will be set by the

Court. The petition for contempt shall begin with a notice and order conforming with Pa.R.C.P. 1915.12.

L-1915.13 SPECIAL RELIEF

Motions for special relief should be for matters of an emergency nature and shall be presented to the Family Court Judge to whom the case is assigned. A Complaint for Custody or petition must be prepared if one has not already been filed, a Child Custody Conference Officer appointed and a Pre-Custody Conciliation Meeting date set, which then is presented to the Judge with the motion for special relief. After presentation of the motion for special relief, the moving party shall file the complaint and scheduling order and shall effect service forthwith. Other matters of a non-emergency nature, as set forth in Local Rule 1915.32, shall be disposed of in accordance with that Rule. Special Relief may be denied without a hearing.

L-1915.14—L-1915.25 RESERVED

L-1915.26 CHILD CUSTODY CONFERENCE OFFICER

The position of Child Custody Conference Officer is hereby established. The Child Custody Conference Officer shall be appointed by the Court and shall be a member in good standing of the Pennsylvania Bar.

L-1915.27 PROCESS

(a) Where a claim for custody, partial custody, or visitation is joined with an action of divorce, having been raised by complaint, counterclaim, or a subsequent petition, this claim will not be heard by the Court unless the matter is placed at issue by either of the parties filing a Complaint or Petition for Custody in accordance with Local Rule 1915.3.

(b) A petition to modify a custody order will be assigned to the Child Custody Conference Officer who handled the original custody complaint when possible.

L-1915.28 CONTINUANCES

(a) Motions for continuances of proceedings before the Child Custody Conference Officers will be presented by the moving party to the Family Court Judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The order granting or denying the continuance will be filed in the Prothonotary's Office. A copy of an order granting a continuance will be delivered by the moving party to the Civil Division of the Court Administrator's Office.

(b) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled meeting or conference the party will be charged a \$75.00 fee. The fee will be paid by the moving party to the Prothonotary's Office when the Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Prothonotary.

(c) Motions for continuances shall be set forth in writing containing the following information:

1. A clear, concise, and certain reason for the motion.
2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable.
3. A statement of the number of prior continuances, if any.

4. If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.

(d) The Notice of Presentation of the Continuance Motion shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented.

L-1915.29 PRE-CUSTODY CONCILIATION MEETING PROCEDURE

(a) The parties shall make a good faith effort to resolve the custody and/or visitation issues prior to the meeting. If resolution occurs prior to or at the time of the meeting, a proposed order shall be drafted in accordance with Pa.R.C.P. No. 1915.7 and submitted to the Court for approval through the Child Custody Conference Officer.

(b) The Civil Division of the Court Administrator's Office will give counsel of record at least ten (10) days notice before any proceeding is conducted.

(c) The Civil Division of the Court Administrator's Office will give a party who is not represented by counsel at least ten (10) days notice before any proceeding is conducted.

L-1915.30 PRE-CUSTODY CONCILIATION MEETING

(a) Each parent shall file a Washington County Parent Plan form with the Civil Division of the Court Administrator's Office no later than thirty (30) days from the filing of the Custody Complaint or Modification Petition. The Parent Plan form may be found at Appendix F. The finder of fact may draw a negative inference against the party who fails to comply with this requirement.

(b) The parties may also at any time present a Consent Custody Order to the Family Court Judge to whom the case is assigned.

(c) If no Consent Custody Order pursuant to subsection (b) is presented to the Family Court Judge to whom the case is assigned, the Pre-Custody Conciliation Meeting shall proceed as originally scheduled.

(1) All parties shall be present at the Pre-Custody Conciliation Meeting unless otherwise ordered by the Court.

(2) The Child Custody Conference Officer will attempt to mediate the differences between the parties using mediation skills to come to an amicable settlement of those differences.

(3) The Child Custody Conference Officer will insure that the parties have submitted the completed Parent Plan form. The finder of fact may draw a negative inference against the party who fails to comply with this requirement. The Child Custody Conference Officer shall also insure that the mandated parenting program has been completed by the parties and certification presented.

L-1915.31 CUSTODY CONCILIATION CONFERENCE

(a) All parties and any child for whom custody or visitation is sought shall be present at the Custody Conciliation Conference, unless otherwise ordered by the Court. Failure of a party to appear at the Custody Conciliation Conference may result in the entry of a custody or visitation order by the Court on the recommendation of the Child Custody Officer in the absence of that party. The absent party may also be subject to contempt proceedings, if appropriate.

(b) The Child Custody Conference Officer will conduct informal proceedings and allow the parties and their witnesses to participate. The Child Custody Conference Officer shall control the presentation of evidence and will determine the amount of time allotted to each party for presentation of his/her case. Counsel, or the party himself/herself if unrepresented, may summarize his/her case to the Child Custody Conference Officer. The Child Custody Conference Officer may take testimony from the parties and any witnesses by swearing in said parties and having said parties offer testimony under oath. The proceeding will not be transcribed. At the discretion of the Child Custody Conference Officer, a witness(es) may be permitted to participate via telephone pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony and subject to subsection (d) below. The conference will last no longer than one-half (1/2) day unless the Child Custody Conference Officer deems one or more issues complex in which event additional proceedings may be scheduled. If an agreement is reached, the agreement shall be prepared and signed in the form of a Custody Consent Order. If no agreement can be reached, the Child Custody Conference Officer will prepare a Summary Report and Recommended Order and forward same to the Court for the Court's consideration.

(1) The Summary Report and Recommended Order will be prepared and presented to the court within ten days of the date of the proceeding. The Summary Report will include the following:

a. The results of mental and physical evaluations and home studies, if any.

b. Findings of fact on jurisdiction or venue issues, if in question.

c. Recommendations for custody/visitation.

(c) The Recommended Order will normally be signed by the Family Court Judge to whom the case is assigned.

(1) The Recommended Order will become a final order unless a Request for Custody Trial De Novo and Pretrial Conference is filed within twenty (20) days after the Recommended Order is mailed or received by the parties, whichever occurs first. A copy of the order shall be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Civil Division of the Court Administrator's Office.

(2) If a party makes a timely request for a Trial De Novo and Pretrial Conference, the Recommended Order will remain in effect pending further order of the Court.

(d) After the Family Court Judge to whom the case is assigned signs the Recommended Order, the attorneys representing the parties, or the parties if acting pro se, may review the Summary Report in the Court Administrator's Office—Civil Division within the twenty (20) day time period specified in paragraph (c)(1) above. The Summary Report will not be filed in the Prothonotary's Office. It will not be released from the Court Administrator's Office—Civil Division, nor may parties or attorneys make copies of the Summary Report.

(e) A party requesting to participate by telephone shall submit written consent from the opposing party (parties) to the Civil Division of the Court Administrator's Office. If represented by counsel, counsel shall provide written consent to the Civil Division of the Court Administrator's Office at least ten (10) days prior to the conference. If no consent is given by the opposing party to the requesting party (parties), relief must be obtained from the Custody

Conference Officer or Hearing Officer pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony. The requesting party shall contact the Civil Division of the Court Administrator's Office to seek such relief.

L-1915.32 INTERIM ORDERS

(a) At the time of the initial custody meeting where issues regarding the temporary rights of the parties to custody or visitation of a non-emergency nature, as well as the arrangements for psychiatric or psychological examinations, home evaluations, and/or drug testing, are presented to the Child Custody Conference Officer, the Officer may submit to the Family Court Judge to whom the case is assigned a proposed interim order which will be reviewed by the Court and signed, if the Court deems the order appropriate. A copy of this signed order will be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Civil Division of the Court Administrator's Office.

(b) Any person not satisfied with the interim order may pursue an application for special relief in accordance with Local Rule 1915.13.

L-1915.33 REQUEST FOR CUSTODY TRIAL DE NOVO AND PRETRIAL CONFERENCE

(a) A party may file a Request for Custody Trial De Novo and Pretrial Conference in the Washington County Prothonotary's Office within twenty (20) days after the Recommended Order issued following the Custody Conciliation Conference is mailed or received by the parties, whichever occurs first. The request must be presented to the Family Court Judge to whom the case is assigned for the scheduling of the Pretrial Conference. Form of Order may be found at Appendix G.

(b) A copy of the filed request with the scheduled Pretrial Conference date and time must be served on the other counsel, or if the party is a pro se litigant, the request must be served on the party. A copy must be delivered to the Civil Division of the Court Administrator's Office.

(c) A Trial De Novo will be scheduled, barring extenuating circumstances, within ninety (90) days of the request. The Pretrial Conference shall be held during the period between the request for Custody Trial De Novo and the scheduled hearing. Any psychological reports ordered should be obtained during the same period and presented to the Family Court Judge to whom the case is assigned, along with the parties' Pretrial Statements, at least forty-eight (48) hours in advance of the Pretrial Conference.

L-1915.34 PRETRIAL CHILD CUSTODY CONFERENCE BEFORE THE COURT

(a) All parties and any child for whom custody or visitation is sought shall be present at the judicial pretrial custody conference unless said required attendance is waived by way of Court Order. Failure of a party to appear at the judicial pretrial custody conference may result in the entry of a custody/visitation order by the court.

(b) The court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of court. Upon request, the Family Court Judge to whom the case is assigned will meet privately with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

L-1915.35 UNCONTESTED MOTIONS VERIFICATION FORM

In an effort to comply with the local rules, any party may utilize the Family Court Judge's Uncontested Motions Verification Form, which shall be in the format contained in Appendix H.

L-1935.36 CONSENT AGREEMENTS

(a) When parties have reached a consent agreement concerning custody of their minor child(ren) and the appointment of a Child Custody Conference Officer is unnecessary, the party(parties) may seek to have the consent agreement approved by the Court and may submit a Court Order by using the following procedure:

(1) A Custody Complaint in substantial compliance with Pa.R.C.P. 1915.15(a) shall be prepared for filing with the Prothonotary's Office,

(2) The parties shall prepare and sign a Custody Consent Agreement with the appropriate order attached,

(3) The Custody Complaint and the Custody Consent Agreement with proposed Order attached shall be presented to the Family Court Judge to whom the case is assigned in Motions Court for Court Approval,

(4) The Custody Complaint and the Custody Consent Agreement with signed Order attached shall be filed with the Prothonotary's Office after paying the appropriate filing fees and costs, and

(5) A conformed, stamped copy of the filed Custody Complaint and the Custody Consent Agreement with Order attached shall be provided to the Family Court Judge to whom the case is assigned for purposes of the Judge's record keeping.

(b) If the custody issue arises from a count in a divorce complaint or counterclaim, there is no need to draft and file a custody complaint as outlined in (a) above or L-1930.27(a). Rather, the party (parties) should include the divorce case number on the proposed Order attached to the Custody Consent Agreement before presenting it to the Family Court Judge to whom the case is assigned.

(c) When using these procedures, there is no condition precedent that the parties attend the Parenting Program set forth in L-1915.4.

APPENDIX E

IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

)	
)	
Plaintiff)	
)	
-vs-)	No.
)	
)	
Defendant)	

NOTICE AND ORDER TO APPEAR

You, _____ have been sued in Court to obtain custody of _____.

You are ORDERED to appear in person at the Family Court Center, 29 W. Cherry Avenue, Washington, Pennsylvania 15301, on _____, 2007, at ___ o'clock, __ .m., for a Pre-Custody Conciliation Con-

ference Meeting before, _____, Esquire, Child Custody Conference Officer.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Pursuant to Local Rule 1915.4, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

If you can not afford an attorney:

**SOUTHWESTERN PA
LEGAL SERVICES
10 WEST CHERRY
AVENUE
WASHINGTON, PA 15301
724-225-6170**

If you can afford an attorney:

**LAWYER REFERRAL
SERVICE
119 SOUTH COLLEGE
STREET
WASHINGTON, PA 15301
724-225-6710**

Date: _____, J.

ACTIONS FOR SUPPORT

L-1012-1 ENTRY OF APPEARANCE. WITHDRAWAL OF APPEARANCE. NOTICE

(a) All counsel shall file a Praecipe for Appearance with the Domestic Relations Section Docket Clerk which includes the attorney's name, business address, telephone number and Supreme Court identification number. This appearance must be typed or legibly handwritten. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not be entitled to receive copies of orders, notices or other record matters.

- (b) Reserved.
- (c) Reserved.
- (d) Reserved.
- (e) Reserved.
- (f) Reserved.

L-1910.1—L-1910.3 RESERVED

L-1910.4 COMMENCEMENT OF ACTION. FEES

- (a) Reserved.
- (b) Reserved.

(c) The Domestic Relations Section, in addition to any other fees imposed by these rules, shall impose and collect filing and service fees as prescribed by administrative order, as amended.

(d) Any fee imposed by this Rule shall not be collected from a party otherwise obligated by these rules to pay such a fee in the following circumstances:

- (1) Where the party has been granted leave by the Court to proceed in forma pauperis;
- (2) Where the Hearing Officer or the Court finds that the party is financially unable to pay;

(3) Where the party is a recipient of cash assistance from any state's Department of Public Welfare;

(4) Where any action requiring a fee is taken by the IV-D Attorney; or

(5) Where the Court otherwise directs.

L-1910.5 COMPLAINT. ORDER OF COURT. CONTINUANCES

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) Motions for continuances of proceedings before the Hearing Officer or Conference Officers will be presented by the moving party to the Family Court Judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The order granting or denying the continuance will be filed in the Domestic Relations Section.

(e) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled conference or hearing the party will be charged a \$75.00 fee. The fee will be paid by the moving party to the Domestic Relations Section when the Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Domestic Relations Section.

(f) Motions for continuances shall be set forth in writing containing the following information:

1. A clear, concise and certain reason for the motion.

2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable.

3. A statement of the number of prior continuances, if any.

4. If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.

(g) The Notice of Presentation of the Continuance Motion shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented.

L-1910.6—L-1910.10 RESERVED

L-1910.10-1 HEARING PROCEDURE

(a) The alternative hearing procedure of Pa.R.C.P. 1910.12 is adopted in all actions for support through the Domestic Relations Section.

(b) If the parties are unable to reach an agreement during the support conference, the procedures of Pa.R.C.P. 1910.12(b)(1) shall be followed and an interim order of support entered pending hearing before the Hearing Officer.

(c) Subject to the provisions of Rule L-1910.4(b), a party wishing to confirm and preserve a scheduled de novo hearing before the Hearing Officer shall pay costs in

the amount of \$50.00 to the Domestic Relations Section within twenty (20) days of the mailing of the interim order. Failure to pay such costs shall result in any scheduled hearing being administratively cancelled and the interim order being made final.

(d) *[Rescinded due to 2006 amendments to the Pennsylvania Rules of Civil Procedure.]*

L-1910.10-2 ALIMONY PENDENTE LITE

(a) If the parties to a support action have filed a Complaint in Divorce in which a claim is raised for alimony pendente lite, the Hearing Officer may hear the alimony pendente lite claim at the request of either party, provided however, that both a Master in divorce has been appointed and the Master's fee has been paid to the Prothonotary. Counsel requesting the hearing of an alimony pendente lite claim by the Hearing Officer shall provide documentary evidence of this appointment and payment of the fee to the Hearing Officer.

(b) If the Hearing Officer proceeds under this Rule and hears a claim for alimony pendente lite, the party moving for hearing of this claim by the Hearing Officer shall file with the Domestic Relations Section Docket Clerk a copy of the Complaint in Divorce raising the issue of alimony pendente lite within three (3) days of the hearing before the Hearing Officer. If the Complaint in Divorce is not filed within this time, the Recommendation of the Hearing Officer shall not be issued until a copy of the Complaint is properly filed.

L-1910.11 RESERVED

L-1910.12 OFFICE CONFERENCE. HEARING. RECORD. EXCEPTIONS. ORDER.

(a)—(e) Reserved.

(f) All exceptions must be in writing and shall be filed with the Domestic Relations Section Docket Clerk. Any party filing exceptions shall provide an original and two (2) copies when filing. Further, the party filing exceptions shall provide to the Docket Clerk a receipt indicating that the \$50.00 deposit required by subsection (j) of this rule has been paid (subject to the provisions of Rule L-1910.4(b)) unless an attorney filing the exceptions on behalf of the party certifies in writing that no transcript is required.

(g) Reserved.

(h) Reserved.

(i) The party filing exceptions shall serve opposing counsel or the opposing party, if unrepresented, with copies of the exceptions by the end of the next business day following the filing of the exceptions.

(j) Any party filing exceptions shall order from the court reporter the transcript of testimony unless the attorney for the party filing exceptions certifies in writing that the transcript is not required. Any party ordering the transcript shall pay a deposit of \$50.00 to the Domestic Relations Section for the court reporter before the transcript is prepared. The deposit shall be applied against the total cost of the transcript. The Family Court Judge to whom the case is assigned will not be provided with a copy of the transcript unless the same has been ordered and paid for in full by a party or counsel.

(k) Briefs in support and in opposition to the exceptions shall be filed with the Domestic Relations Section Docket Clerk not later than the dates directed in the order of court setting the argument date on the exceptions. Each party filing a brief shall serve a copy of the brief on the opposing party and counsel not later than the end of the next business day following the filing of the brief with the Domestic Relations Section Docket Clerk. Every brief filed with the Domestic Relations Section Docket Clerk shall contain an original and one (1) copy.

(l) If the party filing exceptions fails to file a brief in support of those exceptions by the designated filing date, the responding party shall not be required to file a brief in opposition to those exceptions, but may file a brief if desired. However, if the responding party has filed exceptions in response to the other party's exceptions filing, the responding party shall file a brief in support of those cross or counter exceptions by the date directed in the argument notice.

L-1910.13—L-1910.17 RESERVED

L-1910.17-1 ADMINISTRATIVE SERVICE FEE

Except as provided herein, every order of support shall require the payment of a \$25.00 annual administrative service fee to the Domestic Relations Section. This fee shall be charged to the defendant in a support action processed through the Domestic Relations Section. This fee shall be charged on any case in which the defendant is under an order of support of at least \$50.00 per month, in either a single or multiple support action. This fee shall be paid by the defendant only once yearly regardless of the number of cases involved. Only those defendants who have an active support order as of April 15 of that year shall be charged this fee. Payment shall be due within 45 days of the date of the mailing of the fee notice and shall be paid directly to the Domestic Relations Section and not to the Pennsylvania Support Collections and Disbursement Unit (SCDU). This fee shall be in addition to the amount of support which the defendant is ordered to pay.

L-1910.17-2 CONSENT SUPPORT ORDERS

(a) All consent support orders should be prepared on current forms provided by the Domestic Relations Section in conformance with the Pennsylvania Child Support Enforcement System (PACES).

(b) The order must be clear and concise and shall adhere to both procedural and substantive statutory and case law requirements.

(c) If a support action has not yet been initiated for the case for which the consent support order is being filed, the consent support order shall include along with filing the current intake information sheet and a properly completed Complaint for support and shall also include the appropriate filing fee.

L-1910.17-3 MARRIAGE SETTLEMENT AGREEMENTS

In existing support cases where a marriage settlement agreement is signed following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the marriage settlement agreement and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this marriage settlement agreement, a new order of support in

conformance with the marriage settlement agreement and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the marriage settlement agreement does not resolve the issue of medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a Conference with the parties to address medical coverage.

L-1910.17-4 STIPULATIONS BEFORE THE DIVORCE MASTER

In existing support cases where the parties enter into a stipulation before the Divorce Master following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the stipulation and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this stipulation, a new order of support in conformance with that stipulation and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the stipulation does not resolve the issue of medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a Conference with the parties to address medical coverage.

L-1910.18 RESERVED

L-1910.19 SUPPORT, MODIFICATION, TERMINATION, GUIDELINES AS SUBSTANTIAL CHANGE IN CIRCUMSTANCES.

(a)—(f) Reserved.

(g) A filing fee as set forth in Rule L-1910.4 shall be charged for all petitions to modify an order of support. This fee shall be assessed against the party filing the petition to modify, except as provided in Rule L-1910.4(b). The petitioner shall file an original and three (3) copies of the petition with the Domestic Relations Section Docket Clerk.

(h) The Domestic Relations Section shall not accept for filing a petition which seeks any of the following without leave of court:

(1) To decrease an order of \$50.00 or less;

(2) To modify an order that is on appeal to the court pursuant to a recommended order; or,

(3) To modify an order which has been entered within the past six (6) months.

(i) The Domestic Relations Section shall provide notice of the refusal to the party seeking the modification.

(j) A party who's petition has been refused must personally present to the Family Court Judge to whom the case is assigned a motion to permit the filing of the modification, on forms provided by the Domestic Relations Section. Notice of presentment of the motion must be given to the opposing party in accordance with L-200.5(e).

(k) If leave of court is granted to file the petition for modification, the date of the first attempted filing shall be used as the filing date.

L-1910.20—L-1910.50 RESERVED

[Pa.B. Doc. No. 07-120. Filed for public inspection January 26, 2007, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated December 12, 2006, under the Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175.00. The Order became effective January 11, 2007.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Awojobi, Adekunle B.
Greenbelt, MD

Lowans, David Lynn
Washington, DC

Scanlon, Dennis L.
Annapolis, MD

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

[Pa.B. Doc. No. 07-121. Filed for public inspection January 26, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 501a AND 503a]

Compulsive and Problem Gambling; Self-Exclusion

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general specific powers) and the specific authority in 4 Pa.C.S. §§ 1509 and 1516 (relating to compulsive and problem gaming program; and list of persons self-excluded from gaming activities), proposes to adopt Chapters 501a and 503a (relating to compulsive problem gaming requirements; and self-exclusion) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapter 501 at 35 Pa.B. 4543 (August 6, 2005) and in Chapter 503 at 36 Pa.B. 2902 (June 10, 2006). Under 4 Pa.C.S. Part II (relating to gaming), the temporary regulations expire on July 5, 2007.

The Board is proposing to replace the temporary regulations with the permanent regulations in this proposed rulemaking.

Explanation of Chapters 501a and 503a

Chapter 501a requires slot machine licensees to file a comprehensive compulsive and problem gaming plan with the Board for Board approval. The regulations list: the specific items that must be included in a plan; the elements that must be included in employee training programs; slot machine licensee reporting requirements; liability provisions for a slot machine licensee and its employees; sign requirements and provisions governing check cashing.

Chapter 503a addresses self-exclusion requirements. It specifies: definitions used in this chapter; how a person may request self-exclusion; maintenance and distribution of the self-exclusion list by the Board; duties and responsibilities of the slot machine licensees and their employees; how a person may request removal from the self-exclusion list and limited exceptions for individuals on the self-exclusion list whose jobs require them to be on the gaming floor.

Amendments to the temporary regulations in this proposed rulemaking include a large number of editorial changes in both chapters that improve the clarity of the language contained in the existing temporary regulations. Additionally, changes have been made to § 501a.2 (relating to compulsive and problem gambling plan) to clarify that a slot machine licensee's compulsive problem gaming plan and amendments to the plan must be approved by the Board before the slot machine licensee can commence operations or implement changes to the plan. In § 501a.3 (relating to employee training program), provisions have been added that require slot machine licensees to have procedures to prevent persons from gaming when they are visibly intoxicated, to distribute materials explaining the self-exclusion program and to deny check cashing privileges to persons on the self-exclusion list. Lastly,

§ 501a.7 (relating to check cashing) has been amended to apply to any holder of a license, registration or certification from the Board instead of just slot machine licensees.

Former § 503a.2 was deleted because it repeated provisions in other sections of this chapter. Changes were made in the renumbered § 503a.2 (relating to request for self-exclusion) to clarify the procedures for submitting a request for self-exclusion and to delete specific language that will be on the release form. In § 503a.4 (relating to duties of slot machine licensees), a requirement has been added requiring slot machine licensees to notify the Pennsylvania State Police when a self-excluded person is found on the gaming floor or engaging in gaming activities. Additionally, slot machine licensees will be required to post signs advising persons on the self-exclusion list that they may be subject to arrest for trespassing if they are found on the gaming floor or engaging in gaming activities. In this section, revisions have also been made to clarify the liability provisions related to disclosure of the identity of persons on the self-exclusion list and a new provision was added requiring slot machine licensees to provide a written report to the Board when a self-excluded person is found on the gaming floor or engaging in gaming activities. In § 503a.5 (relating to removal from self-exclusion list), the provisions regarding removal from the self-exclusion list have been modified to require a person requesting removal from the self-exclusion list to sign the request twice within no less than a 5-day period. Finally, § 503a.6 (relating to exceptions to the prohibition from being on the gaming floor for individuals on the self-exclusion list) has been added to allow individuals on the self-exclusion list to be on the gaming floor to perform duties required by their job descriptions.

Affected Parties

This proposed rulemaking imposes requirements on slot machine licensees and persons who are seeking to be added to or removed from the self-exclusion list.

Fiscal Impact

Commonwealth. This proposed rulemaking will impose costs on the Board regarding the review of slot machine licensees' compulsive and problem gaming plans and administration of the self-exclusion program.

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

Private sector. Slot machine licensees will experience costs regarding developing compulsive and problem gaming programs, training of employees, posting signs and compliance with the requirements of the self-exclusion program.

General public. Individuals seeking to be added to or removed from the self-exclusion list will experience some minor costs associated with the application process.

Paperwork Requirements

This proposed rulemaking requires slot machine licensees to file a comprehensive compulsive and problem gaming plan with the Board for its approval and to submit amendments to the plan to the Board. A slot machine licensee is also required to submit its procedures for implementing the self-exclusion program.

Individuals seeking to be added to or removed from the self-exclusion list will have to complete the appropriate forms.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-54.

Contact Person

The contact persons for questions about this proposed rulemaking are Richard Sandusky, Director of Regulatory Review, (717) 214-8111 and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

Regulatory Review

Under section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on January 17, 2007, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC). A copy of this material is available to the public upon request. In accordance with section 5(a) and (f) of the Regulatory Review Act, the Board will deliver copies of this proposed rulemaking and the Regulatory Analysis Form to the Chairpersons of the Senate Committee on Rules and Executive Nominations and the House Tourism and Recreational Development Committee by the second Monday after the date on which committee designations for the 2007-2008 session of the General Assembly are published in the *Pennsylvania Bulletin*.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days after the close of the public comment period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures that permit the Board, the General Assembly and the Governor to review IRRC's comments, recommendations or objections prior to final adoption of the proposed rulemaking.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-54. (1) State Gaming Fund; (2) Implementing Year 2006-07 is \$188,000; (3) 1st Succeeding Year 2007-08 is \$108,000; 2nd Succeeding Year 2008-09 is \$112,000; 3rd Succeeding Year 2009-10 is \$116,000; 4th Succeeding Year 2010-11 is \$121,000; 5th Succeeding Year 2011-12 is \$126,000; (4) 2005-06 Program—\$26,400,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption. Funds from the administrative accounts within the State Gaming Fund will be used to cover the costs of these regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

Sec.

- 501a.1. Definitions.
- 501a.2. Compulsive and problem gambling plan.

- 501a.3. Employee training program.
- 501a.4. Reports.
- 501a.5. Liability.
- 501a.6. Signage requirements.
- 501a.7. Check cashing.

§ 501a.1. Definitions.

The following term, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

Qualified treatment professional—

(i) A person who by reason of training, education, profession or vocation has specialized knowledge, skills or experience in compulsive and problem gambling treatment or addiction therapy, who has the expertise to determine an individual's suitability for one or more forms of compulsive and problem gambling treatment and to recommend an appropriate compulsive and problem gambling treatment plan, or to serve as an independent monitor of the plan, or both.

(ii) For the purpose of this section, the term includes gamblers anonymous programs and any similar treatment or addiction therapy programs designed to prevent, treat or monitor compulsive and problem gamblers and to counsel family members.

§ 501a.2. Compulsive and problem gambling plan.

(a) An applicant for a slot machine licensee shall submit a compulsive and problem gambling plan to the Board for review and approval at the time of submission of the application. The plan must, at a minimum, contain the elements listed in subsection (c). A slot machine licensee may not commence operations until the Board approves the plan.

(b) Compliance with the plan approved under this chapter will be a condition of license renewal.

(c) A compulsive and problem gambling plan must include the following:

(1) The goals of the plan and procedures and time-tables to implement the plan.

(2) The identification of the individual who will be responsible for the implementation and maintenance of the plan.

(3) Policies and procedures including the following:

(i) The commitment of the licensee to train appropriate employees.

(ii) The duties and responsibilities of the key employees and gaming employees designated to implement or participate in the plan.

(iii) The responsibility of patrons with respect to responsible gambling.

(iv) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior.

(v) Procedures for referral of individuals self-excluded from gaming activities under section 1516 of the act (relating to list of persons self-excluded from gaming activities) and Chapter 503a (relating to self-exclusion) to qualified treatment professionals, including mental health, behavioral health and other professions and to community compulsive gambling organizations.

(vi) Procedures for referral of suspected or known compulsive and problem gamblers to qualified treatment professionals. The provisions of this subsection do not

create a duty for licensed facilities or its employees to refer compulsive and problem gamblers to qualified treatment professionals.

(4) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The slot machine licensee shall provide examples of the materials to be used as part of its plan, including signs, brochures and other printed material and a description of how the material will be disseminated.

(5) An employee training program as required under § 501a.3 (relating to employee training program), including training materials to be utilized and a plan for periodic reinforcement training.

(6) A certification process established by the slot machine licensee to verify that each employee has completed the training required by the plan.

(7) An estimation of the cost of development, implementation and administration of the plan.

(8) A list of the qualified treatment professionals and community organizations to which compulsive and problem gamblers will be referred.

(9) Procedures to prevent underage gambling.

(10) Procedures to prevent intoxicated patrons from gambling.

(11) The details of the program, if the plan includes outreach program.

(12) The plan for posting Board-approved signs required under § 501a.6 (relating to signage requirements) within the licensed facility, containing gambling treatment referral information.

(13) Other policies and procedures to encourage responsible gambling.

(d) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for evaluation. The Department of Health may provide comments and recommendations to the Board relating to the plan.

(e) A slot machine licensee shall submit amendments to the compulsive and problem gambling plan to the Board for review and approval prior to the implementation of the amendments.

§ 501a.3. Employee training program.

(a) The employee training program required under § 501a.2(c)(5) (relating to compulsive and problem gambling plan) must include instruction in the following:

(1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.

(2) The relationship of compulsive and problem gambling to other addictive behavior.

(3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.

(4) Techniques to be used when compulsive and problem gambling is suspected or identified.

(5) Techniques to be used to discuss compulsive and problem gambling with patrons and to refer and advise patrons regarding community, public and private treatment services.

(6) Procedures designed to prevent serving alcohol to visibly intoxicated gaming patrons.

(7) Procedures designed to prevent persons from gaming after having been determined to be visibly intoxicated.

(8) Procedures for the dissemination of written materials to patrons explaining the self-exclusion program.

(9) Procedures for removing a person on the self-exclusion list from a licensed facility including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.

(10) Procedures for preventing a person on the self-exclusion list from receiving any advertisement, promotion or other target mailing after 90 days of receiving notice from the Board that the person has been placed on the self-exclusion list.

(11) Procedures to prevent a person on the self-exclusion list from having access to or from receiving complimentary services, or other like benefits.

(12) Procedures to prevent a person on the self-exclusion list from cashing checks.

(b) Training for permanent employees shall be conducted by qualified treatment professionals or a person with specialized knowledge, skill, training or experience in responsible gaming employee training programs within timetables approved by the Board for the completion of training.

(c) Key employees and gaming employees designated to receive training shall be certified by the slot machine licensee under § 501a.2(c)(6) upon completion of the training.

(d) Key employees and gaming employees who are required to receive training under the plan shall receive periodic reinforcement training, which shall be reported in a manner prescribed by the Board.

(e) A key employee or gaming employee shall report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employee. The employee who makes a report under this subsection shall be immune from liability under § 501a.5 (relating to liability).

(f) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under § 503a.3(f) (relating to self-exclusion list) and section 1516(d) of the act (relating to list of persons self-excluded from gaming activities).

(g) Slot machine licensees may collaborate with qualified treatment professionals or a person with specialized knowledge, skill, training or experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required by this chapter. The use of the Internet-based program must be approved by the Board prior to the use of the program to meet the requirements of this chapter.

§ 501a.4. Reports.

A slot machine licensee shall submit an annual summary of its compulsive and problem gambling program with its application for renewal of the slot machine license.

§ 501a.5. Liability.

A slot machine licensee or an employee thereof will not be liable for damages in any civil action, which is based on the following:

(1) Failure to include any of the requirements of this chapter in its compulsive and problem gambling plan under this chapter.

(2) Compliance or noncompliance with this section or a plan adopted under this chapter.

(3) An action or failure to take action under this chapter or a plan adopted under this chapter.

(4) Failure to withhold gambling privileges from an individual.

(5) Permitting an individual to gamble.

§ 501a.6. Signage requirements.

(a) Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post signs that include a statement that is similar to the following: "If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)." The complete text of the sign will be determined by the Board. The signs shall be prominently posted at the following locations:

(1) Within 50 feet of each entrance and exit of the facility.

(2) Within 50 feet of each ATM, cash dispensing or change machine in each facility.

(b) Each slot machine and junket licensee shall print a statement related to obtaining compulsive or problem gambling assistance, the text of which will be determined by the Board, on all marketing or advertising materials that are offered to the general public by a slot machine or Junket licensee, including signs, billboards, print, radio or television advertisements.

§ 501a.7. Check cashing.

(a) Except as permitted in subsection (b), holders of a license, registration or certification from the Board or persons acting on behalf of a holder of a license, registration or certification from the Board, may not cash a check payable to an individual, including Social Security, unemployment insurance, disability payment, public assistance payment or payroll check to enable the individual to take part in gaming.

(b) A holder of a license, registration or certification from the Board or any employee authorized by a holder of a license, registration or certification from the Board may accept a personal check, wire transfer or cash equivalent, such as a recognized traveler's check, cashier's check or money order.

CHAPTER 503a. SELF-EXCLUSION

Sec.	
503a.1.	Definitions.
503a.2.	Request for self-exclusion.
503a.3.	Self-exclusion list.
503a.4.	Duties of slot machine licensees.
503a.5.	Removal from self-exclusion list.
503a.6.	Exceptions to the prohibition from being on the gaming floor for individuals on the self-exclusion list.

§ 503a.1. Definitions.

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

Fully executed gaming transaction—An activity involving a slot machine or associated equipment which occurs on the gaming floor of a licensed facility and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee.

Self-excluded person—A person whose name is included, at the person's own request, on the self-exclusion list maintained by the Board.

Self-exclusion list—A list of names of persons who, under this chapter, have voluntarily agreed to be excluded from the gaming floor and gaming activities at a licensed facility and to be prohibited from collecting winnings, recovering any losses or accepting complimentary gifts or services or other things of value at a licensed facility.

Winnings—Any money or thing of value received from, or owed by a slot machine licensee as a result of a fully executed gaming transaction.

§ 503.2. Request for self-exclusion.

(a) A person may have the person's name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by the Board.

(b) A person requesting placement on the self-exclusion list shall submit, in person, a completed request for self-exclusion to the Board. The Board will designate locations for submission of completed requests for self-exclusion in accordance with this chapter.

(c) A request for self-exclusion must include the following identifying information:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number of current residence.
- (5) Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) Physical description, including height, weight, gender, hair color, eye color and other physical characteristics that may assist in the identification of the person.

(d) The information provided in subsection (c) shall be updated by the self-excluded person within 30 days of a change.

(e) The length of self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
- (2) Five years.
- (3) Lifetime.

(f) A request for self-exclusion must include a signed release which:

- (1) Acknowledges that the request for self-exclusion has been made voluntarily.
- (2) Certifies that the information provided in the request for self-exclusion is true and accurate.
- (3) Acknowledges that the individual requesting self-exclusion is a problem gambler.
- (4) Acknowledges that a person requesting a lifetime exclusion is prohibited from requesting removal from the self-exclusion list and that a person requesting a 1-year or 5-year exclusion will remain on the self-exclusion list until a request for removal under § 503a.5 (relating to removal from self-exclusion list) is approved.

(5) Acknowledges that if the individual is found on the gaming floor or engaging in gaming activities at any licensed facility, that the individual will be subject to

removal and may be subject to arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass).

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all slot machine licensees from any claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(ii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a licensed facility while on the list of self-excluded persons.

(iii) Disclosure by a slot machine licensee of information regarding a self-excluded person to any person or group who is not affiliated with the slot machine licensee.

(iv) Disclosure of information regarding a self-excluded person by the Board.

(g) Self-exclusions for 1 or 5 years remain in effect until the self-excluded person requests removal from the Board's self-exclusion list under § 503a.5.

(h) A person submitting a self-exclusion request shall be required to present a government-issued photo identification containing the person's signature and photograph when the person submits the request.

(i) A person requesting self-exclusion under this chapter shall be required to have a photograph taken by the Board, or agent thereof, upon the Board's acceptance of the request to be on the list.

§ 503a.3. Self-exclusion list.

(a) The Board will maintain the official self-exclusion list and notify each slot machine licensee of additions to or deletions from the list by first class mail or by transmitting a notice by electronic means directly to each slot machine licensee.

(b) The notice provided to slot machine licensees by the Board will include the following information concerning a person who has been added to the self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number of current residence.
- (5) Social Security number, when voluntarily provided by the person requesting self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) Physical description of the person, including height, weight, gender, hair color, eye color and other physical characteristics that may assist in the identification of the person.

(7) A copy of the photograph taken by the Board under § 503a.2(i) (relating to request for self-exclusion).

(c) The notice provided to slot machine licensees by the Board concerning a person whose name has been removed from the self-exclusion list will include the name and date of birth of the person.

(d) A slot machine licensee shall maintain a copy of the self-exclusion list and establish procedures to ensure that the copy of the self-exclusion list is updated and that all appropriate employees and agents of the slot machine

licensee are notified of any addition to or deletion from the list within 5 business days after the day notice is mailed to each slot machine licensee or transmitted electronically under subsection (a).

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.

(f) Slot machine licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion to anyone other than employees and agents of the slot machine licensee whose duties and functions require access to the information. Notwithstanding the foregoing, a slot machine licensee may disclose the identity of a self-excluded person to appropriate employees of other slot machine licensees in this Commonwealth or affiliated gaming entities in other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated licensed gaming entities.

(g) A self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's self-exclusion list.

(h) Winnings incurred by a self-excluded person shall be remitted to the Board and deposited into the Compulsive and Problem Gambling Treatment Fund.

(i) For the purposes of this section, winnings issued to, found on or about or redeemed by a self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

§ 503a.4. Duties of slot machine licensees.

(a) A slot machine licensee shall train its employees and establish procedures that are designed to:

(1) Identify a self-excluded person when present in a licensed facility and, upon identification, notify the following persons:

(i) Employees of the slot machine licensee whose duties include the identification and removal of self-excluded persons.

(ii) Designated representatives of the Board.

(2) Notify the Pennsylvania State Police when a self-excluded person is found on the gaming floor or engaging in gaming activities.

(3) Refuse wagers from and deny gaming privileges to a self-excluded person.

(4) Deny check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to a self-excluded person.

(5) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility.

(6) Comply with § 503a.3(d) (relating to self-exclusion list).

(7) Disseminate written materials to patrons explaining the self-exclusion program.

(b) A slot machine licensee shall submit a copy of its procedures and training materials established under subsection (a) to the Board 30 days prior to initiation of

gaming activities at the licensed facility. Amendments to these procedures shall be submitted to the Board at least 10 business days prior to their implementation. If the Board does not object to the procedures or amendments thereto, the procedures or amendments shall be deemed to be approved.

(c) A slot machine licensee shall post signs at all entrances to a licensed facility indicating that a person who is on the self-exclusion list may be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor or engaging in gaming activities.

(d) The list of self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act and subjects the disclosing party to sanctions the Board deems appropriate.

(e) Under section 1516 of the act (relating to list of persons self-excluded from gaming activities), slot machine licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(2) Permitting or not permitting a self-excluded person to gamble.

(3) Good faith disclosure of the identity of a self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(f) A slot machine licensee shall report the discovery of a self-excluded person on the gaming floor or engaging in gaming activities to the Board within 3 days in a form and manner prescribed by the Board.

§ 503a.5. Removal from self-exclusion list.

(a) A self-excluded person may, upon the expiration of the period of self-exclusion, request removal of the person's name from the self-exclusion list by submitting a completed request for removal as required by subsections (b) and (c).

(b) A request for removal from the self-exclusion list must be in a form prescribed by the Board. The form must include the following:

(i) The identifying information specified in § 503a.2 (c)(1)–(6) (relating to request for self-exclusion).

(ii) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities.”

(c) The request shall be submitted to a location designated by the Board. A person submitting a request for removal from the self-exclusion list shall be required to present a valid government-issued photo identification

containing the person's signature when the request is submitted. No sooner than 5 business days after the request is submitted, the person submitting the request shall:

(1) Return to the Board office where the request was filed.

(2) Present a valid government-issued photo identification containing the person's signature.

(3) Sign the request a second time.

(d) Within 5 business days after the request is signed for a second time, the Board will delete the name of the person requesting removal from the self-exclusion list and notify each slot machine licensee of the removal.

§ 503a.6. Exceptions to the prohibition from being on the gaming floor for individuals on the self-exclusion list.

The prohibition against allowing self-excluded persons to be on the gaming floor does not apply to an individual who is on the self-exclusion list if the following apply:

(1) The individual is carrying out the duties of employment or incidental activities related to employment.

(2) The slot machine licensee's security department and the Board's office located at the licensed facility have received prior notice.

(3) Access to the gaming floor is limited to the time necessary to complete the individual's assigned duties.

(4) The individual does not otherwise engage in any gaming activities.

[Pa.B. Doc. No. 07-122. Filed for public inspection January 26, 2007, 9:00 a.m.]

STATE BOARD OF NURSING

Public Hearing

The State Board of Nursing (Board) will hold a public hearing to receive comments on the appropriate regulation of the administration of sedation by professional nurses on February 12, 2007, from 9 a.m. to 1 p.m. in Room 8E-A, East Wing, Pennsylvania Capitol. Organizations and individuals who would like to present comments to the Board should contact the Board's Administrative Assistant, Ann Steffanic, by requesting a presentation time in writing. Ann Steffanic's address is State Board of Nursing, 2601 N. Third Street, P. O. Box 2649, Harrisburg, PA 17105-2649. All requests for presentation times must be submitted no later than February 2, 2007. Organizations may present only one commentator. Commentators will be restricted to a 5-minute presentation. Written comments shall be submitted to Ann Steffanic no later than February 2, 2007.

MARY BOWEN, R. N., CRNP,
Chairperson

[Pa.B. Doc. No. 07-123. Filed for public inspection January 26, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending January 16, 2007.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-11-07	Sussex Bancorp, Franklin, NJ, to acquire 100% of Sussex Interim Bank, Westfall Township, PA, which will be merged with and into Sussex Bank, Franklin, NJ, the wholly-owned subsidiary of Sussex Bancorp	Franklin, NJ	Filed

New Charter Applications

<i>Date</i>	<i>Name of Trust Company</i>	<i>Location</i>	<i>Action</i>
1-8-07	DM Trust Company Philadelphia Philadelphia <i>Correspondent:</i> Frederick W. Dreher Duane Morris, LLP 30 S. 17th Street Philadelphia, PA 19103	Philadelphia	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-10-07	S & T Bank Indiana Indiana County	1077 Freeport Road Pittsburgh O'Hara Township Allegheny County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-12-07	Pennsylvania State Bank Camp Hill Cumberland County	715 Wertzville Road Enola Cumberland County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 07-124. Filed for public inspection January 26, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2007

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of February 2007 is 7 1/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.67 to which was added 2.50 percentage points for a total of 7.17 that by law is rounded off to the nearest quarter at 7 1/4%.

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 07-125. Filed for public inspection January 26, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Steven Davidson for Reinstatement of Teaching Certificates; Doc. No. RE 06-01

Opportunity for Hearing and Invitation to Protest

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) will consider the application of Steven Davidson for reinstatement of his teaching certificates.

Steven Davidson filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education has not taken a position on this reinstatement.

In accordance with the act and 22 Pa. Code § 233.14(d) (relating to waiver of hearing), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 07-126. Filed for public inspection January 26, 2007, 9:00 a.m.]

Individuals with Disabilities Education Act—Part B; Application for Federal Grant

To receive a grant under the Individuals with Disabilities Education Act, the Department of Education (Department) is submitting a plan assurance to the United States Department of Education (USDE). The Department is not proposing changes to policies and procedures, under the Individuals with Disabilities Education Act—Part B (IDEA-B). The Department intends to assure that by June 30, 2008, policies and procedures will be adopted that are consistent with the Individuals with Disabilities Education Improvement Act of 2004 (Pub. L. No. 108-446) (IDEA 2004). Moreover, the Department assures that throughout the period of the grant (July 1, 2007 to June 30, 2008), the Commonwealth will operate consistent with all requirements of IDEA-2004 and applicable regulations.

The grant on file with the USDE describes the Commonwealth's policies and procedures in effect to ensure the Department meets the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age. The policies and procedures on file with the USDE are available on the Department's website: www.pde.state.pa.us/special_edu/cwp/view.asp?A=177&Q=106501. The Department has begun the process to revise the State Board of Education regulations for special education, 22 Pa. Code Chapter 14 (relating to special education services and programs) and special education in charter schools, 22 Pa. Code Chapter 711 (relating to charter school services and programs for children with disabilities). The State Board of Education will follow their formal adoption of rules procedure.

The IDEA-B funds, received under current 34 CFR 300.200 (relating to condition of assistance), will be used to render services and programs to children with disabilities who are eligible for services under IDEA-B as well as training and technical assistance given to professional staff who render services to children with disabilities.

Copies of the proposed assurance are available by calling Theresa Strawser at (717) 783-6917. Alternative formats of the documents (for example, Braille, large print or cassette tape) are available upon request. Public comment is welcomed in alternative formats such as Braille, taped comments and telephone comments for the disabled. Individuals who are disabled and wish to submit comments by telephone should call Theresa Strawser at (717) 783-6917.

Written comments will be received until March 28, 2007. The written comments should be directed to Terry Dawson, Department of Education, Bureau of Special Education, 7th Floor, 333 Market Street, Harrisburg, PA 17126-0333.

Following receipt of all comments, the Department will consider all public comments and make any necessary

modifications before final submission of the plan assurance to the Secretary of the USDE.

GERALD L. ZAHORCHAK, D. Ed.
Secretary

[Pa.B. Doc. No. 07-127. Filed for public inspection January 26, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<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>
PA0050598	Bethel Baptist Church 754 East Rockhill Road Sellersville, PA 18960-1799	Bucks County East Rockhill Township	UNT to Bog Run	Y

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>
PA0011371 (IW)	Baldwin Hardware Corporation 841 East Wyomissing Blvd. Reading, PA 19611	Berks County Reading City	Schuylkill River 3-C	Y
PA0087891 (IW)	Growmark FS, Inc. 1701 Towanda Avenue Bloomington, IL 61702-2500	Adams County Latimore Township	Muddy Run 7-J	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>
PA0034061	Goddard Park Vacationland 867 Georgetown Road Sandy Lake, PA 16145	Deer Creek Township Mercer County	Schofield Run 16-G	Y

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

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

PA0026921, Sewage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Valmont Industrial Park, Hazleton, PA 18201-0651. This proposed facility is located in West Hazleton Borough, **Luzerne County**.

Description of Proposed Activity: Renewal permit to discharge 8.9 mgd of treated sewage.

The receiving stream, Black Creek, is in the State Water Plan Watershed 5D (Nescopeck) and is classified for CWF. The nearest downstream public water supply intake for Danville Water Authority is located on North Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 8.9 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml 2,000/100 ml		1,000/100 ml 10,000/100 ml
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.5		1.0
Kjeldahl-N	Report	Report	Report
Nitrite-N/Nitrate N	Report	Report	Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Total Net Nitrogen	Annual Mass Load of 216,739 lb. limit (months 37 through 60) of permit.		
Total Net Phosphorus	Annual Mass Load of 27,092 lb. limit (months 37 through 60) of permit.		

*Outfalls 101, 102 and 103 (stormwater)**

<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>
CBOD ₅				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

*Permittee has the option to perform annual inspection of facility in lieu of annual monitoring.

Point Sources 002—016 (except 007) serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department's EPA approved CSO strategy, a special permit requirements is included in Part C of this permit.

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

Sludge disposal, pretreatment operations and reporting requirements, combined sewer overflows, Chesapeake Bay nutrient requirements and stormwater.

The EPA waiver is not in effect.

PA0026107, Sewage, **Wyoming Valley Sanitation Authority**, P. O. Box 33A, Wilkes-Barre, PA 18703-1333. This proposed facility is located in Hanover Township, **Luzerne County**.

Description of Proposed Activity: NPDES Permit renewal to discharge 32 mgd of treated sewage to the North Branch Susquehanna River.

The receiving stream, North Branch Susquehanna River, is in the State Water Plan Watershed 5B and is classified for WWF. The nearest downstream public water supply intake for Danville Water Company is located on the North Branch Susquehanna River.

The proposed effluent limits are based on a design flow of 32.0 mgd.

Outfall 001:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.50		1.20
Kjeldahl-N	Report		
Nitrite-N/Nitrate-N	Report		
Total Nitrogen	Report		
Total Phosphorus	Report		
Total Net Nitrogen	Annual Mass Load of 584,467 lbs./year limit for month 37 through expiration of the permit.		
Total Net Phosphorus	Annual Mass Load of 77,929 lbs./year limit for month 37 through expiration of the permit.		

Outfalls 059 and 060 (Stormwater):*

<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>
CBOD ₅				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

Permittee has the option to perform an annual inspection of facilities in lieu of annual monitoring.

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

Point Sources 002 through 58 (except 014, 027, 041, 047, 048 and 050) serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or treatment plant. In accordance with the Department's EPA approved CSO strategy, a special permit requirement is included in Part C of this Permit.

Other Conditions: Sludge disposal, pretreatment operating and reporting requirements, combined sewer overflows, WETT, the Chesapeake Bay tributary nutrient strategy and stormwater.

The EPA waiver is not in effect.

*Permittee has the option to perform annual inspection of facility in lieu of stormwater monitoring at Outfalls 059 and 060.

PA0045985, Sewage, **Mountaintop Area Joint Sanitary Authority**, 290 Morio Drive, Mountaintop, PA 18707. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit

The receiving stream, Big Wapwallopen Creek, is in the State Water Plan Watershed 5B and is classified for CWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on Susquehanna River over 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.16 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Total Residual Chlorine	.06		0.21
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform	A minimum of 6.0 mg/l at all times.		
(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	6.0 to 9.0 standard units at all times.		
Chlorodibromomethane	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
Whole Effluent Toxicity	1.2 Chronic Toxicity Units		
Kjeldahl -N	Monitor and Report		
Nitrate-Nitrite as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Net Nitrogen	75,981 lbs./year (in months 37 through 60 of permit term)		
Total Net Phosphorus	10,131 lbs./year (in months 37 through 60 of permit term)		

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

1. Chronic whole effluent toxicity testing and Chesapeake Bay nutrient requirements.

PA0027090, Sewage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18515. This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Lackawanna River, is in the State Water Plan Watershed 5A and is classified for CWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 7.0 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	18.8	28.2	37.6
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N			
(5-1 to 10-31)	4.5		9.0
(11-1 to 4-30)	13.5		27.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform	A minimum of 5.0 mg/l at all times.		
(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		

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<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 standard units at all times.	
Total Residual Chlorine	0.09		0.31
Total Nitrogen		Monitor and Report	
Total Phosphorus		Monitor and Report	
Total Net Nitrogen	127,852 lbs./year (in months 37 through 60 of permit term)		
Total Net Phosphorus	17,047 lbs./year (in months 37 through 60 of permit term)		

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

1. Industrial pretreatment, combined sewer overflows, whole effluent toxicity testing, site stormwater and Chesapeake Bay nutrient requirements.

PA0026492, Sewage, **Scranton Sewer Authority**, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is located in City of Scranton, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Lackawanna River, is in the State Water Plan Watershed 5A and is classified for CWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 20.0 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	16.7	25.1	33.4
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
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		6.0 to 9.0 standard units at all times.	
Total Residual Chlorine	0.06		0.22
Total Nitrogen		Monitor and Report	
Total Phosphorus		Monitor and Report	
Total Net Nitrogen	365,292 lbs./year (in months 37 through 60 of permit term)		
Total Net Phosphorus	48,706 lbs./year (in months 37 through 60 of permit term)		

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

1. Industrial pretreatment, combined sewer overflows, whole effluent toxicity testing and Chesapeake Bay nutrient requirements.

PA0026361, Sewage, **Lower Lackawanna Valley Sewer Authority**. This proposed facility is located in Duryea Borough, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Lackawanna River, is in the State Water Plan Watershed 5B and is classified for WWF.

The proposed effluent limits for Outfall 001 based on a design flow of 6.0 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Total Residual Chlorine	1.0		2.34
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
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		6.0 to 9.0 standard units at all times.	
Kjeldahl -N	Monitor and Report		
Nitrate-Nitrite as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Net Nitrogen	109,588 lbs./year (months 37 through 60 of permit term)		
Total Net Phosphorus	14,612 lbs./year (months 37 through 60 of permit term)		

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

1. Combined sewer overflow and Chesapeake Bay nutrient requirements.

PA-0028576, Sewage, **Clarks Summit—South Abington Joint Sewer Authority**, P. O. Box 199, Chinchilla, PA 18410-0199. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of an NPDES Permit.

The receiving stream, Leggetts Creek, is in the State Water Plan Watershed 5A and is classified for CWF. The nearest downstream public water supply intake for Danville Water Supply is located on Susquehanna River is approximately 75 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 mgd dry weather flow and 5.0 mgd wet weather flow.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.9		5.8
(11-1 to 4-30)	8.7		17.4
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
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	6.0 to 9.0 standard units at all times.		
Kjeldahl-N	Monitor and Report		
Nitrate-Nitrite as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Net Nitrogen	45,662 lbs./year (37th month through expiration)		
Total Net Phosphorus	6,088 lbs./year (37th month through expiration)		
Whole Effluent Toxicity	Less than 1.37 TUc		

In addition to the effluent limits, the permit contains the following major special conditions: Whole Effluent Toxicity requirement and Chesapeake Bay nutrient requirements.

PA0062219, Sewage, **Frackville Area Municipal Authority**, 41 North Lehigh Avenue, P. O. Box 471, Frackville, PA 17931. This proposed facility is located in Butler Township, **Schuylkill County**, Frackville Area Municipal Authority, 41 North Lehigh Avenue, P. O. Box 471, Frackville, PA 17931.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Little Mahanoy Creek, is in the State Water Plan Watershed 06B and is classified for CWF. The nearest downstream public water supply intake for Ashland Area Municipal Authority is located on Little Mahanoy Creek 2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.4 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0	15.0	20.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
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	6.0 to 9.0 standard units at all times.		
Whole Effluent Toxicity	Less than 1.14 Chronic Toxicity Units		
Kjeldahl-N	Monitor and Report		
Nitrate-Nitrite as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Net Nitrogen	25,570 lbs./year (months 37 through 60 of permit term)		
Total Net Phosphorus	3,409 lbs./year (months 37 through 60 of permit term)		

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

1. Chronic WETT and Chesapeake Bay nutrient requirements.

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

Application No. PA 0259900, Concentrated Animal Feeding Operation (CAFO), **Brian Byers Farm**, 81 Four Pines Road, Quarryville, PA 17556.

Brian Byers Farm, an existing dairy operation located in East Drumore Township, **Lancaster County** has submitted an NPDES permit application in anticipation of construction of two new duck barns. The existing operation includes one dairy barn and one heifer barn. The farm is proposing to construct two new duck barns to house finishing ducks. The CAFO is situated near UNTs of Conowingo Creek and Fishing Creek (Watershed 7-K), which are classified as HQ-CWF. The CAFO has a target animal population of approximately 214 animal equivalent units consisting of 37,600 finishing ducks, 45 mature dairy cows and 40 heifers. There are two liquid manure storage facilities on the farm, a new circular concrete storage facility that will act as the farm's main storage and a new rectangular concrete storage facility that will act as temporary storage for dairy manure. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

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

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

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

Application No. PA 0037150, Sewage, **Penn Township Board of Commissioners**, 20 Wayne Avenue, Hanover, PA 17331.

Description of activity: The application is for the renewal of an NPDES permit for discharge of treated sewage from a publicly owned treatment works in to Oil Creek, in Penn Township, **York County**.

The receiving water, Oil Creek, is in Watershed 7-H and is classified for WWF, water supply, recreation and aquatic life. The nearest downstream public water supply is Wrightsville Water Company located in Wrightsville Borough, York County. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 based on a design annual average flow rate of 4.2 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	1.2			2.4
(11-1 to 4-30)	3.6			7.2
Dissolved Oxygen		minimum of 5.0 at all times		
pH (S.U.)		from 6.0 to 9.0 inclusive		
Fecal Coliform		200/100 ml as a geometric average		
(5-1 to 9-30)		2,000/100 ml as a geometric average		
(10-1 to 4-30)				
TRC	0.14			0.45
Free Cyanide*	0.0056		0.011	0.014
BEHP*	0.003		0.006	0.0075
Chlorodibromo-methane*	0.0007		0.0014	0.0018

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dichlorobromo-methane*	0.0009		0.0018	0.0023
Total Kjeldahl Nitrogen**	Monitor and Report			
NO ₃ -N + NO ₂ -N**	Monitor and Report			
Total Nitrogen***	Monitor and Report			
Total Phosphorous***	2.0			4.0

* The limits will be in effect 3 years after permit issuance. In the interim they will be monitor and report.

** This will also be reported as a monthly load in lbs. and as an annual load in lbs.

*** This will also be reported as a monthly load in lbs. and as an annual load in lbs. Beginning in October, 2010, total nitrogen will have a maximum annual load of 76,711 lbs. and total phosphorous will have a maximum annual load of 10,228 lbs.

The proposed limits for Outfall 002 are that the discharge shall consist of stormwater only. The discharge shall be monitored once per year unless there is no discharge.

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

The EPA waiver is not in effect.

Application No. PA 0026191, Sewage, **Borough of Huntingdon**, 530 Washington Street, Huntingdon, PA 16652. This facility is located in Borough of Huntingdon, **Huntingdon County**.

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

The receiving stream, Juniata River, is in Watershed 11-B (Smithfield Township, Huntingdon County) and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for existing Dauphin Consolidated Water Company is located on the Susquehanna River, approximately 103 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	18		36
Total Residual Chlorine	0.50		1.26
Total Phosphorus	Monitor		
Total Nitrogen		Monitor	
Total Net Phosphorus*		Monitor	
Total Net Phosphorus**		9,741 lbs. per year annual	
Total Net Nitrogen*		Monitor	
Total Net Nitrogen**		73,058 lbs. per year annual	
TKN		Monitor	
NO ₂ + NO ₃ -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		16,000/100 ml as a geometric average	

* Effective from issuance through September 30, 2010.

** Effective from October 1, 2010, through permit expiration date.

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is not in effect.

Application No. PA 0024287, Sewage, **Borough of Palmyra**, 325 South Railroad Street, Suite 3, Palmyra, PA 17078-2400. This facility is located in North Londonderry Township, **Lebanon County**.

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

The receiving stream, Killinger Creek, is in Watershed 7-D and classified for TSE, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Penn American Water Company is located on the Swatara Creek, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.42 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Residual Chlorine	0.26		0.88
Total Phosphorus	2		4
Total Nitrogen		Monitor	
Total Net Phosphorus*		Monitor	
Total Net Phosphorus**		3,458 lbs. per year annual	
Total Net Nitrogen*		Monitor	
Total Net Nitrogen**		25,936 lbs. per year annual	
TKN		Monitor	
NO ₂ + NO ₃ -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

* Effective from issuance through September 30, 2010.

** Effective from October 1, 2010, through permit expiration date.

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is not in effect.

Application No. PA 0027316, Sewage, **City of Lebanon**, 400 South Eight Street, Lebanon, PA 17042. This facility is located in North Cornwall Township, **Lebanon County**.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 8.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.5		5
(11-1 to 4-30)	7.5		15
Total Residual Chlorine	0.26		0.88
Total Phosphorus	2		4
Total Nitrogen		Monitor	
Total Net Phosphorus*		Monitor	
Total Net Phosphorus**		19,482 lbs. per year annual	
Total Net Nitrogen*		Monitor	
Total Net Nitrogen**		146,117 lbs. per year annual	
TKN		Monitor	
NO ₂ + NO ₃ -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

* Effective from issuance through September 30, 2010.

** Effective from October 1, 2010, through permit expiration date.

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is not in effect.

Application No. PA 0023108, Sewage, **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022. This facility is located in Conoy Township, **Lancaster County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-G and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	Monitor		
NO ₂ +NO ₃	Monitor		
TKN	Monitor		
Total Nitrogen		82,191 lbs./year total annual	
Total Phosphorus		10,959 lbs./year total annual	
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed effluent limits for Outfall 002 to Conoy Creek for a wet weather treated effluent overflow of 9.0 mgd are: (Note: Nutrients are accounted for in Outfall 001).

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	5.0		10
(11-1 to 4-30)	8.0		16
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

1. Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is not in effect.

Application No. PA 0259942, Sewage, **Steven Nye**, 32 Harmon Road, Newburg, PA, 17240. This facility is located in Upper Mifflin Township, **Cumberland County**.

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

The receiving stream, Three Square Hollow Run, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 30.8 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>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	Monitor	
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.

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

PA0026239, Sewage (SIC 4952), **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801. This existing facility is located in Benner and College Townships, **Centre County**.

Description of Proposed Activity: This is a renewal for an existing treatment facility including tertiary treatment, consisting of primary clarification, aeration, secondary settling with phosphorus removal, filtration, BNR and UV disinfection, along with a beneficial reuse system.

The receiving stream, Spring Creek, is in the State Water Plan Watershed 9C and is classified for HQ-CWF. The nearest downstream public water supply intake for Pennsylvania-American Water Company is located at Milton, PA on the West Branch Susquehanna River, approximately 87.0 river miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 9.0 mgd and a discharge flow of 6.0 mgd, are as follows:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Flow	Not greater than 6.0 mgd as an Annual Average					
CBOD ₅	10.0	15.0		20.0		
Total Suspended Solids	10.0	15.0		20.0		
Total Dissolved Phosphorus	0.13			0.26		
Dissolved Oxygen	Minimum of 5.0 mg/l at all times					
Total Chlorine Residual	Provide Effective Dechlorination					
pH	6.0 to 9.0 at all times					
Fecal Coliform	200 colonies/100 ml geo mean and not greater than					
(5-1 to 9-30)	1,000 colonies/100 ml in more than 10% of the					
(10-1 to 4-30)	samples tested					
	(2,000/100 ml as a Geometric Average)					
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	Report
Total Phosphorus	Report				Report	Report
Total Net Nitrogen	Report				Report	164,381
Total Net Phosphorus	Report				Report	21,918
NH ₃ -N						
(1-1 to 1-31)	4.5	6.7		9.0		
(2-1 to 2-29)	5.0	7.5		10.0		
(3-1 to 3-1)	5.5	8.2		11.0		
(4-1 to 4-30)	4.0	6.0		8.0		
(5-1 to 5-31)	3.0	4.5		6.0		
(6-1 to 6-30)	2.5	3.7		5.0		
(7-1 to 11-30)	1.0	1.5		2.0		
(12-1 to 12-31)	4.0	6.0		8.0		
Bis (2-Ethylhexyl) Phthalate	Report					
Thallium	Report					
Total Copper	Report					
Free Cyanide	Report					
Total Cyanide	Report					
Total Mercury	Report					
Total Selenium	Report					
Effluent Temperature	Report					
Total Dissolved Solids	Report					

Stormwater Outfalls: SW-01, SW-02, SW-03, SW-04 and SW-05.

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

1. Chesapeake Bay nutrient requirements.
2. Operation and implementation of a pretreatment program.
3. Minimum discharge requirements.
4. Thermal discharge requirements.
5. Total dissolved solids requirements.
6. Requirements applicable to stormwater outfalls.

The EPA waiver is not in effect.

PA0026310, Sewage (SIC 4952), **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830. This existing facility is located in Clearfield Borough, **Clearfield County**.

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

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 8B and classified for WWF. The nearest downstream public water supply intake is the Pennsylvania-American Water Company is located on the West Branch Susquehanna River is 160 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 4.5 mgd, are as follows:

Parameter	Concentration (mg/l)			Mass (lbs)		
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	Monthly Load	Annual Load
pH	Within the range of 6.0 to 9.0 standard units					
CBOD ₅	25	40		50		
Total Suspended Solids	30	45		60		
Total Residual Chlorine	0.5			1.6		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies/100 ml geo mean and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested (2,000/100 ml as a Geometric Average)					
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	Report
Total Phosphorus	Report				Report	Report
Total Net Nitrogen	Report				Report	82,191
Total Net Phosphorus	Report				Report	10,959

Combined Sewer Overflow Outfalls: 002, 008, 014, 018, 036, 038, 039 and 040.

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

1. Chesapeake Bay nutrient requirements.
2. Management and control of combined sewer overflows.

The EPA waiver is not in effect.

PA0027324, Sewage (SIC 4952), **Shamokin-Coal Township Joint Sewer Authority**, R. D. 2, Box 35, Shamokin, PA 17872-9603. This existing facility is located in Ralpho Township, **Northumberland County**.

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

The receiving streams, Shamokin Creek, Coal Run, Carbon Run, Furnance Run, and Quaker Run are in the State Water Plan Watershed 6B and classified for CWF. The nearest downstream public water supply intake, the Pennsylvania Water Company, is located on the Susquehanna River 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 7.0 mgd, are as follows:

Parameter	Concentration (mg/l)			Mass (lbs)		
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	Monthly Load	Annual Load
pH	Within the range of 6.0 to 9.0 standard units					
CBOD ₅	25	40		50		
Total Suspended Solids	30	45		60		
Total Residual Chlorine	0.5			1.6		

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Parameter	Concentration (mg/l)			Mass (lbs)		
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	Monthly Load	Annual Load
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies/100 ml geo mean and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested (2,000/100 ml as a Geometric Average)					
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	Report
Total Phosphorus	Report				Report	Report
Total Net Nitrogen	Report				Report	127,852
Total Net Phosphorus	Report				Report	17,047

Stormwater Outfalls: SW1 and SW2.

Combined Sewer Overflow Outfalls: 002, 003, 003A, 004, 004A, 005, 005A, 006, 006A, 007—055, 055A and 056—077.

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

1. Chesapeake Bay nutrient requirements.
2. Management and control of combined sewer overflows.
3. Operation and implementation of a pretreatment program.
4. Requirements applicable to stormwater outfalls.

The EPA waiver is not in effect.

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

PA0001627, Industrial Waste, SIC, 4911, **Orion Power Midwest**, 121 Champion Way, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated process water and untreated cooling water and stormwater from Cheswick Power Station in Springdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tawney Run, Little Deer Creek and the Allegheny River, classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Oakmont Borough Municipal Authority, located at 2.4 miles below the discharge point.

Outfall 002: Monarch Mine discharge (12.375 mgd) to Little Deer Creek from permit issuance through 3 years from issued date.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			35	70	
Aluminum			1.2	2.4	
Iron, tot			2.6	5.2	
Iron, dis	Monitor and Report				
Manganese			0.87	1.74	
Total Residual Chlorine			0.5	1.0	
Beryllium			0.01	0.02	
Cadmium			0.003	0.006	
Chromium, hex			0.006	0.012	
Silver			0.02	0.04	
Thallium			0.018	0.036	
Copper			0.033	0.066	
Pentachlorophenol			0.004	0.008	
Antimony	Monitor and Report				

Outfall 002: Monarch Mine discharge (12.375 mgd) to Little Deer Creek from permit issuance through 3 years from issued date.

<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>
Lead					Monitor and Report
Mercury					Monitor and Report
Selenium					Monitor and Report
Cyanide, free					Monitor and Report
Chloroform					Monitor and Report
Sulfate					Monitor and Report
Osmotic Pressure (MOs/Kg)					Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: Monarch Mine discharge (12.375 mgd) to Little Deer Creek from 3 years after permit issuance through permit expiration.

<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>
Flow (mgd)	Monitor and Report				
Suspended Solids			35	70	
Aluminum			0.48	0.96	
Iron			1.5	3.0	
Iron, dis			0.3	0.6	
Manganese			0.87	1.74	
Total Residual Chlorine			0.013	0.026	
Beryllium			0.01	0.02	
Cadmium			0.0003	0.0006	
Chromium, hex			0.006	0.012	
Silver			0.003	0.006	
Thallium			0.002	0.004	
Copper			0.009	0.018	
Pentachlorophenol			0.0003	0.0006	
Antimony			0.014	0.028	
Lead			0.003	0.006	
Mercury			0.00005	0.0001	
Selenium			0.005	0.01	
Cyanide, free			0.005	0.01	
Chloroform			0.006	0.012	
Sulfate			Monitor and Report		

Outfall 002: Monarch Mine discharge (12.375 mgd) to Little Deer Creek from 3 years after permit issuance through permit expiration.

<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>
Osmotic Pressure (Mos/Kg)			50	100	
pH	not less than 6.0 nor greater than 9.0				

Outfall 103: Boiler blowdown to Outfall 003.

<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>
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 10.5				

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Outfalls 203 and 303: Bottom Ash Transport Waters discharge (1.7 mgd) to Outfall 003.

<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>
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 403 (previously Outfall 107): coal pile runoff discharge (0.4 mgd) to Outfall 003.

<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>
Flow (mgd)	Monitor and Report				
Suspended Solids					50
pH	not less than 6.0 nor greater than 9.0				

Outfall 503: new discharge, design flow of 0.144 mgd, FGD Treatment Plant Discharge.

<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>
Flow (mgd)	Monitor and Report				
Suspended Solids			30	60	
Oil and Grease			15	20	
Aluminum			2.0	4.0	
Arsenic			0.1	0.2	
Beryllium			0.002	0.004	
Boron			Monitor and Report		
Cadmium			0.1	0.2	
Chlorides			Monitor and Report		
Copper			0.045	0.09	
Chromium, III			0.1	0.2	
Lead			0.1	0.2	
Manganese			3.0	6.0	
Mercury			0.004	0.008	
Nickel			1.0	2.0	
Selenium			2.5	5.0	
Silver			0.1	0.2	
Zinc			0.1	0.2	
Temperature				110°F	
Iron			Monitor and Report		
Iron, dissolved				7.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 603: Miscellaneous low volume wastes discharge (1.0 mgd) to Outfall 003.

<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>
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 803: Internal monitoring points 203-603 (5.0 mgd) discharge to Outfall 003.

<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>
Flow (mgd)	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: Internal monitoring points 103 and 803 and untreated once-through noncontact cooling water, 369 mgd discharge to the Allegheny River, Interim Limits.

<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>
Flow (mgd)	Monitor and Report				
Total Residual Chlorine					
Temperature	Heat discharged to the waterway shall not exceed 2.96 by 10 ⁹ Btu/hr				
Heat					
Lead	Monitor and Report				
Mercury	Monitor and Report				
Selenium	Monitor and Report				
Silver	Monitor and Report				
Thallium	Monitor and Report				
Cyanide, free	Monitor and Report				
Cadmium	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: Internal monitoring points 103 and 803 and untreated once-through noncontact cooling water, 369 mgd discharge to the Allegheny River, Final Limits.

<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>
Flow (mgd)	Monitor and Report				
Total Residual Chlorine					
Temperature	Heat Heat discharged to the waterway shall not exceed 2.96 by 10 ⁹ Btu/hr				
Lead	0.007				
Mercury	0.0001				
Selenium	0.010				
Silver	0.004				
Thallium	0.003				
Cyanide, free	0.011				
Cadmium	0.00055				
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: Existing discharge to Allegheny River.

<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>
Flow (mgd)	Monitor and Report				
Debris collected on the intake trash racks shall not be returned to the waterway.					

Outfall 005: Stormwater discharge, varied flow.

<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>
Chromium, hex	Monitor and Report				
Total Suspended Solids	Monitor and Report				
pH	Monitor and Report				

Outfalls 010-011: Stormwater discharges, varied flow.

<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>
	These discharges shall consist solely of uncontaminated stormwater runoff.				

Other Conditions

The permittee is required to complete an SWPPP for Outfall 005.

The permittee is required to complete a TRE for Outfalls 002 and 003.

The EPA waiver is not in effect.

PA0216291, Industrial Waste, SIC, 4941, **Municipal Authority of the Borough of Carmichaels**, 104 N. Pine Street, Carmichaels, PA 15320. This application is for a new NPDES permit to discharge treated backwash water from Carmichaels Water Treatment Plant in Cumberland Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Southwestern Pennsylvania Water Company, located at approximately 3.5 miles downstream of discharge point.

Outfall 001: new discharge, design flow of 0.068 mgd.

<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>
Flow	Monitor and Report				
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
TRC			0.5		1.0
pH	Between 6.0 and 9.0 at all times				

The EPA waiver is in effect.

PA0253120, Industrial Waste, SIC, 4941, **Tri-County Joint Municipal Authority**, 26 Monongahela Avenue, Fredericktown, PA 15333. This application is for issuance of an NPDES permit to discharge treated (WQM Part II pending) backwash from rinsing filters, sedimentation basin sludge and clarifier overflow at the Tri-County Water Treatment Plant in East Bethlehem, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania-American Brownsville Water Treatment Plant located at Brownsville, Fayette County, approximately 8 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.08 mgd.

<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>
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0043516, Sewage, **Mount Pleasant Township**, P. O. Box 158, Poker Road, Mount Pleasant, PA 15644. This application is for renewal of an NPDES permit to discharge treated sewage from Century Farms Sewage Treatment Plant in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sewickley Creek, which are classified as a HQ-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 Westmoreland County Municipal Authority—McKeesport.

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	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5 mg/l			

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

The EPA waiver is in effect.

PA0093050, Sewage, **Burrell Township Municipal Authority**, P. O. Box 454, Blacklick PA 15716. This application is for renewal of an NPDES permit to discharge treated sewage from Blacklick STP in Burrell Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Blacklick 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 Buffalo Township Municipal Authority.

Outfall 001: existing discharge, design flow of 0.18 mgd.

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

The EPA waiver is in effect.

PA0093432, Sewage, **West Penn Power Company d/b/a Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Pleasant Valley Service Center Sewage Treatment Plant in Bullskin Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.0005 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	10			20
Suspended Solids	25			50
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			

The EPA waiver is in effect.

PA0253201, Sewage, **East Franklin Township**, R. D. 3, Box 211A, Cherry Orchard Avenue, Kittanning PA 16201. This application is for issuance of an NPDES permit to discharge treated sewage from Tarrtown Sewage Treatment Plant in East Franklin Township, **Armstrong County**.

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

Outfall 001: new discharge, design flow of 0.018 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

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

The EPA waiver is in effect.

PA0253375, Sewage, **Sewickley Township Municipal Authority**, P. O. Box 46, Hermanie, PA 15637. This application is for issuance of an NPDES permit to discharge treated sewage from Village of Hutchinson STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sewickley 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 Westmoreland County Municipal Authority.

Outfall 001: new discharge, design flow of 0.044 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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. WQG01060601, Sewerage, **Glenn Sandritter**, 161 Heckman Road, Temple, PA 19560-9701. This proposed facility is located in Earl Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single-family residence in Ironstone Drive.

WQM Permit No. 0106404, Sewerage, **Franklin Township**, 55 Scott School Road, Orrtanna, PA 17353. This proposed facility is located in Franklin Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of the Franklin Township wastewater treatment facility.

WQM Permit No. 0600408, Amendment 07-1, Sewerage, **Upper Bern Township**, 25 North 5th Street, P. O. Box 185, Shartlesville, PA 19554. This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the construction of upgrades and expansions to the existing wastewater facilities including the addition of 8,500 feet to the existing collection system, installation of a pump station and force main and expansion of the Upper Bern Township wastewater treatment plant.

WQM Permit No. 6707401, Sewerage, **Springettsbury Township**, 1501 Mt. Zion Road, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Seeking approval to install a new grit removal system.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**V. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304002(1)	Blue Ridge Real Estate Co. P. O. Box 707 Blakeslee, PA 18610	Carbon	Kidder Township	Tobyhanna Creek HQ-CWF Black Creek HQ-CWF

Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433, (570) 281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023507001	James Kanavy P. O. Box 525 Moscow, PA 18444	Lackawanna	Moscow Borough	Roaring Brook HQ-CWF
PAI023507002	North Pocono School District 701 Church Street Moscow, PA 18444	Lackawanna	Covington Township	Roaring Brook HQ-CWF

Luzerne County Conservation District: R485 Smith Pond Rd., Lehman, PA 18627-0250, (570) 674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024006008	Foster Township 1000 Wyomissing Ave. Freeland, PA 18224	Luzerne	Foster Township and White Haven Borough	UNT to Lehigh River HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804006(1)	Jaindl Land Company 3150 Coffeetown Rd. Orefield, PA 18069	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAI024807001	Weis Market Forks, Inc. 1000 South Second St. Sunbury, PA 17801	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406018	Loesch Construction 2101 Circleville Road State College, PA 16803	Centre	Harris Township	Spring Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056506004	Bulltown Associates, Inc. 772 Pine Valley Drive Pittsburgh, PA 15239	Westmoreland	Murrysville	Tributary to Haymakers Run HQ

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/ Use
PAI064206002	Kathleen Morse Forest Supervisor USDA Forest Service Allegheny National Forest P. O. Box 847 Warren, PA 16365	McKean	Corydon Township	Tributary North Fork 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)

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0606517 , Public Water Supply.	
Applicant	Wissahickon Spring Water, Inc.
Municipality	Hamburg Borough

County	Berks
Responsible Official	Albert Lear, Dir. Quality Assurance 10447 Drummond Rd. Philadelphia, PA 19154
Type of Facility	Public Water Supply
Consulting Engineer	Kenneth M. Justice, P. E. AEON Geosciences, Inc. 2120 Bellemead Avenue Havertown, PA 190823-2250
Application Received:	12/21/2006
Description of Action	Application to add two well sources located on the same property as the Hamburg bottling plant.
Permit No. 0607501 , Public Water Supply.	
Applicant	United Mobile Homes, Inc.
Municipality	Greenwich Township
County	Berks
Responsible Official	Jeffrey V. Yorick, Professional Engineer 1275 Foreman Drive Morgantown, WV 26508
Type of Facility	Public Water Supply
Consulting Engineer	Karen Pollock, P. E. System Designs Engineering 850 Park Road Wyomissing, PA 19610
Application Received:	1/4/2007
Description of Action	Upgrades to existing pump stations on both north and south side treatment facilities.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 1-1003A, Water Allocations. **Gettysburg Municipal Authority, Adams County**. The applicant is requesting the right to purchase up to 3.0 mgd of drinking water from York Water Company through an interconnection that will be constructed in Straban Township, Adams

County, Consulting Engineer: Diana M. Young, P.E.,
Buchart-Horn, Inc. Date Application Received: 12/12/2006.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Dallas Shopping Center, Dallas Borough, **Luzerne County**. Dawn Washo, President, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 has submitted a Notice of Intent to Remediate (on behalf of her client, Robert Finley, Humford Equities, 15 Public Square, Suite 302, Wilkes-Barre, PA 18701-1798) concerning the remediation of soils and/or groundwater found or suspected to have been impacted by dry cleaning solvents as the result of historic operations. The applicant suggests the site will be remediated to meet the Statewide Health Standard and/or the Site-Specific Standard for soils and groundwater. The intended future use of the property will remain commercial/retail. A summary of the Notice of Intent to Remediate was published in *The Citizens' Voice* on December 23, 2006.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit No. WMGR038-SC003. Permit issued to Chambersburg Tire Recycling, LLC, 2196 Letterkenny Road, Chambersburg, PA 17201-8725 for the facility located at 2196 Letterkenny Road, Chambersburg, PA, Hamilton Township, **Franklin County**, for the processing and beneficial use of waste tires, tire derived material and tire derived fuel. The Department issued the determination of applicability on January 12, 2007.

Persons interested in reviewing the general permit may contact the Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in

this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

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

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

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

PLAN APPROVALS

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

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

62-017P: United Refining Co. (15 Bradley Street, Warren, PA 16365) for modification of Boiler No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

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, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-318-057: Four Daughters, LLC (1 Korn Street, Kingston, PA 18704) for operation of three spray booths and associated air-cleaning devices in Kingston Borough, **Luzerne County**. The booths are designed to apply paint coating on manufactured wood cabinets. Each booth will utilize high volume low pressure (HVLP) and air assisted airless spray guns. These spray methods complies with the best available technology (BAT) requirements of 25 Pa. Code § 127.12b. Coatings used at the facility will

meet the requirements for VOC contains as specified in Chapter 129.52, Table I, Item 11 (a), (c), (d) and (f) for wood furniture manufacturing operations. Particulate emissions from each spray booth will be controlled by the use of high efficiency filters having a guaranteed particulate removal efficiency of 95.8%. Expected particulate emission rate will be less than 0.02 grain/dscf. VOC emissions from the facility will be less than 17.8 tpy. 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.

39-318-117: Mack Trucks, Inc. (7000 Alburtis Road, Macungie, PA 18062) for construction of a new multicolor spray booth and oven to replace the existing booth and oven; and for construction of a sanding booth for the facility in Lower Macungie Township, **Lehigh County**. The VOC emissions from the new spray booth will be 133 lbs./day and 16.4 tpy (unchanged from the existing booth). Particulate emissions from the spray booth and from the sanding booth will be controlled through the use of filter panels for each booth and will not exceed the BAT standard of 0.02 grain/dscf. The plan approval and operating permit will include emissions restrictions and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 39-00004. 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.

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

06-05022B: Pennsylvania State System of Higher Education (College Hill Road, Kutztown, PA 19530) for construction of three 37.66 million Btu per hour boilers at Kutztown University of Pennsylvania in Maxatawny Township, **Berks County**. The three boilers will be able to fire either No. 2 fuel oil or natural gas. The boilers are subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources. The application will also involve the removal of the facility's five existing primary boilers. The plan approval will include emission restrictions, monitoring, work practices, recordkeeping, reporting and other requirements designed to keep the sources and facility operating within all applicable air quality requirements. The facility is presenting covered by the Title V Operating Permit No. 06-05022. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

16-148A: RV Burns Crematorium, Inc. (24 Merle Street, Clarion, PA 16124) for installation of a human remains cremator in the Township of Clarion, **Clarion County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department intends to issue a Plan Approval to, for their plant in the Township of Clarion, **Clarion County**. This plan approval will authorize the applicant to install a human remains cremator. The primary chamber will have a natural gas-fired burner with a capacity of 0.5

mmBtu/hr and a secondary chamber with a natural gas-fired afterburner with a capacity of 1.5 mmBtu/hr, fully modulating. The Plan Approval will subsequently be incorporated into a State-only Operating Permit at a later date in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, the natural gas-fired cremator will emit 1.6 tons of PM per year and 0.7 ton of NOx per year.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 16-148A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation, or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

OPERATING PERMITS

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

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

09-00027: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) for a renewal of the Title V Operating Permit in West Rockhill Township, **Bucks County**. The initial permit was issued on December 28, 2001, and was amended on July 24, 2002. The facility is primarily involved commercial printing. Fres-co operates boilers, Rotogravure and Flexographic presses. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64.

46-00090: Tube Methods, Inc. (416 Depot Street, Bridgeport, PA 19405-0460) for renewal of the Title V Operating Permit in Bridgeport Borough, **Montgomery County**. The initial permit was issued on October 4, 2001. The main source of VOCs and HAPs is a vapor degreaser and the main pollutant from this source is trichloroethylene. The source is regulated under the requirements of 40 CFR 63 Subpart T and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating renewal does not adopt any new

regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

10-00021: INDSPEC Chemical Corp. (113 Main Street, P. O. Box 307, Petrolia, PA 16050) for reissuance of a Title V Operating Permit for this chemical manufacturing facility in Petrolia Borough, **Butler County**. The facility is a major facility due to its potential to emit PM less than ten microns in diameter, SOx, NOx, VOCs and HAPs.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Written comments or objections should contain the name, address and telephone number of the person

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

wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

Permit No. 11010102 and NPDES No. PA0249009. E. P. Bender Coal Company, Inc., (P. O. Box 594, Carrolltown, PA 15722). Permit renewal for reclamation only of a bituminous surface mine in Reade Township, **Cambria County**, affecting 102.0 acres. Receiving streams: Fallentimber Run and Powell Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2007.

Permit No. 11970101 and NPDES No. PA0234389. E. P. Bender Coal Company, Inc., (P. O. Box 594, Carrolltown, PA 15722). Permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 93.0 acres. Receiving streams: Powell Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2007.

Permit No. 56960109 and NPDES No. PA0234273. Croner, Inc., (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541). Permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 110.9 acres. Receiving streams: UNT to Blue Lick Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 9, 2007.

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

33980110 and NPDES Permit No. PA0227901. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 137.0 acres. Receiving streams: UNTs to Mahoning Creek, classified for the following use: CWF. There are no

potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: January 9, 2007.

33050106 and NPDES Permit No. PA0258032. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Transfer of an existing bituminous surface strip and auger operation in Knox and Oliver Townships, **Jefferson County** affecting 75.3 acres. Receiving streams: UNT to Sandy Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Mountain Coal Co., Inc. Application received: January 11, 2007.

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

17743165 and NPDES No. PA0127574. Sky Haven Coal, Inc., (5510 State Park Road, Penfield, PA 15849). Transfer of an existing bituminous surface mine from Roy Coal Company, Inc., (P. O. Box 171, Clearfield, PA 16830-0171), located in Boggs Township, **Clearfield County**, affecting 164.4 acres. Receiving streams: Little Clearfield Creek—HQ-CWF; Clearfield Creek—WWF. Application received: January 9, 2007.

17000111 and NPDES No. PA0243019. Gregg Barrett Coal (288 Watts Road, Curwensville, PA 16833). Renewal of surface-auger mining permit in Ferguson Township, **Clearfield County**, affecting 47.5 acres. Receiving streams: UNTs to Watts Creek and Watts Creek, classified for the following use: HQ-CWF. Application received: January 5, 2007.

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

54861303R4 and NPDES Permit No. PA0223468. R & D Coal Co., Inc. (214 Vaux Avenue, Tremont, PA 17981). Renewal of an existing anthracite underground mine operation and NPDES Permit for discharge of treated mine drainage in Tremont Township, **Schuylkill County** affecting 7.8 acres, receiving stream: Rowe Tunnel. Application received: January 3, 2007.

54901302R3 and NPDES Permit No. PA0594792. Orchard Coal Co., Inc. (214 Vaux Avenue, Tremont, PA 17981). Renewal of an existing anthracite underground

mine operation and NPDES Permit for discharge of treated mine drainage in Hegins Township, **Schuylkill County** affecting 5.0 acres, receiving stream: West Branch of Rausch Creek. Application received January 3, 2007.

40020201R. South Tamaqua Coal Pockets, Inc. (804 West Penn Pike, Tamaqua, PA 18252). Renewal of an existing coal refuse reprocessing operation (currently being transferred from Rossi Excavating) in Hazle Town-

ship, **Luzerne County** affecting 113.0 acres, receiving stream: none. Application received: January 3, 2007.

Noncoal Applications Received

Effluent Limits

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹			
pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

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

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

16030302. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0242365, Richland Township, **Clarion County**. Receiving streams: two UNTs to Turkey Run, classified for the following uses: HW-CWF. Turkey Run to the Clarion River, two UNTs to Clarion River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: January 8, 2007.

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

66012801. South Branch Enterprises, LLC (P. O. Box 29, Waverly, PA 18471). Stage I and II bond release for a quarry operation in Tunkhannock Township, **Wyoming County** affecting 5.0 acre on property owned by Peoples National Bank. Application received: January 4, 2007.

58020837. Timothy D. Blaisure, (R.R. 5 Box 25, Montrose, PA 18801). Stages I and II bond release for a quarry operation in Forest Lake Township, **Susquehanna County** affecting 3.0 acres on property owned by Mary Alice Hawley-Fraser. Application received: January 10, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E67-812: Izaak Walton League of America, York County Chapter 67, 7131 Ironstone Hill Road, Dal-lastown, PA 17313, **York County**, Springfield and Codorus Townships, ACOE Baltimore District.

To construct and maintain a stream restoration project on 3,210 feet of the South Branch Codorus Creek (WWF), 50-feet of an UNT to the South Branch Codorus Creek (WWF) and 789-feet of Cherry Run (WWF) including channel reconstruction, rock and log structures and bank grading for the purpose of correcting the stream pattern

and improving streambank stabilization, sediment transport and aquatic habitat. The project follows Route 616 from Granary Road to Larue Road (Seven Valleys, PA Quadrangle N: 13.8 inches; W: 2.0 inches; Latitude: 39° 49' 34", Longitude: 76° 45' 51" to N: 12.8 inches, W: 1.5 inches; Latitude: 39° 49' 14", Longitude: 76° 45' 38") in Codorus and Springfield, York County. No wetland impacts are proposed.

E21-393: Ronald L. Bookwalter, 103 Channel Drive, Carlisle, PA 17013, North Middleton Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain: 1) a 6-foot wide, 7-span steel foot bridge having a total span of 88.0 feet and a underclearance of 8.0 feet across a mill race of Conodoguinet Creek (WWF) sit on concrete pedestals; and 2) a 128-foot long by 4-foot high riprap protection along the left bank of the mill race to access and provide protection of his property located about 0.35 mile upstream of Longs Gap Road bridge (Carlisle, PA Quadrangle N: 17.76 inches; Latitude: 40° 13' 22"; W: 9.77 inches; Longitude: 77° 11' 42") in North Middleton Township, Cumberland County.

E29-093: Camp Sinoquipe, Mason Dixon Council Boy Scouts, 677 Boy Scout Road, Fort Littleton PA 17223, Dublin Township, **Fulton County**, ACOE Baltimore District.

To construct and maintain fill made of rock, shale and gravel of about 900 cubic yards across the upper portion of Camp Sinoquipe lake for the purpose of creating a forebay to catch sediment deposits draining into the lake located just off SR 1011, about 1.8 miles north of Fort Littleton Village (Burnt Cabbins, PA Quadrangle N: 16.15 inches; W: 13.1 inches; Latitude: 40° 05' 20"; Longitude: 77° 58' 07") in Dublin Township, Fulton County.

E67-813: Izaak Walton League of America, York County Chapter 67, 7131 Ironstone Hill Road, Dalastown, PA 17313, North Hopewell and Springfield Townships, **York County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 2,125 feet of the East Branch Codorus Creek (HQ-CWF), including rock and log structures and bank grading for the purpose of correcting the stream pattern, improving streambank stabilization, sediment transport and aquatic habitat and establishing a riparian buffer. The project is located near the intersection of Swamp Road and Route 214 (Glen Rock, PA Quadrangle N: 21.0 inches; W: 4.9 inches; Latitude: 39° 51' 55", Longitude: 76° 39' 35" to N: 21.8 inches, W: 5.5 inches; Latitude: 39° 52' 9", Longitude: 76° 39' 51") in Springfield and North Hopewell Townships, York County. No wetland impacts are proposed.

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

E03-443. Department of Transportation, Engineering District 10-0, Route 286 South, P. O. Box 429, Indiana, PA 15701. To construct a bridge in Kiskiminetas Township, **Armstrong County**, Pittsburgh ACOE District. (Vandergrift, PA Quadrangle: N: 20.3 inches, W: 8.1 inches and Latitude: 40° 36' 11"—Longitude: 79° 33' 54"). The applicant proposes to construct and maintain a 30 ft. wide, 12 ft. span, reinforced concrete box culvert with an underclearance of 6.0 ft. and depressed an additional 1 ft. to replace the existing SR 2051, 23.16 ft. wide, 7.29 ft. long, single span bridge with an underclearance of 5.5 ft. over Rattling Run (CWF) with a drainage area of 3.07

square miles; and relocate approximately 30 ft. of Rattling Run adjacent to and upstream of the culvert. The project includes a temporary road crossing. The project is located approximately 2 miles east of Apollo in Kiskiminetas Township.

E11-324. Jackson East Taylor Township Sewer Authority, 2603 William Penn Highway, Johnstown, PA 15909. To place fill for approximately 60' in the floodway of an UNT to Saltlick Creek (HQ-CWF) for the purpose of constructing the Adams Avenue Pump Station; to install and maintain three 8" sewer line crossings under an UNT to Saltlick Creek (HQ-CWF); to install and maintain an 8" sewer line crossing under UNTs to Hinckston Run (CWF); to construct and maintain 15 8" sewer line wetland crossings, temporarily impacting a total of 0.83 acre and to construct and maintain an approximately 90' long stream enclosure consisting of 36" corrugated metal culvert pipe in an UNT to Saltlick Run (HQ-CWF); for the purpose of constructing a wastewater collection and conveyance system, including the installation of two wastewater pumping stations.

E56-343. Department of Transportation, District 9-0, 1620 Juniata Street, Hollidaysburg, PA 16648. To construct and maintain a 32 foot wide bridge in Garrett Borough, **Somerset County**, Pittsburgh ACOE District. (Meyersdale, PA Quadrangle N: 20.3 inches; W: 8.1 inches and Latitude: 39° 51' 44"—Longitude: 79° 03' 29"). The applicant proposes to construct and maintain a 32 ft. wide, 105.5 ft. long, three span bridge with an underclearance of 11.36 ft. to replace the existing SR 0653, 18.9 ft. wide, 100.5 ft. long, single span bridge with an underclearance of 11.24 ft. over Buffalo Creek (WWF) with a drainage area of 35.12 square miles; fill and maintain 0.02 acre of adjacent wetlands along the western stream bank; and construct and maintain stormwater outfalls. The project includes a temporary road crossing. The project is located in the southeast corner of Garrett Borough.

E63-590. David P. Hapchuk, 226 Rankin Road, Washington, PA 15301. To operate and maintain 10 stream enclosures in South Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 7.5 inches; W: 4.6 inches and Latitude: 40° 9' 50"—Longitude: 80° 9' 14"). The applicant proposes to operate and maintain ten existing stream enclosures as follows: 76' of 18" diameter pipe, 103' of 18" diameter pipe, 72' of 18" diameter pipe, 133' of 24" diameter pipe, 95' of 24" diameter pipe and 40' of 24" diameter (519' total) pipe in an UNT to Chartiers Creek (HQ-WWF); approximately 261' of 15" diameter pipe, approximately 265' of 15" diameter pipe, approximately 270' of 15" diameter pipe and approximately 240' of 15" diameter pipe to convey roadway drainage to from Rankin Road (L.R. 62088) to said tributary and the construction and maintenance of 479' of 15" diameter pipe in parallel with the existing 18" diameter and 24" diameter pipe and the operation and maintenance of 982' of reconstructed stream channel, all in the same UNT to Chartiers Creek (HQ-WWF), for the purpose of providing access to fields. The project is located southwest of Rankin Road (L.R. 62088) north of its intersection with Wilson Road in South Strabane Township.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D56-067EA. Edward Raptosh, Department of Conservation and Natural Resources, Bureau of Facility

Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451, Middlecreek Township, **Somerset County**, ACOE Pittsburgh District.

Project proposes to breach and remove Spruce Run Dam across Spruce Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the

stream to a free flowing condition. The project will restore approximately 250 feet of stream channel. The dam is located approximately 3,200 feet northeast of the intersection of Church Road (SR 3033) and Copper Kettle Highway (SR 3029) (Rockwood, PA Quadrangle; latitude: 39° 59' 21", longitude: -79° 14' 50").

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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>
PA0030171 (SEW)	Susan Gochenour Llewellyn's Manufactured Community, Inc. 4550 Bull Road Dover, PA 17315	York County Conewago Township	UNT Little Conewago Creek 7-F	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>
PA0228338 Municipal	Union-Chapman Regional Authority 1510 McNess Road Port Trevorton, PA 17864	Snyder County Union Township	Susquehanna River SWP 6A	Y
PAR224825 (NSA3)	Lauchle Lumber Co. 1119 Clarence Fry Road Montoursville, PA 17754	Lycoming County Upper Fairfield Township	Little Mill Creek TSF	Y
PA0228419 (CAFO)	Beaverton Finishing Farm SR 522 North Beaverton, PA 17813	Snyder County Beaver Township	Wetzel Run 06A	N
PA0228494 (CAFO)	Beaverton Sow Farm 167 Hetrick Road Beaverton, PA 17813	Snyder County Beaver Township	Kern Run 06A	N

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>
PA0034924	Paint—Elk Joint Sewer Authority STP 22136 Route 66 Shippensburg, PA 16254	Elk Township Clarion County	Paint Creek 17-B	Y
PA0221961	Timberlee Valley Sanitary Company, Inc. 120 Brennan Lane Evans City, PA 16033	Connoquenessing Township Butler County	Crab Run 20-C	Y
PA0023591	Washington Township Municipal Authority P. O. Box 79 Fryburg, PA 16326-0079	Washington Township Clarion County	East Sandy Creek 16-E	Y

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

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

NPDES Permit No. PA0247511, CAFO, **Carl Myer**, Walnut Run Farms, 292 Elm Road, Lititz, PA 17543. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to operate a 1,398-AEU dairy operation with discharge to Watershed 7-G.

NPDES Permit No. PA0259853, CAFO, **Ron Ballew**, Hillandale Gettysburg LP, Site 2 Farm, 370 Spicer Road, Gettysburg, PA 17325. This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to operate a 4,182-AEU layer and pullet operation with discharge to Watershed 7-F.

NPDES Permit No. PA0259845, CAFO, **Ron Ballew**, Hillandale Gettysburg LP, Site 1 Farm, 370 Spicer Road, Gettysburg, PA 17325. This proposed facility is located in Tyrone Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 3,337-AEU layer operation with discharge to Watershed 7-F.

NPDES Permit No. PA0259802, CAFO, **Steve Wenger, Wen-Crest Farms, LLC**, Wen-Crest Farms, 549 Shaeffer Road, Lebanon, PA 17042. This proposed facility is located in South Lebanon Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,376-AEU turkey and steer operation with discharge to Watersheds 7-D and 7-J.

NPDES Permit No. PA0086665, **Green Spring Brethren in Christ Church**, 720 Green Spring Road, Newville, PA 17241. Final notice is hereby given that the Department of Environmental Protection, after public notice, has issued an NPDES permit. This notice reflects charges from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (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.

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. 2200401, Amendment 06-1, Sewerage, Graham T. Snyder, 1144 Piketown Road, Harrisburg, PA 17112. This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of permit.

WQM Permit No. 6706410, Sewerage, Red Lion Municipal Authority, P. O. Box 190, Red Lion, PA 17356-0190. This proposed facility is located in Red Lion Borough, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the relocation and merging of two existing gravity sewer lines in the Red Lion Industrial Park.

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

WQM Permit No. 4985408-A1, Sewerage 4952, Upper Augusta Township, R. R. 2, Box 40, Sunbury, PA 17801. This facility will be located in Upper Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: The applicant has been approved to replace the existing ultraviolet disinfection system and contact tank with a tablet chlorinator and chlorine contact tank at the Village of Mount Pleasant sewage treatment plant. The limits of the NPDES permit will not change.

WQM Permit No. 5306401, Sewerage, Ulysses Municipal Authority, 522 Main Street, Ulysses, PA 16948. This proposed facility is located in Bingham Township, **Potter County**.

Description of Proposed Action/Activity: Upgrade of a pump station, including a new duplex pump system.

WQM Permit No. 4795401A1, Sewerage 4952, Great Dane Limited Partnership, 70 Strick Road, Danville, PA 17821. This existing facility is located in Limestone Township, **Montour County**.

Description of Proposed Action/Activity: Installation of 3,000 gallon flow equalization tank.

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

WQM Permit No. WQG018515, Sewerage, Julius and Virginia Berdine, R. R. 4, Box 43, Stillwater Road, Sugar Grove, PA 16350. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505017	Mahlon Zimmerman 490 Milway Road Ephrata, PA 17522	Monroe	Jackson Township	Trout Lake HQ-CWF
PAI024506004	Pocono Mountain School District P. O. Box 200 Pocono Mountain School Road Swiftwater, PA 18370-0200	Monroe	Paradise Township	UNT to Forest Hills Run HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106 (2)	Penn State East Campus Park Ave., Porter and Fox Hollow Roads Intersection	Centre	College Township	Thompson Run, Big Run and Slab Cabin HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106 (2)	Penn State East Campus Porter Road Reconstruction	Centre	College Township	Thompson Run and Slab Cabin HQ-CWF
PAI041406018	Elksview Townhomes U. S. Rt. 322 and Jacks Mills Drive Boalsburg, PA 16827	Centre	Harris Township	Spring Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of NonExceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Carbondale and Carbondale Township Lackawanna County	PAG2003506028	Robert Cordaro Lackawanna County 200 Adams Ave. Scranton, PA 18503	Powderly Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Hazle Township Luzerne County	PAG2004006035	Greater Hazleton CANDO Inc. One South Church St. 200 Renaissance Center Hazleton, PA 18201-6288	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Slocum Township Luzerne County	PAG2004005059	Graydon Hoyt R. R. 2, Box 79 Wapwallopen, PA 18660	Little Wapwallopen Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Lower Nazareth Township Northampton County	PAG2004806025	Northampton Hospital Corp. d/b/a Easton Hospital Attn: Cornelio Catena 250 21st Street Easton, PA 18042	Schoeneck Creek WWF	Northampton Co. Cons. Dist. (610) 746-1971

<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>
Metal Township Franklin County	PAG2002806075	Buckeye Wayne Martz 10794 Rinehart Dr. Waynesboro, PA 17268	W. Br. Conococheague and Brick Run CWF/MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Montgomery Township Franklin County	PAG2002806055	The Guest Farm Frank Plessinger 11334 Punch Bowl Road Mercersburg, PA 17236	UNT to Licking Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Borough of Mercersburg Franklin County	PAG2002806061	JB Commercial Dale Ausherman 4355 Nicklaus Ct. Middletown, MD 21769	UNT to Johnson Run WWF/MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Ayr Township Fulton County	PAG2002907001	JLG Industries, Inc. 1 JLG Drive McConnellsburg, PA 17233	UNT to Big Cove Creek CWF	Fulton CCD R. Seleen Shives, District Manager 216 N. Second St. Suite 15 McConnellsburg, PA 17233
Swatara Township Dauphin County	PAG2002206012	Turkey Hill, LP 257 Centerville Rd. Lancaster, PA 17601	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Conewago Township Dauphin County	PAG2002206053	Conewago Municipal Authority 3279 Old Hershey Rd. Elizabethtown, PA 17022	Swatara Creek WWF and Conewago Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002206044	Nick Leitner 797 Hill Church Rd. Hummelstown, PA 17036	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002206060	Steven Fluharty Federal Express Corp. 4310 Williamsburg Rd. Unit 8 Hurlock, MD 21643	Laurel Run WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002206031	Joseph Gallo Palm Development Inc. 10 W. Chocolate Ave. Suite 121 Hershey, PA 17033-1472	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002206051	Feldman Mall Properties, Inc. I-81 and Paxton St. Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002206056	Lower Paxton Township Authority 425 Prince St. Harrisburg, PA 17109	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

<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 Swatara Township Dauphin County	PAG2002206066	Lawrence P. Wasser Phoenix Contact 586 Fulling Mill Rd. Middletown, PA 17057	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Hereford Township Berks County	PAG2000606095	John Sheeran Upper Perkiomen School District 203 West 5th St. East Greenville, PA 18041	Perkiomen Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Windsor Township Berks County	PAG2000606101	Gary Kuehner Salem E.C. Church 2150 Old Route 22 Lenhartsville, PA 19534	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Sinking Spring Borough Berks County	PAG2000606098	Paolo Brutto 137 Park Place Dr. Sinking Spring, PA 19608	UNT to the Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
City of Reading Berks County	PAG2000606104	Thomas Chapman The Reading School District 800 Washington St. Reading, PA 19601	Schuylkill River Watershed WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Porter Township Huntingdon County	PAG2003104002	Barry Parks 2520 Arbor Bluff Drive Huntingdon, PA 16652	Raystown Branch Juniata River	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Bradford County Towanda Borough	PAG2000807001	Towanda Area School District P. O. Box 231 Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5, Box 5030C, Towanda, PA 18848 (570) 265-5539, Ext. 6
Columbia County Briar Creek Borough	PAG2001906016	John L. Ludwig Allied Contractors and Engineers Development Enterprise, Inc. 634 Main Road Dallas, PA 18612	UNT Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Allegheny County Indiana and West Deer Townships	PAG20002030141	Mills Corporation 590 Pittsburgh Mills Circle Tarentum, PA 15084	Deer Creek CWF	Allegheny County CD (412) 241-7645

<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>
Allegheny County Springdale Borough and Springdale Township	PAG20002030871	Orion Power Midwest, LP 121 Champion Way Canonsburg, PA 15317 and Washington Group International 510 Carnegie Center Princeton, NJ 08540	Tawney Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG20002050961	Willow Run Dev. Corp P. O. Box 171 Wildwood, PA 15091	Willow Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000206046	Manor Associates 772 Pine Valley Drive Pittsburgh, PA 15239	Bear Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG2000206063	Jimary Development, LLC 2028 Hycroft Drive Pittsburgh, PA 15241	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG2000206066	Pine Township 230 Pearce Mill Road Wexford, PA 15090	Pine Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Pittsburgh	PAG2000206069	Bedford Phase II 1415 Olive Street St. Louis, MO 63103-2315 and Housing Authority of the City of Pittsburgh 200 Ross Street Pittsburgh, PA 15219-2068	Ohio River WWF	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAG2000206071	South Fayette Conservation Group 515 Millers Run Road Morgan, PA 15064	Fishing Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000206074	Findlay Township Municipal Authority P. O. Box 409 1271 Route 30 Clinton, PA 15026	Potato Garden Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000206075	Findlay Township Municipal Authority P. O. Box 409 1271 Route 30 Clinton, PA 15026	Potato Garden Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Pleasant Hills Borough	PAG2000206076	Robinson Land Company, Inc. 2180 Washington Road Canonsburg, PA 15317	Lewis Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000206081	JGD Partnership Development P. O. Box 297 Wexford, PA 15090	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAG2000206082	Alpine Partners, LP P. O. Box 158 1273 Washington Pike Bridgeville, PA 15017	Coal Run WWF	Allegheny County CD (412) 241-7645

<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>
Allegheny County Pittsburgh	PAG2000206083	Oxford Development Company One Oxford Centre Pittsburgh, PA 15219	Allegheny River WWF	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAG2000206087	JND Properties 3625 Washington Pike Bridgeville, PA 15017	Chartiers Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000206088	Wickline Development, LLC P. O. Box 117 Wildwood, PA 15091	Crouse Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000206090	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Pine Creek Montour Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000206091	Gordon Food Service P. O. Box 1787 Grand Rapids, MI 49501-1787	Montour Run TSF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000206095	North Fayette Properties, LLC 8145 Steubenville Pike Imperial, PA 15126	Robinson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Elizabeth Township	PAG2000206100	Elizabeth Township Sanitary Authority 2420 Greenock Buena Vista Rd. McKeesport, PA 15135	Boston Hollow WWF	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000206103	Gill Hall Land Company 375 Golfside Drive Wexford, PA 15090	Lick Run CWF	Allegheny County CD (412) 241-7645
Allegheny County Etna and Sharpsburg Boroughs and O'Hara and Shaler Townships	PAG2000206104	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Pine Creek TSF Allegheny River WWF Guyasuta Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000206105	TD Holdings, LLC 100 Old Saxonburg Road Cheswick, PA 15024	Plum Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County O'Hara, Frazer, Springdale, East Deer Townships	PAG2000206107	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Deer Creek, Allegheny River, Yutes Run, Tawney Run and Crawford Run WWF	Allegheny County CD (412) 241-7645
Fayette County Bullskin Township	PAG2002606026	Terry Shallenberger Shallenberger Construction, Inc. 2611 Memorial Blvd. Connellsville, PA 15425	Mounts Creek WWF	Fayette County CD (724) 438-4497
Greene County Cumberland Township	PAG2003006011	Atlas America, Inc. 751 S-T Drive Uniontown, PA 15401	Ohio River Drainage Basin (WWF)	Greene County CD (724) 852-5278
Indiana County White Township	PAG2003206016	Todd Heming Indiana County Jimmy Stewart Airport 398 Airport Road Indiana, PA 15701	UNT to Ramsey Run WWF and Two Lick Creek, Black Lick Creek CWF	Indiana County CD (724) 463-8547

<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>
Somerset County Summit Township	PAG2005606014	Department of Transportation 1620 North Juniata Street Hollidaysburg, PA 16648	Flaugherty Creek CWF	Somerset County CD (814) 445-4652
Butler County Slippery Rock Township	PAG20010050051	Student Housing Slippery Rock University Foundation, 1 Morrow Way Slippery Rock, PA 16057	UNT to Slippery Rock Township CWF	Butler Conservation District (724) 284-5270
Mercer County Greene Township	PAG2004306023	Primary Health Network SR 58 Primary Health Network 197 East Silver Street Sharon, PA 16146	UNT Shenango River WWF	Mercer Conservation District (724) 662-2242
Cambria County West Carroll Township	PAG2091107001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Fox Run CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
<i>General Permit Type—PAG-3</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>
Borough of LeRaysville Bradford County	PAR214831	Johnson Quarries, Inc. P. O. Box 136 LeRaysville, PA 18829	UNT to Rockwell Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Limestone Township Montour County	PAR804825	Great Dane Limited Partnership 70 Strick Road Danville, PA 17821	UNT County Line Branch WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Lawrence Township Clearfield County	PAR214804	Swisher Concrete Products, Inc. P. O. Box 55 Clearfield, PA 16830	West Branch Susquehanna WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
O'Hara Township Allegheny County	PAR236127A1	Matthews International Corporation Two North Shore Center Pittsburgh, PA 15212	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAR606121	Flowers Auto Wreckers, Inc. 176 Fitz Henry Road Smithton, PA 15479	UNT to the Youghiogheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAR228309	Tony L. Stec Lumber Co., Inc. P. O. Box 117 Garland, PA 16416	UNT to Gar Run and Hosmer Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAR608302	Cristinis Auto Wrecking, Inc. 8234 Route 153 Brockport, PA 15823-2042	Bear Run and Toby Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAR608335	New Castle Auto Wrecking Inc. 2627 Ellwood Road New Castle, PA 16101	Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG049309	Julius and Virginia Berdine R. R. 4, Box 43 Stillwater Road Sugar Grove, PA 16350	Stillwater Creek 16B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG048442	Thomas F. Gorniak 1111 West Greene Road Waterford, PA 16441	UNT to the East Branch of LeBoeuf Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG048430	Carl J. Ochs 847 Sunset Drive Lucinda, PA 16235	UNT to Step Creek 17-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG048420	Charles F. and Erica L. Miller 1554 Rosely Road St. Marys, PA 15857-3117	Trout Run 17-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

*Facility Location &
Municipality*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG053558	Terry and Laverne Motors, Inc. 1726 Carlisle Pike Hanover, PA 17331	UNT to South Branch WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-10**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Statewide PAG109608 Renewal	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Statewide Use—water body information will be provided to the Department at least 15 days before any discharge.	DEP Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184
Statewide PAG109610 Renewal	Williams Gas Pipeline (Transco) 2800 Post Oak Blvd. Houston, TX 77025	Statewide Use—water body information will be provided to the Department at least 15 days before any discharge.	DEP Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184
Statewide PAG109608	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Statewide Use—water body information will be provided to the Department at least 15 days before any discharge.	DEP Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184
Statewide PAG109610	Williams Gas Pipeline (Transco) 2800 Post Oak Blvd. Houston, TX 77025	Statewide Use—water body information will be provided to the Department at least 15 days before any discharge.	DEP Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184

*General Permit Type—PAG-12**Facility Location &
Municipality*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Granville Township Bradford County PAG124811	Matthew L. McClellan R. R. 1, Box 181 Granville Summit, PA 16926	North Branch Towanda Creek CWF	Northcentral Regional Office Watershed Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-0529
East Fallowfield Township Crawford County PAG128301	Sperry Farms, Inc. 1420 Sperry Road Atlantic, PA 16111-2336	Conneaut Outlet SWP 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

Pennsylvania Bulletin, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to **Leisure Living Retirement Home**, 4290803, Dublin Township, **Fulton County** on January 10, 2007, for the operation of facilities approved under Construction Permit No. 2904502.

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

Permit No. 1106503, Public Water Supply.

Applicant	Greater Johnstown Water Authority 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907
Borough or Township	Conemaugh Township
County	Somerset
Type of Facility	Pump station, interconnection, storage tank
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Permit to Construct Issued	January 9, 2007

Permit No. 1106504MA, Minor Amendment. Public Water Supply.

Applicant	Jackson Township Water Authority 2949 William Penn Avenue Johnstown, PA 15909
Borough or Township	Jackson Township
County	Cambria
Type of Facility	Interconnection
Consulting Engineer	Gwin, Dobson and Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Permit to Construct Issued	January 9, 2007

Permit No. 1105503MA, Minor Amendment. Public Water Supply.

Applicant	John Nagle, Owner Nagle Trailer Court 114 Nagle Court, Route 219N Ebensburg, PA 15931
Borough or Township	Cambria Township
County	Cambria
Type of Facility	Nagle Trailer Court clearwell
Consulting Engineer	Kuncelman Consulting P. O. Box 467 Colver, PA 15927
Permit to Construct Issued	January 9, 2007

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

Operations Permit issued to **Girard Borough**, PWS ID 6250049, Girard Borough, **Erie County**. Permit Number 2503501, issued January 12, 2007, for the operation of the Chardonnay Village Water System, as approved under construction permit 2503501, dated April 14, 2004.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Road, Carlisle, PA 17013	Cumberland

Plan Description: The approved plan provides for a Small Flow Treatment Facility (SFTF) of 400 gpd to serve the proposed new residence on the existing 4.75 acre Tom Stewart property, located between 1301 and 1335 Enola Rd. The proposed SFTF will discharge to Wertz Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Newville Borough	Four West Street, Newville, PA 17241	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Newville Borough, Cumberland County. The approved plan provides for the expansion of the Newville Borough Wastewater Treatment Plan to a capacity of 0.6 mgd and acknowledges the nutrient discharge restrictions imposed by Pennsylvania's Chesapeake Bay Tributary Strategy. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Notice of Proposed Interim Response

Horsehead Industries—Brick Landfill Site, Potter Township, **Beaver County**.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at the Horsehead Industries—Brick Landfill Site (Site). The Site covers approximately 10 acres and is located north of Route 18 about 1.2 miles west of the Route 60 and 18 interchange in Potter Township, Beaver County, PA.

The Brick Landfill Site is located primarily in an industrial setting near a zinc smelting facility that has been operating almost continuously since 1930. When

operating assets of Horsehead Industries were sold in 2003, this parcel of land was not included in the sale to Horsehead Corp. The Site is believed to have historically been used as a disposal site for various waste streams generated by the smelter. There is a fence around part of the Site. Part of the Site is vegetated, while other areas are barren of vegetation. Soil sample results indicate that nonresidential and residential standards Land Recycling and Environmental Remediation Standards Act (Act 2) have been exceeded for hazardous substances such as arsenic, lead, cadmium and mercury. The toxicity characteristic leaching procedure limit for lead has been exceeded at three Site locations indicating that the waste is considered a characteristically hazardous waste. In addition, the Act 2 exceedances of nonresidential direct contact standards for these hazardous substances at the Site present a threat to human health or welfare to persons entering the area and coming into contact with the hazardous substances and hazardous waste. As parts of the Site are not covered or well vegetated, there is also a threat of wind dispersion potentially carrying airborne contamination off site and of contaminants being washed into surface water and sediment. The nonresidential Act 2 soil to groundwater standards are exceeded for antimony, lead, nickel, arsenic, zinc, cadmium and mercury, which presents a threat to groundwater and surface water from hazardous substances leaching into the water. Access to the Site is not completely restricted and the hazardous substances from the Site are likely being released into the environment by means of water, air and soil and pose a threat to human health and the environment.

The Department considered the following three alternatives: (1) no action; (2) investigation, characterization and delineation; and (3) restricted access.

Alternative 1 does not address control or elimination of threats to human health or the environment, as contamination would not be addressed.

Alternative 2 would characterize the composition of wastes at the Site, delineate the horizontal and vertical extent of waste at the Site; and investigate the potential extent of groundwater, soil, surface water and sediment contamination.

Alternative 3 would fence the Site and attempt to restrict direct contact access to the waste, but hazardous wastes and hazardous substances would still remain on Site, continuing the threat of soil to groundwater contamination; and the direct contact threat would not be completely eliminated, as the current fencing has not secured the Site nor deterred trespassers.

The Department proposes that Alternative 2 be implemented. The Department proposes an interim response involving investigating, characterizing and delineating the extent of waste and contaminated soil and water at the Site. This response will identify areas of contamination and evaluate potential impacts to human health and the environment.

This notice is being provided under section 506(b) of the Hazardous Sites Cleanup Act. The Administrative Record, which contains information forming the basis and documenting the selection of this response action, is available for public review and comment at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review between 9 a.m. and 4 p.m.

The Administrative Record will be open for comment until April 27, 2007. Persons may submit written comments into the record, during this time only, by sending

them or delivering them to Annette T. Paluh, Project Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing scheduled for March 22, 2007, at 6 p.m. at the Potter Township Municipal Building, located at 206 Mowry Road, Monaca, PA. Persons wishing to present comments must register with Helen Humphreys at the Department's Southwest Regional Office, in writing at 400 Waterfront Drive, Pittsburgh, PA 15222 or by telephone at (412) 442-4183 before noon, March 22, 2007.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact Helen Humphreys at (412) 442-4183 or through the Pennsylvania AT&T Relay Service at (800) 654-5954 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

George V. Siple & Son Co., Inc.—Lot 55, Palmer Township, Northampton County. Louis F. Vittorio, Jr., P. G., EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 has submitted a Remedial Investigation Report and a Cleanup Plan (on behalf of his client, Thomas P. Stitt, George V. Seiple & Son Co., Inc., 576 Nazareth Pike, Nazareth, PA 18064) concerning the remediation of soils and groundwater found or suspected to have been impacted by arsenic and pesticides. The reports were submitted in partial fulfillment of the Site-Specific Standard.

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

Amberleigh Development, Benner and Spring Townships, Centre County. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Jeff Yager, GOH, 1952 Waddle Road, State College, PA 16804 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former R. Rador Complex (Leo Williams Jr., Property), Montgomery Borough, Lycoming County. Cocciardi and Assoc., Inc., 4 Kacey Court, Mechanicsburg, PA 17055 on behalf of Leo Williams Jr., 127 French Settlement Rd., Williamsport, PA 17701 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report in-

cludes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Corning Asahi Video Products Co., College Township, Centre County. N.A. Water Systems, 120 Radnor Road, State College, PA 16801 on behalf of Corning Incorporated, HP-ME-02-50 (A2H) and Corning, NY 14831 has submitted a Final Report concerning remediation of site soil contaminated with lead and other inorganic constituents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 8, 2007.

Tyco Electronics Corporation (Formerly AMP Inc.), Selinsgrove Borough, Snyder County. Science Applications International Corp., 6310 Allentown Blvd., Harrisburg, PA 17112 on behalf of Tyco Electronics Corp., P. O. Box 68355, Harrisburg, PA 171056-8355 has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with solvents. The Cleanup Plan was approved on January 11, 2007.

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

Long Hallow Creek (P-47), Liberty Township, Mckean County. PPL Gas Utilities Corp., 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The Final Report, which demonstrated attainment of the Statewide Health Standard was approved by the Department on December 29, 2006.

P. C. Meter & Regulator (P-43), Port Allegany Borough, Mckean County. PPL Gas Utilities Corp., 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The

Final report, which demonstrated attainment of the Statewide Health Standard was approved by the Department on December 29, 2006.

Scherer Farm Check (P-48) Port Allegany Borough, **McKean County**. PPL Gas Utilities Corp., 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The Final Report, which demonstrated attainment of the Statewide Health Standard was approved by the Department on December 29, 2006.

Wright Check (P-149), Liberty Township, **McKean County**. PPL Gas Utilities Corp., 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The Final Report, which demonstrated attainment of the Statewide Health Standard was approved by the Department on December 29, 2006.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

PAD002312791. Sunoco, Inc., Margaret and Bermuda Streets, Philadelphia, PA. Draft permit prepared to incorporate two BIF units, presently operating under interim status, into the existing RCRA permit for Sunoco's Frankford Plant located in the City of Philadelphia. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address previous. Draft permit issued on January 10, 2007.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

15-301-088GP: D'Anjolell Memorial Home (2811 West Chester Pike, Broomall, PA 19008) on January 9, 2007, to operate a human crematory in East Whiteland Township, **Chester County**.

46-320-038GP: Gemplus Corp. (101 Park Drive, Montgomeryville, PA 18936) on January 9, 2007, to operate a sheet-fed offset lithographic press in Montgomery Township, **Montgomery County**.

AQ-SE-0019: Reading Materials Inc. (2052 Lucon Road, P. O. Box 1467, Skippack, PA 19474) on January 9, 2007, to operate a portable crusher processing plant in Aston Township, **Delaware County**.

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

GP-10-325: VA Medical Center Butler (325 New Castle Road, Butler, PA 16001) on December 31, 2006, for a diesel or No. 2 fuel fired internal combustion engine in Butler, **Butler County**.

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

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

67-05007C: Adhesives Research, Inc. (P. O. Box 100, Glen Rock, PA 17327-0100) on January 8, 2007, to install an adhesive coater and regenerative thermal oxidizer in Springfield Township, **York County**.

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

30-00166A: Greene Team Pellet Fuel Co. (P. O. Box 74, Garards Fort, PA 15334-0074A) on January 8, 2007, to construct a wood palletizing plant in Greene Township, **Greene County**.

26-00562A: Coastal Lumber Co. (3302 Lobban Place, Charlottesville, VA 22903) on January 4, 2007, to install a wood fired boiler at Hopewood Sawmill in South Union Township, **Fayette County**.

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

33-160B: Reynoldsville Casket Co., Inc. (P. O. Box 68, 560 Myrtle Street Reynoldsville, PA 15851-0068) on December 29, 2006, to modify plan approval PA 33-0160A to change the primer booth from water based solvent to a volatile based primer with the emissions from process being controlled by the existing thermal oxidizer by at the casket manufacturing and finishing operation in Reynoldsville, **Jefferson County**. The facility currently has a State-only Operating Permit.

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

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

09-0187: Fairless Iron and Metal (P. O. Box 5575, Trenton, NJ 08638) on January 8, 2007, to operate a metal shredding equipment in Falls Township, **Bucks County**.

46-0190: Dickson Investment Hardware, Inc. (386 East Church Road, King of Prussia, PA 19406) on January 8, 2007, to operate a gas fired thermal oxidizer in Upper Merion Township, **Montgomery County**.

09-0061: Donaldson Co., Inc.—Tetratex (85 Railroad Drive, Warminster, PA 18974) on January 10, 2007, to operate an extrusion line in Northampton Township, **Bucks County**.

15-0039: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on January 11, 2007, to operate a fuel sulfur content in East Caln Township, **Chester County**.

15-0114: Action Manufacturing Co. (500 Bailey Crossroads Road, Atglen, PA 19310) on January 11, 2007, to operate a thermal treatment unit in West Fallowfield Township, **Chester County**.

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

36-05129A: Haines & Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on January 7, 2007, to use alternative fuel sources for their existing Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**. This plan approval was extended.

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

24-083F: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on December 31, 2006, to construct Carbon Baking Kiln No. 34 with a thermal oxidizer and connecting to an existing scrubber in St. Marys City, **Elk County**. This is a Title V facility.

24-083E: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on December 31, 2006, to construct a scrubber in St. Marys City, **Elk County**. This is a Title V facility.

16-132B: Clarion Boards, Inc. (1 Fiberboard Avenue, Shippensville, PA 16245) on December 27, 2006, to modify the fiberboard plant in Paint Township, **Clarion County**.

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

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

01-05009: United States Army, Ft. Detrick (201 Beasley Drive, Suite 100, Fort Detrick, MD 21702-9229) on January 5, 2007, to operate defense activities at the Raven Rock Mountain Complex in Liberty Township, **Adams County**. This is a renewal of the Title V operating permit.

36-05082: Clark Filter (3649 Hempland Road, Lancaster, PA 17601-1323) on January 4, 2007, to install a catalytic oxidizer to control emissions of HAPs from the facility's paper coating line in the City of Lancaster, **Lancaster County**. This is a renewal of the Title V operating permit.

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.

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

67-05084: York Wallcoverings, Inc. (1075 Loucks Road, York, PA 17408) on January 10, 2007, to operate a

wallpaper printing facility in West Manchester 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.

N05-007: Belmont Center for Comprehensive Treatment. (4200 Monument Avenue, Philadelphia, PA 19131) on January 10, 2007, to operate a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 200 HP boilers, two less than 50 HP boiler and one emergency generator.

S06-006: Girard Medical Center—North Philadelphia Health Systems (8th Street and Girard Avenue, Philadelphia, PA 19122) on January 10, 2007, to operate a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two No. 2 oil firing 150 HP boilers, seven less than or equal to 50 HP natural gas firing boilers, two less than 40 HP natural gas firing water heater and three emergency generators.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19404, Edward Jurdonez Brown, Facilities Permitting Chief, (484) 250-5920.

15-00045: Sealed Air Corp. (22 Meredith Court, Modena, PA 19358) on January 12, 2007, to reactivate a 520,000 Btu/hr propane heater that was last operated at the plant prior to 1980 in Modena Borough, **Chester County**. The facility's major emission points include a boiler, which emits major levels of NOx. The propane heater will be used to keep the water tank used for fire suppression from freezing. The insulation that was on the water tank was removed from the tank. The estimated potential emissions from this source are 0.4 ton of NOx per year and 0.1 ton CO per year. The previous emissions increases qualify as de minimis increases under 25 Pa. Code §§ 127.14(b) and 127.449.

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

10-00001: AK Steel Corp. (Route 8 South, P. O. Box 832, Butler, PA 16003) for their Butler facility in Butler Township, **Butler County**. The de minimis increases are a result of the modifications to the Nos. 6, 11 and 19 Decarb lines and the No. 20 Carlite line. In addition to the de minimis emission increases the Department also previously exempted the modifications to the No. 1 CRNO Line (Source 148 and 160A) and the box annealing sources at the Hilltop Facility. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the March 11, 2005, Title V Permit reissuance date, A K Steel Corporation has notified the Department of the following de minimis emission increases at the Butler Works facility:

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
3/2/2006	Box Annealing	None	None	0.110	None	None
12/22/2006	6 Decarb (130)	0.070	0.007	0.620	0.067	1.021
12/22/2006	6 Silicon Dry (131)	0.024	0.002	0.552	0.023	0.341

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
12/22/2006	11 Decarb (132)	0.006	0.001	0.060	0.006	0.094
12/22/2006	11 Silicon Dry (133)	0.009	0.001	0.253	0.008	0.130
11/28/2006	20 Carlite (125 & 161)	0.015	0.001	0.260	0.014	0.215
11/28/2006	19 Decarb (134)	0.002	0.001	0.010	0.002	0.031
11/28/2006	19 Silicon Dry (135)	0.003	0.001	0.056	0.003	0.044
10/23/2006	1 CRNO (148)	0.034	0.004	0.626	0.032	0.493
10/23/2006	1CRNO Dry (160A)	0.010	0.001	0.217	0.010	0.149
Total Reported Increases		0.173	0.019	2.764	0.165	2.518
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

32813031 and NPDES No. PA0125547. Indiana Investments, Inc., (R. D. 2, Box 305, Shelocta, PA 15774). Transfer of an existing bituminous surface auger mine from Keystone Coal Mining Corporation, P. O. Box 219, Shelocta, PA 15774 located in Center Township, **Indiana County**, affecting 924.1 acres. Receiving streams: Tearing Run and UNT to Tearing Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 16, 2005. Permit issued: January 5, 2007.

Permit No. 32950108 and NPDES No. PA0213241. T.L.H. Coal Company, (4401 Pollock Road, Marion Center, PA 15959). Permit renewal for reclamation only of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 52.6 acres. Receiving streams: Dixon Run and UNTs to Rayne Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Indiana County Municipal Authority Crooked Creek SWW and PA American Water Company Two Lick Creek. Application received December 22, 2006. Permit issued: January 9, 2007.

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

17960124 and NPDES No. PA0220523. Sky Haven Coal, Inc., (R. R. 1, Box 180, Penfield, PA 15849). Permit renewal for reclamation only of a bituminous surface mine in Brady and Bell Townships, **Clearfield County**, affecting 127 acres. Receiving streams: Buck Run to Beech Run to East Branch Mahoning Creek to Mahoning Creek to Allegheny River. Application received: December 15, 2006. Permit renewed: January 4, 2007.

17960113 and NPDES No. PA0220396. Sky Haven Coal, Inc., (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Covington Township, **Clearfield County**, affecting 321.5 acres. Receiving streams and classifications: Unnamed stream to Potter Run—CWF; unnamed stream to Grimes Run—HQ—CWF; unnamed stream to Curley's Run—HQ—CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2006. Permit issued: January 5, 2007.

17960108 and NPDES No. PA0220337. Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651). Permit renewal for reclamation only of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 13.7 acres. Receiving streams: UNTs of Muddy Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to West Branch of Susquehanna River. Application received: December 19, 2006. Permit issued: January 9, 2007.

17980121 and NPDES No. PA0238147. R. J. Coal Co., (P. O. Box 277, LaJose, PA 15753). Permit renewal for the continued operation and restoration of a bituminous surface mine in Bloom Township, **Clearfield County**, affecting 87.6 acres. Receiving streams: UNT to Bilgers Run to Anderson Creek to West Branch of Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 22, 2006. Permit issued: January 8, 2007.

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

54900205R3. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842). Renewal of an existing anthracite coal refuse reprocessing and coal ash disposal operation in Mahanoy Township, **Schuylkill County** affecting 580.0 acres, receiving stream: none. Application received March 24, 2006. Renewal issued: January 9, 2007.

Noncoal Permits Actions

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

20060802. Ronald J. Roncaglione (2814 U. S. Hwy 8, Linesville, PA 16424). Commencement, operation and restoration of a small noncoal sand and gravel operation Summit Township, **Crawford County** affecting 5.0 acres. Receiving streams: Lake Erie Canal Extension. Application received: May 18, 2006. Permit issued: January 5, 2007.

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

59030801. Harry L. and Joyce M. Horvath (170 Tally Road, Covington, PA 16917). Noncoal mining operation in Covington Township, **Tioga County**. Restoration of 1.0 acre completed. Application received: December 11, 2006. Final bond release: January 11, 2007.

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

58060825. Randy Ward, (R. R. 1, Box 248B, Springville, PA 18844). Commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: April 5, 2006. Permit issued: January 9, 2007.

58060826. James, Nicholas and Vincent Grisafi, (R. R. 1, Box 213, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: April 6, 2006. Permit issued: January 9, 2007.

64060806. Douglas Fuller, (420 Roberts Road, Starlight, PA 18461). Commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received: October 6, 2006. Permit issued: January 9, 2007.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

210641105. Newville Construction Service, Inc., (408 Mohawk Road, Newville, PA 17241-9424). Blasting activity permit issued for school development in Hampden Township, **Cumberland County**. Blasting activity permit end date is December 31, 2007. Permit issued: January 3, 2007.

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

61074001. Demtech, Inc., (65 Bald Mountain Road, Dubois, WY 82513). Blasting activity permit for the demolition of a bridge in Victory and Sandycreek Townships, **Venango County**. This blasting activity permit will expire on February 28, 2007. Application received: January 5, 2007. Application issued: January 10, 2007.

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

52074102. Ed Wean Drilling and Blasting, Inc., (112 Ravine Road, Stewartsville, NJ 08886). Construction blasting for Pocono Ranchlands in Lehman Township, **Monroe County** with an expiration date of January 5, 2008. Permit issued: January 8, 2007.

39074101. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Maplewood Development in Lower Milford Township, **Lehigh County** with an expiration date of January 8, 2008. Permit issued: January 9, 2007.

48074101. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Chrin Commerce Center in Palmer Township, Tatamy Borough and the City of Bethlehem, **Northampton County** with an expiration date of January 6, 2008. Permit issued: January 9, 2007.

52074101. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431). Construction blasting for Pocono Mt. Lake Estates in Dingman, Delaware and Lehman Townships, **Pike County** with an expiration date of January 31, 2008. Permit issued: January 9, 2007.

67074103. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507). Construction blasting for New Brittny Development in Manchester Township, **York County** with an expiration date of January 1, 2008. Permit issued: January 9, 2007.

06074101. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507). Construction blasting for Crestwood South in Exeter Township, **Berks County** with an expiration date of January 1, 2008. Permit issued: January 10, 2007.

36074103. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for Hartman Station in East Lampeter and Upper Leacock Townships, **Lancaster County** with an expiration date of December 30, 2007. Permit issued: January 10, 2007.

45074101. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for Stroudmoor Country Inn in Stroud Township, **Monroe County** with an expiration date of December 31, 2007. Permit issued: January 10, 2007.

46074101. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting for Northgate in Upper Hanover Township, **Montgomery County** with an expiration date of December 29, 2009. Permit issued: January 10, 2007.

46074102. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting for Westport Farms in Hatfield and Franconia Townships, **Montgomery County** with an expiration date of December 29, 2007. Permit issued: January 10, 2007.

66064106. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Hayduk Enterprises site development in Lemon Township, **Wyoming County** with an expiration date of January 31, 2008. Permit issued: January 10, 2007.

66064107. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Shupp's Development in Clinton Township, **Wyoming County** with an expiration date of January 31, 2008. Permit issued: January 10, 2007.

15074101. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507). Construction blasting for Vincent Meadows in East Vincent Township, **Chester County** with an expiration date of January 1, 2008. Permit issued: January 11, 2007.

67074104. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507). Construction blasting for Brandywine Wood II in Manchester Township, **York County** with an expiration date of January 1, 2008. Permit issued January 11, 2007.

67074105. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507). Construction blasting for Black Bridge County in Springettsbury Township, **York County** with an expiration date of January 1, 2008. Permit issued: January 11, 2007.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

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

E50-237: Amos Esh, 7034 Raccoon Valley Road, Millerstown, PA 17062, Tuscarora Township, **Perry County**, ACOE Baltimore District

To construct and maintain a 20-foot long by 14-foot wide span bridge with a 3-foot underclearance across Raccoon Creek (CWF) located North of Route 17 about 1 mile West of School No. 4 (Ickesburg, PA Quadrangle: 40° 29' 00" N, 77° 18' 45" W; 19.64 inches North, 8.69 inches West) in Tuscarora Township, Perry County.

E28-336: Daryl G. Hull, Cherry Lane Drive, Chambersburg, PA 17201 in Hamilton Township, **Franklin County**, ACOE Baltimore District

To maintain 2,000 cubic yards of fill and 0.5-acre of grading in a pond associated with an UNT to Back Creek (TSF) and maintain 155-feet of grading in an intermittent UNT to Back Creek (TSF). The project is located off of Center Drive, on Cherry Lane Drive (Chambersburg, PA Quadrangle N: 9.2 inches; W: 10.4 inches; Latitude: 39° 55' 32"; Longitude: 77° 41' 58") in Hamilton Township, Franklin County.

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

E17-422. Sunnyside Ethanol, LLC, 5000 McKnight Road, Suite 405, Pittsburgh, PA 15237. Sunnyside Ethanol and Waste Coal Co-generation Project, Curwensville Borough, **Clearfield County**, ACOE Baltimore District (Curwensville, PA Quadrangle N: 4.7 inches; W: 3.7 inches).

To construct, operate and maintain 16 water obstruction and encroachments in association with construction and operation of an ethanol producing and waste coal fired co-generating power plant and appurtenances. The following table lists the specific structure, structure dimensions, waterway impacted, 25 Pa. Code Chapter 93 water quality designation, latitude and longitude.

<i>Activity Identification</i>	<i>Dimension or Area Impact</i>	<i>Waterway</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
Wetland Fill No. 2	0.02 acre	West Branch, Susquehanna River	WWF	40° 58' 05.3"	78° 30' 46.0"
Wetland Fill No. 3	0.35 acre	West Branch, Susquehanna River	WWF	40° 58' 02.9"	78° 30' 36.5"
Wetland Fill No. 4	0.35 acre	West Branch, Susquehanna River	WWF	40° 58' 03.2"	78° 30' 32.5"

<i>Activity Identification</i>	<i>Dimension or Area Impact</i>	<i>Waterway</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
Outfall No. 1	9 feet by 50 feet	West Branch, Susquehanna River	WWF	40° 58' 10.7"	78° 30' 45.8"
Outfall No. 2	9 feet by 50 feet	West Branch, Susquehanna River	WWF	40° 58' 14.8"	78° 31' 06.2"
Outfall No. 3	22.5 feet by 19.4 feet	West Branch, Susquehanna River	WWF	40° 58' 14.6"	78° 31' 05.5"
Outfall No. 4	19 feet by 23 feet	West Branch, Susquehanna River	WWF	40° 58' 02.9"	78° 30' 29.1"
Outfall No. 5	12 feet by 36 feet	West Branch, Susquehanna River	WWF	40° 58' 02.0"	78° 30' 27.6"
Outfall No. 6	16 feet by 28 feet	West Branch, Susquehanna River	WWF	40° 58' 11.4"	78° 30' 48.6"
Intake No. 1	120 feet by 30 feet	West Branch, Susquehanna River	WWF	40° 58' 14.8"	78° 31' 01.5"
Intake No. 2	120 feet by 30 feet	West Branch, Susquehanna River	WWF	40° 58' 05.1"	78° 31' 31.3"
Enclosure Stream No. 2 Segment No. 1	305 feet	UNT-West Branch, Susquehanna River	WWF	40° 58' 04.7"	78° 30' 47.7"
Enclosure Stream No. 2 Segment No. 2	315 feet	UNT-West Branch, Susquehanna River	WWF	40° 58' 09.0"	78° 30' 48.0"
Enclosure Stream No. 3	415 feet	UNT-West Branch, Susquehanna River	WWF	40° 58' 07.3"	78° 30' 43.4"
Relocation Stream No. 4	405 feet	UNT-West Branch, Susquehanna River	WWF	40° 58' 04.4"	78° 30' 37.4"
Fire Pond Fill	0.71 acres	UNT-West Branch, Susquehanna River	WWF	40° 58' 09.1"	78° 30' 49.3"

The Sunnyside Ethanol, LLC, facility is located along the northern right-of-way of Cooper Road approximately 1,580 feet east of Scofield Street and Cooper Road intersection. This permit also will authorize construction, operation, maintenance and removal of temporary construction crossings, causeways, stream diversions and cofferdams. All temporary structures shall be constructed of clean rock that is free of fines; and upon completion of construction activities, all temporary structures shall be removed with disturbed areas being restored to original contours and elevations. The project permanently impacts 0.67 acre of wetland, for which the permittee has agreed to mitigate the impacts with 1.0 acre of onsite replacement wetlands.

E41-571. R & M Properties, 15 Hemlock Road, Williamsport, PA 17701. Small Projects Water Obstruction and Encroachment Joint Permit, in Woodward Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 17.2 inches; W: 3.9 inches).

To construct and maintain a 0.85 acre recreational parcel, to include 910 cubic yards of clean fill in the floodway of the West Branch of the Susquehanna River, all of which is located 1/2 mile south of the intersection of SR 0220 along Water Street, in Woodward Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

E59-480. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application in Westfield Township, **Tioga County**, ACOE

Susquehanna River Basin District (Potter Brook, PA Quadrangle N: 10.3 inches; W: 0.35 inch).

To remove an existing reinforced concrete slab bridge having a span of 18 feet and an underclearance of 7.7 feet and to construct and maintain an 18-foot long by 8.5-foot high concrete box culvert on a skew of 70.69° over Purple Brook (WWF). The project is located along SR 0049, approximately 23 miles west of intersection with SR 0015 in Westfield Township, Tioga County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-1531. Allegheny County Airport Authority, P. O. Box 12370, Pittsburgh, PA 15231. To fill a stream channel in Moon Township, **Allegheny County**, Pittsburgh ACOE District. (Oakdale, PA Quadrangle N: 20.8 inches; W: 9.9 inches and Latitude: 40° 29' 19"—Longitude: 80° 11' 48"). To place and maintain fill in five UNTs to McClarens Run (TSF) for a total stream impact of 574 LF. All of the tributaries have drainage areas under 100 acres. To place and maintain fill in four wetlands (PEM/SS/FO) within the same watershed for a total impact of 0.23 acre and to construct and maintain various stormwater outfalls to the same UNTs to McClarens Run. The impacts are associated with the proposed Site 2 development project for the Allegheny County Airport. To compensate for the wetland impact, the applicant shall utilize a 0.23 acre portion of a proposed 1.8-acre replacement wetland located within the

North Fork Montour Run Watershed, along the northeast side of route 30 approximately 1.5 miles northwest of Imperial (Clinton, PA Quadrangle N: 16.7 inches; W: 3.3 inches and Latitude: 40° 28' 1"—Longitude: 80° 16' 25") in Findlay Township, Allegheny County. The 574-foot stream impact will be compensated for in a portion of a 1,400-foot stream bank stabilization project located on Raccoon Creek in Independence Township, Beaver County, adjacent to the Beaver County Conservation District. The stream stabilization project will include two sections of live crib walls, one is approximately 230 feet and the other is approximately 160 feet long. Boulder clusters will be placed in the stream for velocity control. As part of the stream mitigation, a temporary stream crossing will be constructed on an UNT to Raccoon Creek (WWF). (Aliquippa, PA Quadrangle N: 9.0 inches; W: 9.1 inches and Latitude: 40° 32' 58"—Longitude: 80° 18' 55").

E63-589. Columbia Gas of Pennsylvania, Inc., 150 Arentzen Boulevard, Charleroi, PA 15022. To construct and maintain a natural gas pipeline in Peters and North Strabane Townships, **Washington County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N: 3.6 inches; W: 1.0 inch and Latitude: 40° 16' 10"—Longitude: 80° 07' 55"). To construct and maintain a 4-inch diameter, natural gas pipeline along and under Canonsburg Lake on Chartiers Creek (WWF) for approximately 445 feet by means of the directional bore method.

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

E42-09-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Sergeant Township, **McKean County**, Pittsburgh ACOE District.

The applicant proposes to construct an acid mine drainage (AMD) treatment system that will treat discharges from an abandoned deep mine complex. These discharges are impacting Gumboot Run for a distance of 1.6 miles. The discharges also increase the acidity load to the next receiving stream, East Branch Clarion River and the East Branch Lake. The project will fill 1.5 acres of AMD-impacted PEM wetland. Facilities to be constructed include settling ponds and limestone beds. Mitigation will include the restoration of 1.6 miles of riverine habitat in Gumboot Run and beneficial impacts to 3.0 miles of the East Branch Clarion River and the East Branch Dam. (Crosby Quadrangle N: 6.75 inches, W: 16.5 inches).

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1009-007. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Allegheny Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,500 linear feet of dangerous highwall. The project will include the backfilling of 0.15 acre of PEM wetland and 0.28 acre of open water that have developed within the open surface mine pit. 0.4 acre of replacement wetland will be constructed with the project. (Eau Claire Quadrangle N: 0 inches, W: 2.7 inches).

EA0409-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation,

Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Darlington Township, **Beaver County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 6,100 linear feet of dangerous highwall. The project will include the backfilling of 0.21 acre of PEM wetland that has developed within the open surface mine pit. 0.21 acre of replacement wetland will be constructed with the project. (New Galilee Quadrangle N: 13.5 inches, W: 6.1 inches).

SPECIAL NOTICES

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

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Spring Run Watershed in Elk County

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on a proposed TMDL for the Spring Run Watershed in Elk County. The meeting will be held on February 15, 2007, beginning at 1:30 p.m. at the Knox District Mining Office in Knox, Pennsylvania. The proposed TMDL was established in accordance with the requirements of The Clean Water Act, section 303(d). Seven stream segments in the Spring Run Watershed have been identified as impaired on the 1996, 1998, 2002 and 2004 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
24685	Spring Run	1.9
24712	Spring Run, UNT	0.4
24713	Spring Run, UNT	0.8
24717	Spring Run, UNT	0.5
24714	Stony Brook	2.4
24715	Stony Brook, UNT	0.5
24716	Stony Brook, UNT	0.6

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th and to the mid 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are load allocations (LA), which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 5 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ely Heferle, Water Pollution Biologist, Knox District Mining Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191. E-mail will be received at eheferle@state.pa.us. Directions to the Knox District Mining Office can also be obtained by contacting this address.

The proposed TMDL for the Spring Run Watershed can be accessed through the Department's website at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by February 23, 2007. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Wednesday, February 14, 2007. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Persons with a disability who require accommodations to attend this meeting should contact the department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Walley Run Watershed in Clarion and Forest Counties

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on a proposed TMDL for the Walley Run Watershed in Clarion and Forest Counties. The meeting will be held on February 15, 2007, beginning at 10 a.m. at the Knox District Mining Office in Knox, PA. The proposed TMDL was established in accordance with the requirements of The Clean Water Act, section 303(d). Two stream segments in the Walley Run Watershed have been identified as impaired on the 1996, 1998, 2000, 2002 and 2004 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
54960	Walley Run	1.9
54963	Walley Run, UNT	0.9

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th and to the mid 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are load allocations (LA), which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 5 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ely Heferle, Water Pollution Biologist, Knox District Mining Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191. E-mail will be received at eheferle@state.pa.us. Directions to the Knox District Mining Office can also be obtained by contacting this address.

The proposed TMDL for the Walley Run Watershed can be accessed through the Department's website at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by February 23, 2007. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Wednesday, February 14, 2007. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Mahanoy Creek Watershed in Columbia, Northumberland and Schuylkill Counties

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on the proposed TMDL for the Mahanoy Creek Watershed in Columbia, Northumberland and Schuylkill Counties. The meeting will be held on Tuesday, February 6, 2007, beginning at 7 p.m. at the Girardville Borough Hall in Girardville, PA. Individuals who plan to make a presentation at the public meeting should contact James Andrews (570) 621-3118 or by jameandrew@state.pa.us no later than 4 p.m. on Friday, February 1, 2007. The Department will consider all comments in developing the final TMDL for this watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Mahanoy Creek Watershed was established in accordance with the requirements of section 303(d) of The Clean Water Act. Four stream segments in the Mahanoy Creek Watershed have been identified as impaired on the 1996 and 1998 Pennsylvania

nia 303(d) list due to depressed pH and/or high concentrations of metals. One stream segment has been identified as impaired in the 2002 305(b) report due to high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
17556	Mahanoy Creek	53.66
17683	Shenandoah Creek	4.66
17670	Crab Run	1.3
17639	Zerbe Run	5.8
17673	UNT Mahanoy Creek	2.3

The proposed plan provides calculations of stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	30-Day Average
	0.3	Total Recoverable Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late nineteenth to mid twentieth centuries. The effects of this are still present. All of the allocations made in the TMDL are load allocations (LA), which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL. The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected from 1985—2002 was used to establish the proposed TMDL for the Mahanoy Creek Watershed. Data and all supporting information used to develop the proposed TMDL for the Mahanoy Creek Watershed is available from the Department.

The Department will accept written comments on the proposed TMDL for the Mahanoy Creek Watershed. Comments will not be accepted by facsimile or voice mail. All written comments, which will be considered by the Department in developing the final TMDL, must be post-marked by February 23, 2007, and sent to James Andrews, Department of Environmental Protection, Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901

To request a copy of the proposed TMDL and associated information or to obtain directions to the Girardville Borough Hall meeting place, please contact James Andrews at the phone number or e-mail address indicated previously.

The proposed TMDL for the Mahanoy Creek Watershed can be accessed through the Department's website at www.dep.state.pa.us (PA Keyword: TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 783-2300 or the Pennsylvania AT&T Relay Service at (800) 654-

5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 07-128. Filed for public inspection January 26, 2007, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Draft Technical Guidance:

DEP ID: 291-3350-001 Title: Monitoring and Reporting Methodology for Individuals Occupationally Exposed to Medical X-rays While Wearing Protective Apparel. Description: Notice requesting public comment on draft technical guidance document #291-3350-001 was previously published at 36 Pa.B. 2463 (May 20, 2006). No comments were submitted during the public comment period; however, at the request of the Radiation Protection Advisory Committee, the Department is reissuing the draft document and providing for an additional public comment period. The technical content of the document has not changed since it was first issued on May 20, 2006.

The guidance document applies to the reporting of occupational exposure resulting from diagnostic X-ray procedures and presents alternate ways to determine doses to individuals who receive exposure from medical X-ray radiation, while wearing protective apparel (that is, a protective apron or protective apron and thyroid shield). The implementation of this guidance, once final, will eliminate the need for registrants or licensees to individually obtain variances in order to modify the manner in which personnel exposures are recorded under certain conditions. The guidance is issued under the authority of the Radiation Protection Act (35 P.S. §§ 7110.101—

7110.703) and the radiological health regulations at 25 Pa. Code Part I, Subpart D, Article V (relating to radiological health).

Written Comments: The Department is seeking comments on draft technical guidance #291-3350-001. Interested persons may submit written comments on this draft technical guidance document by February 26, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to L. Ray Urciuolo, Chief, Division of Radiation Control, Department of Environmental Protection, Bureau of Radiation Protection, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469, lurciuolo@state.pa.us.

Contact: Questions regarding the draft technical guidance document should be directed to L. Ray Urciuolo, (717) 783-9730, lurciuolo@state.pa.us.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 291-4200-001. Title: Medical X-ray Procedures Operator Training Guide. Description: Notice requesting public comment on draft technical guidance document #291-4200-001 was previously published at 36 Pa.B. 232 (January 14, 2006). No comments were submitted during the public comment period; however, at the request of the Radiation Protection Advisory Committee, the Department is reissuing the draft document and providing for an additional public comment period.

The guidance document describes different means by which the regulated community can demonstrate compliance with 25 Pa. Code § 221.11(b) (relating to registrant responsibilities), which requires that operators of X-ray equipment be instructed adequately in safe operating procedures and be competent in the safe use of the equipment. The guidance is quantifiable and based on risk to the patient undergoing the X-ray procedure. The draft guidance is issued under the authority of the Radiation Protection Act (35 P. S. §§ 7110.1017—7110.703) and 25 Pa. Code Part I, Subpart D, Article V (relating to radiological health).

Changes were made to the document, since its original publication in January 2006. Specifically, a reference to the “American Chiropractic Registry of Radiologic Technologists” was added in the list of accepted professional organizations in Appendix B, reference to the “Dental Assisting National Board (DANB), Inc—CDA” certified dental assistant program was also updated, and the renumbering of affected notations was also made. In addition, the column heading in Appendix B was changed from “For Initial Certification” to “For Initial Education”.

Written Comments: The Department is seeking comments on draft technical guidance #291-4200-001. Interested persons may submit written comments on this draft technical guidance document by February 26, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to L. Ray Urciuolo, Chief, Division of Radiation Control, Department of Environmental Protection, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, lurciuolo@state.pa.us.

Contact: Questions regarding the draft technical guidance document should be directed to L. Ray Urciuolo, (717) 783-9730, lurciuolo@state.pa.us.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

Draft Technical Guidance—Extension Of Public Comment Period

DEP ID: 385-2000-011. Title: Pennsylvania Combined Sewer Overflow (CSO) Policy. Description: Notice requesting public comment on draft technical guidance document #385-2000-011 was previously published at 36 Pa.B. 7999 (December 30, 2006). The Department has extended the public comment period for this draft technical guidance document by an additional 30 days from the initial comment deadline of January 29, 2007.

On March 1, 2002, the Department published a Combined Sewer Overflow (CSO) Policy to assist in meeting the goals of controlling and eliminating CSO discharges, as practical, and ultimately bringing all remaining CSO discharges into compliance with State water quality standards through the National Pollutant Discharge Elimination System (NPDES) permitting program. This revised draft policy updates the Department's former Combined Sewer Overflow Policy to further enhance and support compliance with CSO and NPDES permit conditions among the regulated community. This document replaces the Department's March 1, 2002, CSO Policy to establish the Department's policy regarding CSO Phase III permitting to implement, as appropriate, the Environmental Protection Agency's April 1994 National Combined Sewer Overflow Control Policy and the subsequent Wet Weather Water Quality Act of 2000 that codified that policy. The policy applies to Department staff and CSO system permittees regarding permit requirements for CSOs and the actions necessary to achieve compliance with the requirements of the CSO Phase III Program. This policy, once finalized, will be reviewed and revised at least once every 5 years to reflect expected changes to State or Federal CSO policies.

Written Comments: The Department is seeking public comments on the substantive revisions to technical guidance #385-2000-011. Interested persons may submit written comments by February 28, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to John Wetherell, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, 11th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8467 or jwetherell@state.pa.us.

Contact: Questions regarding the draft technical guidance document should be directed to John Wetherell at (717) 705-0486 or jwetherell@state.pa.us

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-129. Filed for public inspection January 26, 2007, 9:00 a.m.]

Residual and Municipal Waste Composting; Proposed General Permit WMGR025

Under the regulatory authority of 25 Pa. Code § 287.611 (relating to authorization for general permit) of the residual waste regulations and the statutory author-

ity of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Department of Environmental Protection (Department) is proposing a General Permit for the processing and beneficial use of certain organic wastes.

This proposed General Permit will provide for the composting and beneficial reuse of certain organic residual and municipal wastes, including agricultural waste other than whole animals, food processing waste, preconsumer and postconsumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, cardboard, waxed cardboard, paper, virgin paper mill sludge and spent mushroom substrate. Proposed WMGR025 will reduce the types of waste being disposed of in landfills by diverting them to a more productive, beneficial use. This General Permit will also consolidate and streamline the provisions of several existing and expired General Permits by combining waste streams and by regulating these feedstocks under one permit employing a common set of operating conditions.

Comments concerning the General Permit should be directed to Daniel Lapato, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Public comments must be received by March 28, 2007.

Persons interested in obtaining more information or a paper copy of the proposed General Permit WMGR025 should contact Peter Arnt of the Division of Municipal and Residual Waste at the previously listed telephone number. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. The General Permit WMGR025 document is also accessible on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Public Participation"; then "Proposals Open for Comment," or DEP Keywords "Residual Waste").

The Department will provide public notice upon final publication of General Permit WMGR025.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-130. Filed for public inspection January 26, 2007, 9:00 a.m.]

Storage Tank Advisory Committee Financial Responsibility and Certification Subcommittee Meeting

The Storage Tank Advisory Committee (Committee) Financial Responsibility and Certification Subcommittee will meet at 10 a.m. on Friday, February 9, 2007, in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street Harrisburg, PA 17105. The subcommittee will review and discuss the Environmental Protection Agency's grant guidelines to states for implementing the financial responsibility and certification provision of the Energy Policy Act of 2005. The subcommittee will provide their recommendations as to whether these guidelines are a variable option for the Storage Tank Program to implement, with regard to the scope of the 25 Pa. Code Chapter 245 (relating to administration of the

storage tank and spill prevention program) amendments, at the Committee's February 20, 2007, meeting.

The meeting materials for the February 9, 2007, subcommittee meeting will be available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate") prior to the meeting.

Questions concerning the February 9, 2007, meeting should be directed to Charlie Swokel at (717) 772-5806 or cswokel@state.pa.us. Individuals in need of accommodations as provided for in the Americans With Disabilities Act should contact Dyran Altenburg, Division of Storage Tanks, Bureau of Waste Management, P. O. Box 8762, Harrisburg, PA 17105-8762, (717) 772-5551, (800) 42-TANKS (within the Commonwealth), RA-STAC@state.pa.us or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-131. Filed for public inspection January 26, 2007, 9:00 a.m.]

Watershed Restoration and Protection Grants and Flood Protection Grants Through the Growing Greener I and II Programs; Request for Applications

As part of the 2007 Department of Environmental Protection's (Department) Growing Greener I and II Programs, applications are now being accepted for watershed protection and restoration grants. Under 27 Pa.C.S. §§ 6101—6113 (relating to Environmental Stewardship and Watershed Protection Act), the Department is authorized to allocate these grants to a variety of eligible applications including: counties, authorities and other municipalities; county conservation districts; watershed organizations recognized by the Department who promote local watershed conservation efforts, council of governments and other authorized organizations involved in the restorations and protection of the environment in this Commonwealth. Growing Greener II provides additional focus on capital improvement projects related to watershed protection, mine and abandoned mine remediation, and plugging of abandoned oil and gas wells.

For the upcoming grant round, the Department will invest in projects that will ultimately protect and/or restore this Commonwealth's watersheds from impairment due to nonpoint source pollution. Special priority areas include: comprehensive watershed plan implementation; nutrient and sediment trading; and long-term operation, maintenance and repair of existing and future Growing Greener funded projects.

Eligible projects could include reducing nonpoint source pollution in watersheds where streams are impaired; designing practices and activities that support water quality trading initiatives; integrating stormwater management and flood protection into watershed management; encouraging the beneficial use of abandoned mine pool water; and water conservation strategies and projects that will help reduce Total Maximum Daily Load pollutants.

The deadline for submitting applications to the Department's Growing Greener Grants Center is April 13, 2007. Applications must be postmarked no later than April 13, 2007. If hand delivered, the package must be received by the Center by 4:30 p.m. on April 13, 2007, at the address that follows. Late submissions will not be considered.

Through the same application, applicants can apply for additional funding through the Department's Flood Protection Grant Program. Flood protection grants are for communities that operate and maintain State and Federal flood protection projects.

To request or download an application or obtain more information concerning the Growing Greener Programs, visit the Growing Greener website at www.depweb.state.pa.us (DEP Keywords: "Growing Greener"). Persons can send e-mails to GrowingGreener@state.pa.us or contact the Center at (717) 705-5400. Written requests should be addressed to DEP Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-132. Filed for public inspection January 26, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, February 1, 2007, from 10 a.m. to 3 p.m. in the Susquehanna Room, at PaTTAN, Harrisburg Office, 6340 Flank Drive, Harrisburg, PA 17112.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Danielle M. Tedesco, Public Health Program Administrator, Division of Child and Adult Health Services at (717) 772-2762 or for speech and/or hearing impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-133. Filed for public inspection January 26, 2007, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms, or any firms, corporations or partnerships in which such persons and firms have an interest, shall be awarded no contract for 3 years after the date listed.

STEPHEN M. SCHMERIN,
Secretary

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Allied Mechanical and Electrical, Inc. and State College Electrical and Mechanicals, Inc. Docket # 2005-PW-0211	2141 Sandy Drive State College, PA 16803	1/20/2006
Donovan Phillips, LTD and Christian Donovan, individually	3160 Bedminste Road Bedminster, PA 18910	3/9/2006
Harle Associates and Timothy A. Harle, individually	107 Spring Road Dillsburg, PA 17019	5/22/06
R.B. McClure Enterprises, Inc. and Ricardo B. McClure, individually	425R South Cameron Street Harrisburg, PA 17109	5/24/06
Joseph F. Mariani Contractors, Inc., and Mariani Excavating, Inc. and Joseph Mariani, individually	10 Mount Pleasant Drive Aston, PA 19014	6/27/06
Steve Meckley, individually	936 Church Road York, PA 17404	10/6/06
Preferred Painting and Joseph Dougherty, individually	55 Millrace Drive Langhorne, PA 19053	10/6/06
Derryl Mills Escavating, Inc. and Derryl Mills, President and Owner, individually	21 Westbrite Court Wilimington, DE 19810	10/12/06
Mr. Drywall, Inc. and L.G.S. Group, LLC t/a Baltimore Light Gauge Framing Division and Mark Miller, President, individually	9521 Horn Avenue Perry Hall, MD 21236	10/13/06

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
James Electric, Inc. and James Henke, individually and Christine Henke, individually	1757 Bigger Road Bulger, PA 15019	10/25/2006
Isacco Tile Co., and Guy Samuel Isacco, individually and David Nelson Isacco, individually	452 West Sunbury Road Butler, PA 16001	10/27/2006
Angelos Manoloudis Electric, Inc. and Angelos Manoloudis, individually	753 Crystal Drive Pittsburgh, PA 15228	12/7/2006

[Pa.B. Doc. No. 07-134. Filed for public inspection January 26, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed For Transportation Purposes

The Department of Transportation (Department) under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)) intends to sell certain land owned by the Department.

The following is a list of the properties available for sale by the Department:

Parcel No. 1. (Kuzma) located in Patton Borough, Cambria County. The parcel contains 6,034.7 square feet of unimproved land situated at 315 McIntyre Avenue, Patton, PA. Its estimated fair market value is \$5,000.

Parcel No. 2. (Petrunak) Located in Patton Borough, Cambria. The parcel contains 9,421.7 square feet of unimproved land situated at 308 McIntyre Avenue, Patton, PA. Its estimated fair market value is \$6,300.

Parcel No. 12. (Shuss) Located in Patton Borough, Cambria County. The parcel contains 6,375 square feet of unimproved land situated at 304 McIntyre Avenue, Patton, PA. Its estimated fair market value is \$5,000.

Interested public entities are invited to express their interest in purchasing the sites within 30 calendar days from the date of publication of this notice to Barry Clancy, Property Manager, Department of Transportation, R/W Unit, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

ALLEN D. BIEHLER, P. E.
Secretary

[Pa.B. Doc. No. 07-135. Filed for public inspection January 26, 2007, 9:00 a.m.]

Finding Delaware County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans on widening a section of SR 0252 in Upper Providence Township, Delaware County, from three lanes to five lanes.

The subject project will require acquisition of 0.124 hectare (0.307 acre) from Rose Tree Park, which is a local park and a Section 2002 resource.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm to the resource as stipulated in the Environmental Document, the Section 2002 Evaluation and the associated Memorandum of Understanding.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

RICHARD H. HOGG, P. E.
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 07-136. Filed for public inspection January 26, 2007, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On January 17, 2007, the Environmental Quality Board (EQB) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Clean Air Board of Central Pennsylvania, Inc., requests the EQB establish regulations to restrict the idling of commercial diesel-powered vehicles. The petitioner has recommended new regulatory language be added to 25 Pa. Code §§ 121.1 and 126.601—126.605.

Under the EQB's acceptance of the petition, the Department of Environmental Protection (Department) will prepare a report evaluating the petition. The report will include a recommendation on whether the EQB should approve the action requested in the petition. If the Department's recommendation is to change a regulation, the report will specify the anticipated date that the EQB will consider a proposed rulemaking. The report must be completed within 60 days from the date the petition was accepted by the EQB. If the report cannot be completed within the 60-day time period, at the next EQB meeting the Department will state how much additional time is necessary to complete the report.

The petition is available to the public for review by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and inaccessible on the Department's web site at www.depweb.state.pa.us (DEP Keywords: "EQB," then select "2007 Meeting Agendas/Handouts/Minutes," then select "January 17, 2007, meeting").

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 07-137. Filed for public inspection January 26, 2007, 9:00 a.m.]

FISH AND BOAT COMMISSION

Color Morphs of Native Species for 2007

Under 58 Pa. Code § 79.12 (relating to color morphs of native species), which went into effect on January 1, 2007, the Fish and Boat Commission (Commission) has exempted color morphs of certain native species from the requirements of Chapter 79 (relating to reptiles and amphibians) as provided in that section. Section 79.12 further provides that the Commission will publish in the *Pennsylvania Bulletin* a list of color morphs of native species to which the following provisions apply:

(1) Color morphs of native species designated by the Commission are not subject to the possession limits of § 79.3 (relating to season and daily possession limits) provided they are not taken from the wild.

(2) Color morphs of native species designated by the Commission may be artificially propagated provided they are not taken from the wild and they are propagated in a closed system meeting the requirements of § 79.8 (relating to artificial propagation and dealers of live reptiles and amphibians).

(3) Color morphs of native species designated by the Commission may be sold by artificial propagators and dealers registered in accordance with 3 Pa.C.S. Chapter 42 (relating to aquaculture development) provided they are not taken from the wild.

For purposes of § 79.12, the Commission has designated the following color morphs of native species:

<i>Common Name</i>	<i>Species</i>	<i>Color Morph</i>
Eastern milksnake	<i>Lampropeltis triangulum triangulum</i>	Red Zig Zag
Eastern milksnake	<i>Lampropeltis triangulum triangulum</i>	Striped
Eastern ratsnake	<i>Elaphe alleghaniensis</i>	Leucistic
Eastern ratsnake	<i>Elaphe alleghaniensis</i>	Sun Glow
Eastern ratsnake	<i>Elaphe alleghaniensis</i>	White-sided

DOUGLAS J. AUSTEN, Ph.D.
Executive Director

[Pa.B. Doc. No. 07-138. Filed for public inspection January 26, 2007, 9:00 a.m.]

Commission Approved Boating Safety Education Courses for Residents and Nonresidents for 2007

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education), may designate, by notice, organizations that offer boating safety education courses that are acceptable for residents, nonresidents or both. The following boating safety education courses are Commission-approved courses for residents and nonresidents. Commonwealth residents are reminded that under 58 Pa. Code § 91.6 (relating to Boating Safety Education Certificates), they are required to possess a Boating Safety Education Certificate that is issued by the Commission. Upon proper application and payment of the appropriate fee, the Commission will issue a Boating Safety Education Certificate to a resident of this Commonwealth who successfully completes one of the following courses.

Commission Approved Boating Safety Education Courses for Residents

The following boating safety education courses are Commission-approved courses for Commonwealth residents.

<i>Course Provider</i>	<i>Name of Course</i>
AB Sea Safe Boating	Boat Connecticut: A Course on Responsible Boating
Alaska Department of Natural Resources	Alaska Water Wise—A Course for Alaskan Boaters
America Boating Classes	Boat America: A Course on Responsible Boating
American Boating Education	American PWC Operators' Course
American Boat School	Safe Boating Basics
American Safety Council	Florida Boating Safety Course
American Sailing Association	ASA Basic Keelboat Sailing Course
Arizona Game and Fish Department	Boat Arizona: A Course on Responsible Boating
Arkansas Game and Fish Commission	Boat Arkansas: A Course on Responsible Boating
Boat Safe Martha's Vineyard	Boating Safety Basics—Boat Safe Martha's Vineyard
BoatEd	Boat Ed (Title of course varies in each state) (Classroom only)
Boating 101	Boating 101
Boating Safety Education	New Jersey Boating Basics
Boatwise	Boatwise Boating Basics
California Department of Boating and Waterways	Boat California: California Boating Safety Course
California Department of Boating and Waterways	California Boating—A Course for Safe Boating
Canadian Power and Sail Squadrons	The Boating Course
Canadian Power and Sail Squadrons	The Boat Pro Course
CaptainForHire.com	Boating Education
Charles F. Chapman School of Seamanship	Boating Essentials
Coast Boating School	Coast Boating School—A Guide to Responsible Boating

<i>Course Provider</i>	<i>Name of Course</i>	<i>Course Provider</i>	<i>Name of Course</i>
Coastal Yachting Academy	Practical Boating Safety, Seamanship, & Navigation	New Hampshire Department of Safety	Boat New Hampshire: A Course on Responsible Boating
Colorado State Parks	Boat Colorado: Boating Safely in Colorado	New Jersey Boating Safety Classes	New Jersey Boating Basics
Connecticut Coastal Safe Boating	Boat Connecticut—A Course on Responsible Boating	New Jersey State Police	New Jersey Boating Basics
Connecticut Department of Environmental Protection	Boat Connecticut: A Course on Responsible Boating	New York State Office of Parks, Recreation, and Historic Preservation	New York State Safe Boating
D.C. Metro Police Harbor Patrol	D.C. Boating Basics	North Carolina Wildlife Resources Commission	Boat North Carolina: A Course on Responsible Boating
Delaware Department of Natural Resources & Environmental Control	Delaware Boating Basics	North Dakota Game & Fish Department	North Dakota Boating Basics
Duxbury Bay Maritime School	DBMS Boating Safety	Ohio Department of Natural Resources	Ohio Boating Education Course (OBEC)
Empire Safety Council	Boating Safety Course	Oklahoma Department of Public Safety	Boat Oklahoma: A Course on Responsible Boating
Florida Fish and Wildlife Conservation Commission	How to Boat Smart—Florida Boating Safety Course	Oregon State Marine Board	Boat Oregon: A Course on Responsible Boating
Florida Sailing & Cruising School	Basic Powerboat Handling	Outdoor Empire Publishing, Inc.	Boating Basics—A Guide to Responsible Boating
Georgia Department of Natural Resources	Boat Georgia: A Course on Responsible Boating	Pennsylvania Fish and Boat Commission	Pennsylvania Basic Boating
Green Marine Services	Boating Basics, a Guide to Responsible Boating	Pennsylvania Fish and Boat Commission	Pennsylvania Boating & Water Safety Awareness
Idaho Department of Parks and Recreation	Boat Idaho: A Course on Responsible Boating	Pennsylvania Fish and Boat Commission	Boat Pennsylvania: A Course on Responsible Boating
Illinois Department of Natural Resources	Boat Illinois: A Course on Responsible Boating	Professional Fleet LLC	Professional Marine Education
Indiana Department of Natural Resources	Boat Indiana: A Course on Responsible Boating	Puerto Rico Office of the Commissioner of Navigation	Fundamentos Basicos de Navigacion Segura
Kansas Department of Wildlife and Parks	Kansas Boater Safety Course	Rhode Island Department of Environmental Management	Boat Rhode Island: A Course on Responsible Boating
Kentucky Department of Fish and Wildlife Resources	The Kentucky Boating Safety Manual	Safe Boating Institute	Basic Boating Safety
Lighthouse Marine Service	Boat America: A Course on Responsible Boating for	Safety Resources	Connecticut Basic Boating and PWC
Lighthouse Marine Service	Boating Course for South Carolina	Sea Coast Boating Safety	Boating Basics: A Guide to Responsible Boating
Lighthouse Marine Service	Lighthouse Marine Service Basic Boating Course	Sea Safe Boating	Boat Connecticut
Longshore Sailing School	Boat Connecticut: A Course on Responsible Boating	Sound Environment Associates	Learn from the Dolphins Safe Boating and PWC Course
Louisiana Department of Wildlife and Fisheries	Boat Louisiana: A Course on Responsible Boating	South Carolina Department of Natural Resources	Boat South Carolina: A Course on Responsible Boating
Maritime Smarts, Inc.	Smart Boating with Captain Steve	Tennessee Boaters Education	Tennessee Boaters Education Boating Safety Course
Maryland Natural Resources Police	Boat Maryland: A Course on Responsible Boating	Tennessee Wildlife Resources Agency—Boating Division	Boat Tennessee: A Course on Responsible Boating
Massachusetts Environmental Police	Boat Massachusetts: A Course on Responsible Boating	Texas Parks and Wildlife Department	Boat Texas: A Course on Responsible Boating
Michigan Department of Natural Resources	Boat Michigan: A Course on Responsible Boating	U.S. Fish and Wildlife Service and Department of Interior	Motorboat Operator Certification Course
Minnesota Department of Natural Resources	Minnesota Boating Education Course	US Coast Guard Auxiliary	Boating Skills and Seamanship
Mississippi Department of Wildlife, Fisheries, and Parks	Boat Mississippi: A Course on Responsible Boating	US Power Squadrons	Boat Smart
Missouri State Water Patrol	Boat Missouri: A Course on Responsible Boating	US Power Squadrons	Squadron Boating Course ABC
Nebraska Game and Parks Commission	Boat Nebraska: A Course on Responsible Boating	US Power Squadrons and USCG Auxiliary	America's Boating Course (Classroom only)
Nevada Division of Wildlife	Boat Nevada: A Course on Responsible Boating	US Sailing Association	Safe Powerboat Handling
New England Maritime	New England Maritime Boating Safety Course		

<i>Course Provider</i>	<i>Name of Course</i>	<i>Course Provider</i>	<i>Name of Course</i>
US Sailing Association	Basic Powerboat Cruising	California Department of Boating and Waterways	Boat California: California Boating Safety Course
Utah State Parks and Recreation	Utah's Boating Course	California Department of Boating and Waterways	California Boating—A Course for Safe Boating
Utah State Parks and Recreation	Utah's Personal Watercraft Education Course	Canadian Power and Sail Squadrons	The Boating Course
Vermont State Police	Boat Vermont: A Course on Responsible Boating	Canadian Power and Sail Squadrons	The Boat Pro Course
Virgin Islands Department of Planning and Natural Resources	Boating Smart Virgin Islands	CaptainForHire.com	Boating Education
Virginia Department of Game and Inland Fisheries	PWC in Virginia	Charles F. Chapman School of Seamanship	Boating Essentials
Virginia Department of Game and Inland Fisheries	Boat Virginia: A Course on Responsible Boating	Coast Boating School	Coast Boating School—A Guide to Responsible Boating
Washington State Parks and Recreation Commission	Adventures in Boating Washington	Coastal Yachting Academy	Practical Boating Safety, Seamanship, & Navigation
Watercraft Training Centre	Watercraft Training Centre Boat Safe Training Manual	Colorado State Parks	Boat Colorado: Boating Safety in Colorado
West Virginia Division of Natural Resources	West Virginia Boating Basics	Connecticut Coastal Safe Boating	Boat Connecticut—A Course on Responsible Boating
Wisconsin Department of Natural Resources	Boat Wisconsin: A Course on Responsible Boating	Connecticut Department of Environmental Protection	Boat Connecticut: A Course on Responsible Boating
		D.C. Metro Police Harbor Patrol	D.C. Boating Basics
		Delaunay Communications	PWCSafetySchool.com
		Delaware Department of Natural Resources & Environmental Control	Delaware Boating Basics
		Duxbury Bay Maritime School	DBMS Boating Safety
		Empire Safety Council	Boating Safety Course
		Florida Fish and Wildlife Conservation Commission	How to Boat Smart—Florida Boating Safety Course
		Florida Sailing & Cruising School	Basic Powerboat Handling
		Georgia Department of Natural Resources	Boat Georgia: A Course on Responsible Boating
		Green Marine Services	Boating Basics, a Guide to Responsible Boating
		Idaho Department of Parks and Recreation	Boat Idaho: A Course on Responsible Boating
		Illinois Department of Natural Resources	Boat Illinois: A Course on Responsible Boating
		Indiana Department of Natural Resources	Boat Indiana: A Course on Responsible Boating
		Kansas Department of Wildlife and Parks	Kansas Boater Safety Course
		Kentucky Department of Fish and Wildlife Resources	The Kentucky Boating Safety Manual
		Lighthouse Marine Service	Boat America: A Course on Responsible Boating for Boating Course for South Carolina
		Lighthouse Marine Service	Lighthouse Marine Service Basic Boating Course
		Lighthouse Marine Service	Boat Connecticut: A Course on Responsible Boating
		Longshore Sailing School	Boat Louisiana: A Course on Responsible Boating
		Louisiana Department of Wildlife and Fisheries	Boater 101
		Marine University	Smart Boating with Captain Steve
		Maritime Smarts, Inc.	Boat Maryland: A Course on Responsible Boating
		Maryland Natural Resources Police	

Commission Approved Boating Safety Education Courses for Nonresidents

The following boating safety education courses are Commission-approved for nonresidents.

<i>Course Provider</i>	<i>Name of Course</i>
AB Sea Safe Boating	Boat Connecticut: A Course on Responsible Boating
Alaska Department of Natural Resources	Alaska Water Wise—A Course for Alaskan Boaters
America Boating Classes	Boat America: A Course on Responsible Boating
American Boating Education	American Boat Operators Course
American Boating Education	American PWC Operators' Course
American BoatSchool	Safe Boating Basics
American Safety Council	Florida Boating Safety Course
American Sailing Association	ASA Basic Keelboat Sailing Course
Arizona Game and Fish Department	Boat Arizona: A Course on Responsible Boating
Arkansas Game and Fish Commission	Boat Arkansas: A Course on Responsible Boating
Boat Safe Martha's Vineyard	Boating Safety Basics—Boat Safe Martha's Vineyard
Boat U.S. Foundation	Boat U.S. Foundation Online Boating safety Course
BoatEd	Boat Ed (Title of course varies in each state)
BoatEd	America's Boating Course
BoaterExam.com	The BoaterExam.com Boating Safety Certification Co
Boating 101	Boating 101
Boating Safety Education	New Jersey Boating Basics
Boatwise	Boatwise Boating Basics

<i>Course Provider</i>	<i>Name of Course</i>	<i>Course Provider</i>	<i>Name of Course</i>
Massachusetts Environmental Police	Boat Massachusetts: A Course on Responsible Boating	Sea Coast Boating Safety	Boating Basics: A Guide to Responsible Boating
Michigan Department of Natural Resources	Boat Michigan: A Course on Responsible Boating	Sea Safe Boating Sound Environment Associates	Boat Connecticut Learn from the Dolphins Safe Boating and PWC Course
Minnesota Department of Natural Resources	Minnesota Boating Education Course	South Carolina Department of Natural Resources	Boat South Carolina: A Course on Responsible Boating
Mississippi Department of Wildlife, Fisheries, and Parks	Boat Mississippi: A Course on Responsible Boating	Tennessee Boaters Education	Tennessee Boaters Education Boating Safety Course
Missouri State Water Patrol	Boat Missouri: A Course on Responsible Boating	Tennessee Wildlife Resources Agency—Boating Division	Boat Tennessee: A Course on Responsible Boating
Nautical Know How, Inc.	Boating Basics Online.com and BoatSafe.com	Texas Parks and Wildlife Department	Boat Texas: A Course on Responsible Boating
Nebraska Game and Parks Commission	Boat Nebraska: A Course on Responsible Boating	U.S. Fish and Wildlife Service and Department of Interior	Motorboat Operator Certification Course
Nevada Division of Wildlife	Boat Nevada: A Course on Responsible Boating	US Coast Guard Auxiliary	Boating Skills and Seamanship
New England Maritime	New England Maritime Boating Safety Course	US Power Squadrons	Boat Smart
New Hampshire Department of Safety	Boat New Hampshire: A Course on Responsible Boating	US Power Squadrons	Squadron Boating Course ABC
New Jersey Boating Safety Classes	New Jersey Boating Basics	US Power Squadrons and USCG Auxiliary	America's Boating Course
New Jersey State Police	New Jersey Boating Basics	US Sailing Association	Safe Powerboat Handling
New York State Office of Parks, Recreation, and Historic Preservation	New York State Safe Boating	Utah State Parks and Recreation	Utah's Boating Course
North Carolina Wildlife Resources Commission	Boat North Carolina: A Course on Responsible Boating	Utah State Parks and Recreation	Utah's Personal Watercraft Education Course
North Dakota Game & Fish Department	North Dakota Boating Basics	Vermont State Police	Boat Vermont: A Course on Responsible Boating
Ohio Department of Natural Resources	Ohio Boating Education Course (OBEC)	Virgin Islands Department of Planning and Natural Resources	Boating Smart Virgin Islands
Oklahoma Department of Public Safety	Boat Oklahoma: A Course on Responsible Boating	Virginia Department of Game and Inland Fisheries	PWC in Virginia
Oregon State Marine Board	Boat Oregon: A Course on Responsible Boating	Virginia Department of Game and Inland Fisheries	Boat Virginia: A Course on Responsible Boating
Outdoor Empire Publishing, Inc.	Boating Basics—A Guide to Responsible Boating	Washington State Parks and Recreation Commission	Adventures in Boating Washington
Pennsylvania Fish and Boat Commission	Pennsylvania Basic Boating	Watercraft Training Centre	Watercraft Training Centre Boat Safe Training Manual
Pennsylvania Fish and Boat Commission	Pennsylvania Boating & Water Safety Awareness	West Virginia Division of Natural Resources	West Virginia Boating Basics
Pennsylvania Fish and Boat Commission	Boat Pennsylvania: A Course on Responsible Boating	Wisconsin Dept of Natural Resources	Boat Wisconsin: A Course on Responsible Boating
Professional Fleet LLC	Professional Marine Education		DOUGLAS J. AUSTEN, Ph.D. <i>Executive Director</i>
Puerto Rico Office of the Commissioner of Navigation	Fundamentos Basicos de Navigation Segura		
Rhode Island Department of Environmental Management	Boat Rhode Island: A Course on Responsible Boating		
Safe Boating Institute	Basic Boating Safety		
Safety Resources	Connecticut Basic Boating and PWC		

[Pa.B. Doc. No. 07-139. Filed for public inspection January 26, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments

within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comments</i>	<i>IRRC Comments Issued</i>
57-252	Pennsylvania Public Utility Commission Implementation of the Alternative Energy Portfolio Standards Act of 2004 36 Pa.B. 6289 (October 14, 2006)	12/13/06	1/12/07

Pennsylvania Public Utility Commission Regulation #57-252 (IRRC #2569)

Implementation of the Alternative Energy Portfolio Standards Act of 2004

January 12, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the October 14, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

Note: The section numbers used in this document are consistent with the correction published in the October 21, 2006 *Pennsylvania Bulletin* (36 Pa.B. 6409).

1. Section 75.61. EDC and EGS obligations.— Economic impact; Need.

Monthly reporting

Subsection (f) states:

EDCs shall provide monthly reports to the program administrator documenting total deliveries of electricity to all retail electric customers within their service territory. Separate totals shall be reported for each load serving entity active in the EDC's service territory. Reports shall be submitted to the program administrator within 45 days from the end of each month.

In the Preamble, the PUC states Subsection (f) "proposes a new standard for the reporting of monthly retail sales data. . . ." The PUC asked parties to identify technical limitations and whether estimated data could be used. Commentators stated some companies would have to provide estimates to meet the 45-day requirement and others requested an extension of the 45-day period.

It is questionable what value these reports will have if they amount to a series of estimates or hurried collection of data solely for the purpose of meeting the 45-day deadline. The PUC should work closely with the commentators to develop a reporting process that will produce

timely and reliable data. Additionally, the PUC should explain how the data will be used.

Cost of report preparation

The PUC has not provided any cost estimate of the reporting procedure. What is the estimated cost of these reports for the EDCs? How do the benefits of these reports justify the cost?

Who must report?

Why does Subsection (f) apply only to EDCs?

Load serving entity

The term "load serving entity" is vague. The regulation should include a definition of "load serving entity."

2. Section 75.62. Fuel and technology standards for alternative energy sources.—Statutory authority; Consistency with statute; Need; Reasonableness; Clarity.

Role of the Department of Environmental Protection

The Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1 to 1648.8) (Act) discusses the roles of the PUC and the Department of Environmental Protection (DEP). Specifically, 73 P. S. § 1648.7 *Interagency responsibilities*, addresses the roles of the two agencies as follows:

(a) **Commission responsibilities.**—The commission will carry out the responsibilities delineated within this act. The commission also shall, in cooperation with the department, conduct an ongoing alternative energy resources planning assessment for this Commonwealth. . . .

(b) **Department responsibilities.**—The department shall ensure that all qualified alternative energy sources meet all applicable environmental standards and shall verify that an alternative energy source meets the standards set forth in section 2.

(c) **Cooperation between commission and department.**—The commission and the department shall work cooperatively to monitor the performance of all aspects of this act. . . .

Section 75.62 of the PUC's proposed regulation interprets Section 2 of the Act. We recognize that the PUC must carry out the responsibilities delineated in the Act under 73 P. S. § 1648.7(a). However, the definition of "alternative energy sources" in Section 2 of the Act (73 P. S. § 1648.2) contains environmental assessments such

as Subparagraph (5)(iii) which requires any incremental development of low-impact hydropower to provide “an adequate water flow for protection of aquatic life and for safe and effective fish passage.”

The Act (73 P. S. § 1648.7(b)) assigns DEP two responsibilities: first, to ensure sources meet environmental standards; and second, to “verify” that an “*alternative energy source*” meets the standards set forth in the definition of that phrase in Section 2 of the Act. (Emphasis added.)

DEP’s responsibility is to verify compliance with the Act, not with the PUC’s regulation. We find it distressing that DEP has submitted several comments on this section in disagreement with the PUC’s interpretation of the Act. These divergent views will compound the difficulty of approving alternative energy sources. The Act’s provisions quoted above mandate cooperation between the PUC and DEP. How has the PUC attempted to resolve these differences? Has the PUC entered into a Memorandum of Understanding (MOU) with DEP?

In conclusion, we question whether Section 75.62 of the PUC regulation could be used or enforced. The PUC should delete Section 75.62. If the PUC decides not to do so, it must explain its authority to include an interpretation of Section 2 of the Act in regulation, specifically the definition of “alternative energy sources” under 73 P. S. § 1648.2 and to enforce this provision.

If the PUC believes it is within its jurisdiction to implement Section 75.62, we have the following additional concerns:

On or after February 28, 2005

The statutory definition of “Alternative energy sources” begins with the statement that “the term shall include the following existing or new sources. . . .” Paragraph (5) relating to low-impact hydropower includes five limitations regarding “such incremental hydroelectric development.” In the Preamble, the PUC explains:

For low impact hydropower, we observe that the statutory definition restricts *qualification* to “incremental” development. We interpret this language to find that the Act limits eligibility to those facilities permitted on or after February 28, 2005 (i.e., the Act’s effective date) or capacity additions or efficiency improvements to preexisting plants that were implemented on or after February 28, 2005. (Emphasis added.)

Hence, the PUC included Section 75.62(a)(4)(i) which limits low-impact hydropower sources to those permitted or implemented “on or after February 28, 2005.” Commentators argue that Section 75.62(a)(4)(i) is inconsistent with the Act and should be deleted. We agree that the Act can be read to allow all “existing or new sources” and only imposes the five limitations on “incremental environmental development.” The PUC should explain why it is proper to impose this time limit on all low-impact hydropower. The PUC should also explain what sources would be excluded by this limitation and the impact of this limitation on those sources being excluded.

Biologically derived methane gas

A commentator noted that Paragraph (a)(7) of the regulation substantively differs from the Act (73 P. S. § 1648.2, definition of “alternative energy sources,” Paragraph (8)). The Act includes, but is not limited to methane from anaerobic digestion. Specifically, the Act states that biologically derived methane gas “shall include methane from anaerobic digestion of organic materi-

als. . . .” (Emphasis added.) However, the regulation is limited to methane produced from anaerobic digestion. The regulation should be amended to allow methane from other sources, consistent with the Act.

Large scale hydropower

Commentators suggested that a cross-reference to Paragraph (a)(4) should be included in Paragraph (b)(1). We agree that the Act (73 P. S. § 1648.2, definition of “alternative energy sources,” Paragraph (4)) cross-references “the requirements of low-impact hydropower under paragraph (5).” To be consistent with the Act, we recommend adding a cross-reference to low-impact hydropower requirements in the regulation.

Petition for waste coal

The Act (73 P. S. § 1648.2, Definition of “Alternative Energy Source,” Paragraph (10)) directs that in addition to the waste coal defined in the Act, other waste coal combustion is included when it meets “alternate eligibility requirements *established by regulation*.” (Emphasis added.) Section 75.62(b)(2) of the regulation states:

. . . Applicants may petition for waste coal from nonpermitted sites to be qualified for alternative energy resource status. The Commission may grant the petitions at its discretion.

We have two concerns.

First, the Act does not specifically designate the PUC as the agency who would promulgate this regulation. If the PUC elects to put a provision in regulation to establish alternate eligibility requirements for waste coal, the PUC should explain why it is the proper agency to do so given the statutory provision for DEP to verify a source meets Section 2 of the Act (73 P. S. 1648.7(b)).

Second, the portion of Section 75.62(b)(2) quoted above does not establish requirements by regulation as directed by the Act. This approach would allow the PUC to bypass the formal regulatory review process and the laws that govern the promulgation of regulations. If the PUC proceeds with promulgation of this provision, it needs to establish specific alternate eligibility requirements in the regulation.

Demand-side management

The Act (73 P. S. § 1648.2, definition of “alternative energy sources,” Paragraph (12)) describes demand-side management as “consisting of the management of customer consumption of electricity or the demand for electricity. . . .” The regulation differs by describing demand-side management as “the conservation of electricity. . . .” We recommend amending the regulation to be consistent with the language of the Act.

Distributed generation system

Paragraph (b)(4) quotes the Act, but is vague. The regulation is not clear regarding what constitutes “small-scale power” or “useful thermal energy.” We recommend replacing this provision with quantifiable terms.

3. Section 75.63. Alternative energy system qualification.—Consistency with statute; Duplication; Reasonableness; Clarity.

Time frame for and coordination of qualification

The assessment of an application for alternative energy system status involves multiple assessments by the PUC and DEP. The regulation does not provide a timeframe for

review of the application by either agency or specify how the two agencies will coordinate their respective reviews. These are vital considerations for those trying to get an alternative energy source qualified and included in the percentage of retail sales. We recommend that the final-form regulation specify the time frame for review of applications and how the review will be coordinated between the PUC and DEP.

Subsection (b)

This subsection requires that an application “. . . shall be filed with the alternative energy credit program administrator, and any other party designated by the Commission.” This provision should require a submittal to DEP consistent with its duties in 73 P. S. § 1648.7(b).

“A facility shall be qualified. . . .”

Subsections (c), (e) and (f) begin with the phrase “A facility shall be qualified. . . .” Given the many requirements, considerations and application procedures in the Act and these regulations, this definitive statement is inaccurate. We recommend amending these subsections to cast their provisions as a requirement for qualification.

Subsection (d)

Under 73 P. S. § 1648.4, the Act states:

. . . Energy derived only from alternative energy sources inside the geographical boundaries of this Commonwealth or within the service territory of any regional transmission organization that manages the transmission system in any part of this Commonwealth shall be eligible to meet the compliance requirements under this act. . . .

It is not clear what this subsection of the regulation provides in addition to the provisions in Subsection (c). The PUC should explain how Subsection (d) is consistent with the Act and why it is needed in addition to Subsection (c).

Subsection (e)

Consistent with our comment on Section 75.62 regarding the role of DEP, this subsection should include the requirement that DEP must verify the alternative energy system “meets the standards set forth in Section 2” of the Act. See 73 P. S. § 1648.7(b).

Subsection (g)

We question the authority of the PUC to require the alternative energy system applicant to provide information to DEP or enforce this provision. We agree with DEP’s comment that this subsection should be deleted.

Subsection (h)

Under 73 P. S. § 1648.7(b), DEP has the responsibility to ensure that all qualified alternative energy sources meet all applicable environmental standards and to verify that an alternative energy source meets the standards set forth in Section 2 of the Act. We have four concerns with this subsection.

First, under what authority would the PUC hear or determine “major violations of environmental regulations” that cause “significant harm”? Also, how can the PUC suspend or revoke status for failure to comply with Section 75.62?

Second, at what point would the PUC take action? There are many levels of review and appeal that can occur after DEP issues a compliance order or penalty. This provision should allow alternative energy system

status to be revoked only after the Environmental Hearing Board has issued a ruling.

Third, this subsection is vague. Specifically, the terms “major violations” and “significant harm to the environment” do not provide clear guidance on the scope or severity of violation that would result in revoking status. Revocation of alternative energy system status has many implications for compliance with the Act and in most instances would not be the fault of the EDC or EGS who must ultimately comply. As one example, could a violation unrelated to energy production result in revocation? The regulation needs to provide clear guidance regarding what circumstances would result in revoking alternative energy system status.

Finally, the PUC and DEP must clearly delineate how they will carryout their roles in cooperation as mandated by the Act under 73 P. S. § 1648.7(c). This could be done by a MOU.

4. Section 75.64. Alternative energy credit certification.—Clarity.

Subsection (b)

For clarity, this subsection should include a reference to demand-side management.

Subsection (c)

The PUC should explain its determination that credits may be certified from the date of the Act’s passage on November 30, 2004.

Subsection (f)

This subsection includes the phrase “. . . under standards approved by the Commission.” Where and how are these procedures established? They should be set forth in the final-form regulation or a cross-reference to the appropriate provisions should be added.

5. Section 75.65. Alternative energy credit program administrator.—Statutory authority; Reasonableness.

DEP role

Many commentators express concern with the role that the DEP is given under this section. We also have a concern with this, which is expressed under Section 75.62. Specifically, we question how the provisions in Paragraphs (b)(5) and (6) are consistent with 73 P. S. § 1648.7(b). Also, Paragraphs (b)(4), (5) and (6) are not clear regarding the process and timeframe expected from DEP in order for the PUC to meet the obligation placed on the program administrator by Paragraph (b)(8) to complete review in 30 days. The PUC should provide its authority and clearly state its reasoning behind these provisions that delineate DEP’s involvement with the program administrator. Additionally, the PUC should explain how the process used to develop these procedures meets 73 P. S. § 1648.7(c).

Subsection (d)

Subsection (d)(2) outlines the program administrator’s duties with regard to the non-certification of alternative energy credits (AECs). Commentators have questioned whether this subsection would permit credits purchased in the voluntary market to be “double counted” or be used to satisfy the portfolio standard. The PUC should explain how double counting is prevented.

6. Section 75.66. Alternative compliance payments.—Reasonableness; Clarity.

Program administrator compensation

The Office of Small Business Advocate (OSBA) states that if the program administrator is compensated under Section 510 of the Public Utility Code (66 Pa.C.S. § 510), the EGSs would be exempt from paying the compensation. OSBA suggests that the program administrator be compensated through a fee system applicable to both EDCs and EGSs. Why didn't the PUC impose administrative fees as allowed under 73 P. S. § 1648.3(e)(9)?

Procedures and standards

Under Subsection (e), what are the "procedures and standards proposed by the Pennsylvania Sustainable Energy Board"? In the final-form regulation, the PUC should add a cross-reference to these procedures and standards approved by the PUC.

Alternative compliance payments

Commentators suggest that the alternative compliance payments (ACPs) mentioned in Subsection (f) should be used to subsidize projects from the same Tier. For example, Tier I ACPs should be used to subsidize Tier I projects, Tier II ACPs should subsidize Tier II projects and solar ACPs should be used to subsidize solar projects. How will these funds be used to comply with 73 P. S. § 1648.3(g)?

7. Section 75.67. General force majeure.—Consistency with statute; Need; Clarity.

Long-term contracts

OSBA has a concern with how EDCs could be affected if they enter into long-term contracts during which force majeure would exist in one year but not in subsequent years of the contract. Is this intended to limit the utilization of long-term contracts by EDCs? The PUC should clearly state how it intends EDCs to handle long-term contracts when force majeure exists during one year of the contract and not in others.

Alternative energy credits

A commentator is concerned that AECs purchased prior to a finding of force majeure will be unrecoverable. This section should be amended to clearly state whether a finding of force majeure will render the cost of AECs, purchased prior to such a finding, are recoverable.

8. Section 75.68. Special force majeure.—Consistency with statute; Need.

"Force majeure" is defined in 73 P. S. § 1648.2. It can be invoked upon PUC initiative or upon the request of an EDC or EGS. The PUC has 60 days to determine if alternative energy sources are available in sufficient quantity for EDCs and EGSs to meet their obligations under the Act. We have the following concerns with limitations in this section of the regulation.

Limitation to PUC not finding force majeure

Subsection (a) limits filing for force majeure to a PUC finding that force majeure does not exist for all three categories (i.e., Tier 1, Tier 2 and photovoltaic). The Act is far more flexible and allows force majeure for any circumstance when the EDC or EGS cannot meet their obligations under the Act. Also, there is no limitation in the Act related to a PUC predetermination or category. Since these limitations are not in the Act, they should be deleted from the regulation.

Time limitation

Subsection (a) limits filing for force majeure to "...within 45 days of the conclusion of a reporting period..." This limitation is not in the Act. Why is it appropriate and needed in regulation?

"Special" force majeure

This section establishes provisions for a "special force majeure." Section 1648.2 of the Act defines the term "Force majeure" but does not include "special" force majeure. The PUC, the EDC and the EGS all have equal standing to begin the process of determining whether force majeure exists. We see no need for the term "special" with regard to force majeure.

9. Section 75.69. Alternative energy cost-recovery.—Reasonableness; Clarity.

Cost recovery mechanisms

The Office of Consumer Advocate believes that there should be consistency between cost recovery mechanisms used for alternative and traditional sources of energy purchased to meet the default service load in order to avoid complication and to ensure that these procurement processes are not conducted separately. The PUC should consider making these cost recovery mechanisms comparable to each other.

10. Section 75.70. Alternative energy market integrity.—Reasonableness; Clarity.

Traditional vs. alternative

In the Preamble to the proposed regulation, the PUC requests comments that will help it to determine how EDCs and EGSs are to distinguish between "traditional and alternative energy offerings." Commentators have offered numerous suggestions. In its response, the PUC should describe how it chose the method used in the final-form regulation.

11. Section 75.71. Banking of alternative energy credits.—Consistency with statute; Reasonableness; Clarity.

We have two recommendations for this section.

First, the final-form regulation should clearly set forth the restrictions on the banking of AECs and provide a detailed explanation of how those restrictions meet the Act. In the Preamble of the proposed regulation, the PUC solicits comments on this section that will help it interpret the Act with regard to the banking of AECs. OSBA asserts that the Act allows the counting of AECs arising out of generation by facilities subsequent to the cost-recovery period. Other commentators state that they would like to see banking of AECs to occur in time periods ranging from two to five years.

Second, the PUC should clarify the restrictions under which banking of credits can occur during a cost-recovery period. Commentators have requested that this section state that any AECs that meet the requirements of the Act can be used within the time limits set forth in the regulation. We will evaluate the PUC's response to these concerns.

12. Section 75.72. Alternative energy credit registry.—Clarity.

Subsection (b)

Under this subsection, what are "the rules, policies, and procedures of the designated alternative energy credit

registry” that the EDCs and EGSs must comply with? The PUC should clearly state what these policies consist of and provide a cross-reference to these “rules, policies, and procedures.”

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-140. Filed for public inspection January 26, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Applications For Approval to Acquire Control

Aegis Security Insurance Company, Daniel Kungl and Jeffrey Russell have filed applications to acquire control of Philanthropic Mutual Fire Insurance Company, a Pennsylvania domiciled mutual property insurance company. The filings were made under section 1402 of the Insurance Holding Companies Act (40 P. S. § 991.1402). Persons wishing to comment on the acquisitions are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 07-141. Filed for public inspection January 26, 2007, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

Classification System

The Pennsylvania Gaming Control Board, under 4 Pa.C.S. § 1202(a)(4) and (5) (relating to general and specific powers), is required to establish a system of classification of its employees and to publish its employee classification system in the *Pennsylvania Bulletin* by January 30, 2007. Under 4 Pa.C.S. § 1201(f)(1) (relating to Pennsylvania Gaming Control Board established), adoption of the classification system requires a qualified majority vote.

The Board currently lacks sufficient Board membership to effectuate a qualified majority. Therefore, it will not be able to adopt and publish the employee classification system by January 30, 2007. However, the Board intends to adopt the employee classification system at its next

public meeting where it has sufficient Board membership to achieve a qualified majority.

THOMAS A. DECKER,
Chairperson

[Pa.B. Doc. No. 07-142. Filed for public inspection January 26, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Modifications to the Application Form for Approval of Authority to Offer, Render, Furnish or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania; M-00960799

Public Meeting held
December 21, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson, statement and directed questions follow; Kim Pizzingrilli; Terrance J. Fitzpatrick

Tentative Order

By the Commission:

Before the Commission for consideration is a staff recommendation to revise the application filed by new entrants seeking certification to provide telecommunications services in the Commonwealth. On June 3, 1996, the Commission entered an Order (Implementation Order) at Docket No. M-00960799 implementing provisions of the Telecommunications Act of 1996 (TA-96) in Pennsylvania. Included in the Implementation Order were specific procedures and requirements for the entry of new telecommunications carriers in the state. Part of that procedure was an application form for new entrants to file with the Commission. Subsequently, on September 9, 1996, the Commission entered an Order on Reconsideration, which, *inter alia*, modified the application in the Implementation Order to include additional information.

A considerable amount of technological and legal changes have taken place in the ten-year period since the Commission implemented those provisions of federal law relating to the Application. The Bureau of Fixed Utility Services (FUS) staff recommends revision of the Application content and format.

We agree that the Commission should consider revisions to our Application. By this order, the Commission seeks comments on the Staff draft revised Application Form for Approval of Authority to Offer, Render, Furnish or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania (Application Form).

By this Order, we are establishing a 60-day comment period and a 30-day reply comment period dating from publication in the *Pennsylvania Bulletin*. The Law Bureau, Bureau of Fixed Utility Services, and Office of Special Assistants are instructed to prepare a final recommendation following review of the Comments and Reply Comments.

DISCUSSION

Our Implementation Orders prescribed entry procedures that we believed would achieve a balance between

the Telecom Act's Section 253(a) prohibition against entry barriers¹ while still safeguarding consumers from potential predatory and illegal practices by irresponsible carriers.² We stated in the Implementation Order that:

New entrants seeking to commence the provision of intrastate service in Pennsylvania will file an application with the Commission following the form of the application attached as Appendix A to this order. The form of application contains information required by the Commission to monitor the carrier's activities on an ongoing basis. The form of application includes a fitness affidavit in which the carrier must swear and affirm its ability and commitment to providing the proposed services in full compliance with all provisions of Pennsylvania law.

(Implementation Order at 7)

The new entrant application requested the necessary information to fulfill the above responsibility. The information included a contact person for the application, applicant's attorney, customer complaint contact, proof of compliance with Department of State filing requirements, a listing of affiliates and/or predecessors doing business in Pennsylvania and whether they are public utilities, the applicant's present and proposed operations, proposed service area, financial information (which included the applicant's capitalization, corporate stock structure, a tentative operating balance sheet, and a projected income statement), operations start date, and an affidavit and verification attesting to the validity of the applicant information.

Since the approval of the original application, circumstances have occurred that warrant a revision of the application. Additionally, Commission staff review of the Application Form's current format has also shown a need for a revision of the application.

Act 183,³ enacted in November 2004, provides Interexchange Carriers (IXCs) with three options regarding tariffs: 1) file and maintain tariffs with the Commission, 2) file and maintain price lists with the Commission, or 3) detariff, making it subject to Pennsylvania state contract law. The Application Form was subsequently revised to provide the IXC applicant with an opportunity to select its desired tariffing option.

The original application requested all applicants, whether seeking Competitive Local Exchange Carrier (CLEC), Competitive Access Provider (CAP) or IXC authority, to designate its proposed service territory. IXC authority and CAP authority are issued on a statewide

¹ Section 253(a) of the Telecom Act states that "No state or local statute or regulation, or other state or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."

² Section 253(b) of the Telecom Act states that "Nothing in this section shall affect the ability of a state to impose, on a competitively neutral basis and consistent with Section 254, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers."

³ 66 Pa.C.S. §§ 3011—3019.

basis. CLEC authority is granted on an Incumbent Local Exchange Carrier service-territory-specific basis. The Application Form was revised to only request that the proposed service territory be designated by a CLEC, not applicants seeking other types of authority.

The original application failed to require an Applicant to designate a Pennsylvania Emergency Management Agency (PEMA) contact. The Application Form now contains this requirement. The affidavit in the Application Form has also been revised to include language certifying that the applicant has contacted each county 911 coordinator where the applicant proposes to operate. This provision only applies to CLECs and is designated as such in the proposed revised application.

Finally, the format of the Application Form has been revised regarding the ordering of questions. Staff has renumbered and changed the order of the requested information to facilitate the ease of review by FUS staff.

Conclusion

To assist us with revising the Application Form, we are hereby requesting comments, as well as reply comments, on the proposed revised Application Form, contained in Attachment A to this Tentative Order. We request comments from interested parties, including telecommunications carriers, the general public, and the statutory advocates; *Therefore,*

It is Ordered That:

1. This Tentative Order be published in the *Pennsylvania Bulletin* and a copy be served on all jurisdictional Local Exchange Carriers, Interexchange Carriers, and Competitive Access Providers operating in the Commonwealth, the Pennsylvania Emergency Management Agency, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Attorney General.

2. An original and eight copies of comments regarding the proposed revised Application Form for Approval of Authority to Offer, Render, Furnish or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania shall be filed within 60 days from the date of publication in the *Pennsylvania Bulletin*. Reply comments shall be due within 90 days of publication in the *Pennsylvania Bulletin*. Comments should be addressed to Secretary James J. McNulty, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

3. An electronic copy of the comments should also be sent in Word format to Tony Rametta, Bureau of Fixed Utility Services, at arametta@state.pa.us, Robert Marinko, Office of Special Assistants, at rmarinko@state.pa.us, Joseph Witmer, Law Bureau, at joswitmer@state.pa.us, and Louise Fink Smith, Law Bureau, at finksmith@state.pa.us.

4. Staff shall prepare a joint recommendation following review of the Comments and Reply Comments.

JAMES J. MCNULTY,
Secretary

ATTACHMENT A

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**Application for Approval of Authority
to Offer, Render, Furnish, or Supply Telecommunications Services to the Public in the
Commonwealth of Pennsylvania**

Instructions

The Pennsylvania Public Utility Commission issues the following types of certificates of public convenience to telecommunications carriers:

- **Interexchange (IXC) Toll Reseller** – Statewide authority for intrastate interexchange toll reseller services where the carrier acquires Interexchange capacity (on wholesale) and establishes rates to sell toll services to end users.
- **Interexchange (IXC) Toll Facilities-Based Carrier** – Statewide authority intrastate interexchange toll facilities-based services where the carrier utilizes its own facilities to provide toll services to end users.
- **Competitive Local Exchange Carrier (CLEC)** – Authority certified in a given Incumbent Local Exchange Carrier's (ILEC) territory for local services whether provided as a reseller, a facilities-based carrier, or a combination reseller/facilities-based provider, *e.g.*, exchange access services, dial tone, ISDN, calling features, lines, and trunks.
- **Competitive Local Exchange Carrier limited to data-only services (CLEC data-only)** – a subcategory of CLEC authority. The authority is certified in a given Incumbent Local Exchange Carrier's (ILEC) territory; limited CLEC certificate relieves carrier of certain voice-grade obligations.
- **Competitive Access Provider (CAP)** – Statewide authority for non-switched access services, *e.g.*, special service, dedicated services, data line services, tie lines, private networks, leased lines, frame relay.

You must submit your application using Form PUC-377. You may apply for more than one category of proposed operations in a single filing. Please place all exhibits at the end of the application. Answer only those items that are applicable to your operations. Indicate skipped items as "not applicable." **You must submit a signed and verified original and three copies** of your application and attachments with a check for \$250.00 made payable to the "Commonwealth of Pennsylvania," to the Commission's Secretary at the following address:

Secretary
Pa. Public Utility Commission
Commonwealth Keystone Building
Second Floor - Room N201
Harrisburg, PA 17120

If your answer to any of the items changes while your application is pending, or if the information relative to any item herein changes while you are operating within the Commonwealth of Pennsylvania, you are under a duty to inform the Commission as to the specifics of the change.

If you plan to cease doing business within the Commonwealth of Pennsylvania, you are under a duty to request approval from the Commission prior to ceasing business.

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Additional Instructions for CAPs: Applicants must file separate and distinct CAP tariffs and must append a copy of all proposed tariffs to the original and each copy of Form PUC-377. CAP authority may not be used to access the Public Switched Network. If an application for CAP authority is properly filed and served pursuant to Question 16, the Secretary's Bureau will issue a letter indicating acceptance of the application and the granting of provisional authority.

Additional Instructions for IXCs: IXCs have three options regarding intrastate tariffs: 1) operate as a detariffed IXC¹ by indicating such in response to Question 4 of the application, 2) maintain a price list with the Commission in lieu of a tariff (updates follow the same process as a regular tariff) or 3) maintain a tariff with the Commission. Under options 2 and 3, an IXC that proposes to operate as both a reseller and facilities-based carrier would file a single tariff for its toll services. A proposed tariff must contain rules, regulations and rates for service. A proposed price list need only contain rates for service. If an application for IXC authority is properly filed and served pursuant to Question 16, the Secretary's Bureau will issue a letter indicating acceptance of the application and the granting of statewide provisional authority.

Additional Instructions for CLECs: Applicants must file separate and distinct tariffs for local and, if applicable, switched access services and must append a copy of all proposed tariffs to the original and each copy of Form PUC-377. Applicants must serve a copy of the application on all Incumbent Local Exchange Carriers in whose service territory the applicant wishes to operate as well as all parties named in Question 16. A CLEC applicant must specify whether it will be operating as a reseller, facilities-based, or combination/mixed CLEC.

If an application for CLEC authority is properly filed and served, including a proposed tariff with rules, regulations and rates for services, the Secretary's Bureau will mail the applicant a letter indicating acceptance of the application and, if the application seeks to serve in non-rural ILEC areas, the grant of provisional authority. While the Secretarial Letter will not constitute a Certificate of Public Convenience, it will constitute an applicant's authority to proceed under paragraph B.1.c.4 on page 7 of the June 3, 1996, Implementation Order, Docket No. M-00960799, as modified by page 5 of the September 7, 1996, Implementation Reconsideration Order (collectively Implementation Orders).

Interconnection and resale agreements may be filed prior to, in conjunction with, or subsequent to the filing of a CLEC application. The parties to such agreements should file a joint petition requesting that the agreement be approved, summarizing the key points of the agreement, and averring compliance with the requirements of TA-96 and this Commission's Implementation Orders.

CLECs are required to provide a toll-free 911 emergency number for any individual within the Commonwealth to gain rapid, direct access to emergency aid. CLECs are also required to contact and make necessary arrangements for the provisioning of Enhanced 911 (E-911) service with the County 911 Coordinator in each County in which the carrier intends to provide service.

An Officer of the carrier must acknowledge on the affidavit in Question 19 of the application that the carrier has contacted the appropriate 911 Coordinator(s) *via certified letter* and that arrangements are under way for the provisioning of emergency 911 in each county or specified city where service is to be provided. CLECs are also responsible to comply with the provisions of the Public Safety Emergency Telephone Act, which includes collecting and remitting the 911 surcharge as well as providing an access line count to the counties when requested. The Act as well as a listing of 911 Coordinators is available on the PEMA website at <http://www.pema.state.pa.us>.

All CLEC applicants are required to forward a completed **Service Provider E-911 Questionnaire** to each county where it plans to provide service. The Service Provider E-911 Questionnaire was developed in conjunction with Docket No. P-00971203 *Petition of Bell Atlantic-Pennsylvania, Inc. for a Declaratory Order Relating to Provision of Master Street Address Guides to Competitive Local Exchange Carriers* and Docket No. M-00991217 *Joint Petition for Relief Establishing Uniformity for 9-1-1 Provisioning*. For information on the above proceedings or to obtain a copy of the Questionnaire, please contact the local 911 coordinator, or visit the PEMA website at <http://www.pema.state.pa.us>.

¹ Detariffed IXCs remain subject to state contract law.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of _____,
d/b/a _____, for approval to offer,
render, furnish or supply telecommunications services to
the public in the Commonwealth of Pennsylvania.

Date: _____

For Commission Use Only
Application Docket No.
A- _____
A- _____
A- _____
A- _____

1. **IDENTITY OF THE APPLICANT:** The name, address, telephone number, email address, and fax number of the Applicant.

2. **START DATE:** The Applicant proposes to begin offering services on or about _____.

3. **FICTITIOUS NAME:**

The Applicant will not be using a fictitious name.

The Applicant will be using a fictitious name. Attach to the Application a copy of the Applicant's filing with the Commonwealth's Department of State pursuant to 54 Pa. C.S. §311, Form PA-953.

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- 4. APPLICANT'S PROPOSED OPERATIONS AND TARIFFS:** Please indicate below all the authorities for which the Applicant is applying. Additionally, please indicate the tariffs included with this Application. An application for CLEC or CAP authority must have a separate and distinct proposed tariff setting forth the rates, rules and regulations of the Applicant. Every proposed tariff shall state on its cover page the nature of the proposed operations described therein and be labeled according to the type of tariff. Act 183², enacted November, 2004, provides Interexchange Carriers (IXC) with three options regarding tariffs: 1) file and maintain tariffs with the Commission, 2) file and maintain price lists with the Commission, or 3) detariff, making it subject to Pennsylvania State Contracting Law. A copy of all proposed tariffs must be appended to each original and copy of Form 377.

- Interexchange Toll Reseller, InterLATA and/or IntraLATA (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)

[] Toll Tariff enclosed as PA PUC Tariff No. _____.

[] Price list enclosed.

[] No tariff enclosed; the Company elects to detariff its services and abide by consumer contract law.

- Interexchange Toll Facilities-based carrier, InterLATA and/or IntraLATA (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)

[] Toll Tariff enclosed as PA PUC Tariff No. _____.

[] Price list enclosed.

[] No tariff enclosed; the Company elects to detariff its services and abide by consumer contract law.

- Competitive Access Provider (dedicated point-to-point or multipoint service; voice or data)

[] CAP Tariff enclosed as PA PUC Tariff No. _____.

- Competitive Local Exchange Carrier:

[] Local Tariff enclosed as PA PUC Tariff No. _____.

[] Access Tariff enclosed as PA PUC Tariff No. _____ (for Facilities-Based Competitive Local Exchange Carriers)³

- Competitive Local Exchange Carrier Limited to Data Services

[] Local Tariff enclosed as PA PUC Tariff No. _____.

[] Access Tariff enclosed as PA PUC Tariff No. _____ (for Facilities-Based Competitive Local Exchange Carriers)

- Other (Identify).

² 66 Pa. C.S. §§ 3011-3019.

³ 66 Pa. C.S. §3017(c) prohibits CLECs from charging access rates that are higher than those charged by the Incumbent Local Exchange Carrier (ILEC) in the same service territory, unless the CLEC can justify that the higher rates are cost justified.

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5. APPLICANT'S PRESENT OPERATIONS: (Check All That Apply)

- The applicant is not presently doing business in Pennsylvania as a public utility.
- The applicant is presently doing business in Pennsylvania as a jurisdictional public utility pursuant to authority at Docket No. _____ as a:
 - Interexchange Toll Reseller, InterLATA and/or IntraLATA (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)
 - Interexchange Toll Facilities-based carrier, InterLATA and/or IntraLATA (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)
 - Competitive Access Provider (dedicated point-to-point or multipoint service; voice or data)
 - Competitive Local Exchange Carrier:
 - Competitive Local Exchange Carrier Limited to Data Services
 - Incumbent Local Exchange Carrier.
 - Other (Identify).

6. PROPOSED SERVICES AND MARKET: Describe in detail the services that the Applicant proposes to offer. Also describe the customer base to which the Applicant wishes to market its services. If proposing to provide more than one category in Item #4, clearly and separately delineate the services and market within each proposed operation. If proposing to operate as a facilities-based Competitive Local Exchange Carrier, provide a brief description of the Company's facilities.

7. PROPOSED SERVICE AREA (CLECS ONLY): Describe the geographic service area in which the CLEC Applicant proposes to offer services. Clearly and separately delineate each Incumbent Local Exchange Carrier's (ILEC) service territory in which the Applicant wishes to operate.⁴ The Applicant must name and serve the ILEC in whose service territory authority is requested, and file proof that the Applicant has served the ILEC with a copy of the signed and verified application.

⁴ IXC and CAP authority are statewide.

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8. **ATTORNEY:** If applicable, the name, address, telephone number, email address, and fax number of the Applicant's attorney.
9. **CONTACTS:**
- A) **APPLICATION:** The name, title, address, telephone number, email address, and fax number of the person to whom questions about this application should be addressed.
- B) **PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (PEMA):** The name, title, address, telephone number, email address, and fax number of the person with whom contact should be made by PEMA. **(CLECS ONLY, excluding CLECS limited to data services)**
- C) **RESOLVING COMPLAINTS:** The name, title, address, telephone number, email address, and fax number of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints and queries filed with the Public Utility Commission or other agencies.

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- D) MIGRATION PROBLEMS:** The Applicant's publicly accessible website address that contains the name(s), e-mail address(s), and telephone number(s) of the person(s) whom another local exchange carrier (LEC) or the Commission should contact to resolve migration problems, including interfering station conditions. The website should also include the names and contact information of individuals of higher authority in your company that a LEC or the Commission may contact if they are unable to resolve migration problems with the primary contact individual(s). **(CLECS ONLY)**
- E) REGISTERED OFFICE:** Provide name and address of Corporate Registered Office Provider or Registered Office within Pennsylvania.

10. BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS (select and complete appropriate statement). Attach to the application proof of compliance with appropriate Department of State filing requirements as indicated below:

- The Applicant is a sole proprietor.
- The Applicant is a partnership:
- Domestic General partnership
 - Domestic limited partnership (15 Pa. C.S. §8511)
 - Foreign general or limited partnership (15 Pa. C.S. §8582)
 - Domestic limited liability partnership (15 Pa. C.S. §8201)
 - Foreign limited liability general partnership (15 Pa. C.S. §8211)
 - Foreign limited liability limited partnership (15 Pa. C.S. §8211)

Provide the name and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

- The Applicant is a corporation:
- Domestic corporation (15 Pa. C.S. §1306)
 - Foreign corporation (15 Pa. C.S. §4124)

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- Domestic limited liability company (15 Pa. C.S. §8913)
- Foreign limited liability company (15 Pa. C.S. §8981)

Provide a copy of the Applicant's Articles of Incorporation or a Certificate of Organization. The Applicant is incorporated in the State of _____.

Give name and address of officers:

11. AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA (select and complete appropriate statement):

- The Applicant has no affiliate(s) doing business in Pennsylvania.
- The Applicant has no predecessor(s) which have done business in Pennsylvania.
- The Applicant has affiliate(s) doing business in Pennsylvania. Give name and address of the affiliate(s), and state whether they are jurisdictional public utilities. Give docket numbers for the authority of such affiliate(s). Include any fictitious names used within the last two (2) years.
- The Applicant has predecessor(s) who have done business within Pennsylvania. Give name and address of the predecessor(s) and state whether they were jurisdictional public utilities. Give the docket numbers for the authority of such predecessor(s). Include any fictitious names used within the last two (2) years.

REVISED DATE PUC-377**12. PUBLIC UTILITY SERVICE OUTSIDE PENNSYLVANIA (select and complete the appropriate statement):**

- Applicant operates as a public utility outside Pennsylvania. List states.

- Applicant does not operate as a public utility outside Pennsylvania.
- The Applicant has no affiliates rendering public utility service outside Pennsylvania.
- The Applicant has no predecessors which rendered public utility service outside Pennsylvania.
- The Applicant has affiliates rendering public utility service outside Pennsylvania. Name and address of the affiliates.

- The Applicant has predecessors which rendered public utility service outside Pennsylvania. Name and address of the predecessors.

13. TRANSACTIONS WITH AFFILIATES (select and complete the appropriate statement):

- Identify any affiliate(s) which provide services to or receive services from the Applicant. Describe the nature of the services and how the transactions between or among affiliates will be handled.

- The Applicant has no affiliate(s) providing service to or receiving services from the Applicant.

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14. FINANCIAL: Attach the following to the Application:

A general description, as well as dollar amounts, of the Applicant's current capitalization and sources of capital. Also provide prospective sources of capital by class (long term debt, short term debt, commercial paper, lines of credit, shareholder equity, etc.) available to Applicant.

Current balance sheet, income statement, and cash flow statement, where available. For those entities without current financial statements, provide a prospective balance sheet, income statement, and cash flow statement. If Applicant is relying on an affiliate for financial security, provide this information for Affiliate. Provide the name, title, address, telephone number, email address and fax number of the Applicant's custodian for its accounting records and supporting documentation; and indicate where the Applicant's accounting records and supporting documentation are or will be maintained.

If no balance sheet or income statement is available, provide prior three (3) years federal and state tax returns including all schedules.

Bond/Commercial Paper rating (if available).

15. FURTHER DEVELOPMENTS: Provide a statement of further developments, planned or contemplated, to which the present Application is preliminary or with which it forms a part, together with a reference to any related proceeding before the Commission.

The Applicant is under a continuing obligation to amend this Application if any matter asserted herein changes during the pendency of the Application or while the Applicant is providing public utility service within the Commonwealth.

16. **NOTICE:** Pursuant to 52 Pa. Code §5.14, serve a copy of the signed and verified Application, with attachments, on the below-listed parties, and file proof of such service with this Commission:

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

Office of Attorney General
Office of Consumer Protection
Strawberry Square
Harrisburg, PA 17120

Office of Special Assistants
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Pursuant to 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. A copy of any Competitive Local Exchange Carrier Application must also be served on any and/or all Incumbent Local Exchange Carrier(s) in the geographical area where the Applicant proposes to offer services. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14.

17. **FEDERAL TELECOMMUNICATIONS ACT OF 1996:** State whether the Applicant claims a particular status pursuant to the Federal Telecommunications Act of 1996. Provide supporting facts.
18. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, limited to proceedings dealing with business operations in the last two (2) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.

REVISED DATE _____ PUC-377

19. **AFFIDAVIT:** Attach to the Application an affidavit as follows:

AFFIDAVIT

[Commonwealth/State] of _____ :
County of _____ : ss.

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

Affiant is the _____ (Office of Affiant) of _____ (Name of Applicant)

That Affiant is authorized to and does make this affidavit for said corporation;

That _____, the Affiant herein, acknowledges that Applicant may have an obligation to serve or to continue to serve the public by virtue of the Applicant commencing the rendering of service pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes, with the Federal Telecommunications Act of 1996, signed February 6, 1996, or with other applicable statutes or regulations. The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing business.

That _____, the Affiant herein, asserts that Applicant possesses the requisite technical, managerial, and financial fitness to render public utility service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

***Next paragraph for CLEC Applicants ONLY (excluding CLECS limited to data services):**

That _____, the Affiant herein, asserts that Applicant has contacted the appropriate 911 Coordinator(s) **via certified letter**, from the list provided from the Pennsylvania Emergency Management Agency (PEMA) web site <http://www.pema.state.pa.us>, and that arrangements are under way for the provisioning of emergency 911 service in each of the Counties/Cities where service is to be provided. **The Affiant certifies Applicant has attached a copy of the 911 Coordinator list indicating each 911 Coordinator contacted.**

That Affiant, _____, hereby states that the facts above set forth are true, correct and complete to the best of the Affiant's knowledge, information and belief, and that Affiant expects said entity to be able to prove the same at any hearing held in this matter. Affiant understands that the statements herein are made subject to the penalties of 18 Pa. C.S. §§4903 and 4904 (relating to unsworn falsification to authorities). The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application.

Signature of Affiant

Sworn and subscribe before me this _____ day of _____, _____
Month Year

Signature of official administering oath

My Commission expires _____

**Statement and Directed Questions of Vice
Chairperson James H. Cawley**

*Public Meeting: December 21, 2006; DEC-2006-FUS-0439**

*Proposed Modifications to the Application Form for
Approval of Authority to Offer, Render, Furnish or Supply
Telecommunications Services to the Public in the
Commonwealth of Pennsylvania; Doc. No. M-00960799*

*In Re: Implementation of the Telecommunications
Act of 1996*

Before us is the Staff recommendation that solicits comments on the proposed modifications to the Application Form (PUC-377) and related instructions that are used by telecommunications carriers for market entry and certification purposes within Pennsylvania. Although I agree with the overall thrust of the Staff recommendation, I believe that it is imperative to solicit public comment to clarify certain issues.

Our procedures for adjudicating certification applications from telecommunications carriers seeking to offer intrastate services to the public within Pennsylvania date back to our *Implementation of the Telecommunications Act of 1996 Orders (Implementation Orders)*.⁴ Although the *Implementation Orders* have served this Commission and the regulated telecommunications industry for more than ten years for the introduction and enhancement of competitive telecommunications services within the Commonwealth, the market-entry process of telecommunications competitors in Pennsylvania has not been without problems, and, in certain situations, it has taken place only after much delay and litigation costs. This Commission should always work to simplify its regulatory processes and procedures, while striving to protect the legitimate interests and the public safety and welfare of end-user consumers of intrastate telecommunications services. The continuously changing nature of telecommunications technologies, services, and industry structures always present us with new challenges on how to effectively and efficiently reconcile these goals.

For this purpose, I request that the parties who respond to this Tentative Order submit comments and responses to the Directed Questions in the following areas:

A. CLEC Provisional Operating Authority and Related Procedures

I encourage the commenting parties to address the Commission's processes and procedures relating to the grant of provisional operating authority (provisional authority) for competitive local exchange carriers (CLECs) seeking to enter the service areas of non-rural incumbent local exchange carriers (ILECs). Of particular interest are the following areas:

1. Sufficiency of Interim Tariffs Filed With Application: Under the current system, a grant of provisional operating authority allows an applicant CLEC to offer services under the terms and conditions of its Interim Tariff that accompanies its certification Application while this Application is pending before the Commission. The comments should address to what extent the Interim Tariff should be perfected in accordance with the existing *Implementation Orders* and existing Commission regulations so that end-user consumers enjoy requisite regulatory protections, including those that involve basic health and safety protection requirements, e.g., availability of 911/E911 calling capabilities for end-user consumers and

appropriate CLEC coordination with 911/E911 Administrators. Similarly, the parties should address what type of continuing imperfections in an Interim Tariff can constitute valid grounds for the revocation of provisional operational authority.

2. Revocation and Restoration of Provisional Operational Authority: The Commission and its Staff have utilized the issuance of Secretarial Letters in circumstances that involved the revocation and subsequent restoration of provisional authority. The comments should address whether this procedure is compatible with the *Implementation Orders*, affords to interested applicant CLECs requisite due process protections, or whether this procedure is unduly burdensome and should be discontinued. Assuming that the revocation and restoration of provisional authority is a necessary practice that should stay in place, address whether the Commission and its Staff should establish transparent and publicly available guidelines under which the revocation and subsequent restoration of provisional authority should be evaluated. All comments supporting abandonment or revisions to the existing procedures should provide concrete and pragmatic alternatives to the current process.

B. Adjudication of Protested Applications

The litigation of protested competitive telecommunications carrier applications that seek to offer services in the service areas of ILECs, and specifically in the service areas of rural ILECs, is a very lengthy process. In addition, once the Commission reaches a decision on the market-entry applications of competitive telecommunications carriers, the same entities may also be obliged to engage in additional litigated interconnection arbitration proceedings if they do not reach a negotiated interconnection agreement with one or more ILECs. I encourage the submission of comments in the following areas:

1. Consolidated Procedures: Address whether the Commission should revisit and revise the Consolidated Procedures for market entry and interconnection of competitive telecommunications carriers in the service areas of rural ILECs that are contained in the original *Implementation Orders* and in what manner.⁵

2. Procedural Time Limitations: Address whether the Commission, absent the agreement of the interested parties to the contrary in individual protested application adjudications, should impose time limitations for the issuance of Initial or Recommended Decisions, and, if so, what these time limitations should be.

C. CLEC Classification

The proposed modified Application Form introduces the classification of the Competitive Local Exchange Carrier Limited to Data Services (CLEC-Data). See generally Proposed PUC-377, ¶¶ 4, 9.B, at 2, 4. This classification essentially codifies past practice of the Commission where CLEC-Data entities have been certified by the Commission. The same practice of the Commission has relieved in the past CLEC-Data entities from certain conventional voice telephony regulatory obligations and tariff requirements, including those relating to the processing of 911/E911 emergency calls.⁶ In view of the continuous advances in telecommunications technologies and offered services that appear to blur the boundaries between

⁵ Order of June 3, 1996, at 16-17, Reconsideration Order of September 9, 1996 at 12-13.

⁶ See generally *Letter-Petition of BlueStar Networks, Inc. for Waiver of Certain Tariff Requirements Pertaining to Voice-grade Service*, Docket Nos. A-310862, A-310862F0002 et al., Order entered August 17, 2000, Interim Order adopted March 30, 2000, 30 Pa.B. 2436 (May 13, 2000).

⁴ *In Re: Implementation of the Telecommunications Act of 1996*, Order entered June 3, 1996, Order on Reconsideration entered September 9, 1996.

“conventional” landline CLECs and CLEC-Data entities, I encourage the submission of comments in the following areas:

1. Classification of CLECs and CLEC-Data Entities: Address whether the proposed CLEC and CLEC-Data classification serves and can continue to serve in the foreseeable future a material need for distinguishing between applicant CLECs. Also address whether such classification is sustainable where CLECs are increasingly utilizing networks and technologies for the provision of voice and data services other than the conventional circuit switched technologies.

2. CLEC-Data Entities’ Obligations: Address whether the proposed CLEC-Data classification should be accompanied by a presumptive relief from certain regulatory obligations that relate to the provision of voice telecommunications services, including but not limited to the availability of 911/E911 call processing capabilities.

3. Retail and Wholesale CLEC Classification: In view of the Commission’s recent decisions regarding Sprint Communications Company L.P. (Sprint) and Core Communications, Inc. (Core),⁷ should the Commission establish a Retail CLEC and a Wholesale CLEC classification rather than focusing on a CLEC and CLEC-Data classification? The parties should also address what provisions of the Public Utility Code and federal law, including TA-96, and recent FCC decisions on 911/E911 and CALEA (Communications Assistance to Law Enforcement Agencies) support their respective positions.

It is my hope that informative comments will be submitted by interested parties in response to these directed questions, and that these comments will be of use in our deliberations on the proposed modified Application Form. In advance, my sincere thanks to those parties who respond to these questions.

[Pa.B. Doc. No. 07-143. Filed for public inspection January 26, 2007, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 20, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

⁷ Application of Sprint Communications Company L.P. For Approval of the Right to Offer, Render, Furnish or Supply Telecommunications Services as a Competitive Local Exchange Carrier to the Public in the Service Territories of Alltel Pennsylvania, Inc., Commonwealth Telephone Company and Palmerton Telephone Company, Docket Nos. A-310183F0002AMA, A-310183F0002AMB, A-310183F0002AMC, Order entered December 1, 2006, Application of Core Communications, Inc. for Authority to amend its existing Certificate of Public Convenience and necessity and to expand Core’s Pennsylvania operations to include the Provision of competitive residential and business Local exchange telecommunications services throughout the Commonwealth of Pennsylvania, Docket Nos. A-310922F0002AmA, A-310922F0002AmB, Order entered December 4, 2006.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00123405. Luis A. Escobar (1820 Oakmont Street, Philadelphia, Philadelphia County, PA 19111)—persons in limousine service, from points in the Counties of Delaware, Chester, Bucks and Montgomery, to points in Pennsylvania, and return.

A-00123406. Afton Limousine Service, LLC (10 North Main Street, Yardley, Bucks County, PA 19067)—a limited liability company of the Commonwealth—persons in limousine service, from points in the Counties of Bucks and Montgomery, to points in Pennsylvania, and return. *Attorney:* Scott Fegley, Makefield Executive Center, Suite 402A, 301 Oxford Valley Road, Yardley, PA 19067.

A-00123408. Robert Michael Sears, t/a Sears Luxury Transport (3 Driftwood Drive, Warren, Warren County, PA 16365-3379)—persons, in limousine service, from points in the Counties of Warren, Forest, McKean and Elk, to points in Pennsylvania, and return.

A-00123352. Advantage Medical Transport, Inc. (5450 Derry Street Rear, Harrisburg, Dauphin County, PA 17111), a corporation of the Commonwealth—persons in paratransit service, in the City of Harrisburg, Dauphin County, and within an airline distance of 40 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 approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-00114058, F.2. Stacia H. Grove, t/d/b/a Central Pennsylvania Limousine Service (12451 High Point Road, Felton, York County, PA 17322)—additional right—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of York, Adams, Dauphin, Cumberland and Lancaster, to points in Pennsylvania, and return.

A-00123154, F.2. Brandon Michael Mccandless, t/d/b/a Nite Train Limousine (520 Dellinger Road, Mt. Wolf, York County, PA 17347)—additional right—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of York, Lancaster and Dauphin, to points in Pennsylvania, and return.

Application of the following for approval to *begin operating as contract carrier for transportation of persons as described under the application.*

A-00123240, F.2. Logisticare Solutions, LLC (1640 Phoenix Boulevard, Suite 200, Atlanta, GA 30349), a limited liability company of the State of Delaware—temporary authority—contract carrier—persons, who are Medicaid members residing in the City and County of Philadelphia, for the Department of Public Welfare, between points in the City and County of Philadelphia. Application for permanent authority appeared at 36 Pa.B. 6915 (November 11, 2006). *Attorney:* Barbara A. Darkes, P. O. Box 1166, Harrisburg, PA 17108-1166.

Application of the following for approval to *begin operating as a broker for transportation of persons as described under the application.*

A-00123240. Logisticare Solutions, LLC (1640 Phoenix Boulevard, Suite 200, Atlanta, GA 30349), a limited liability company of the State of Delaware—temporary authority—brokerage license—to arrange for the trans-

portation of persons, who are Medicaid members residing in the City and County of Philadelphia, between points in Pennsylvania. Application for permanent authority appeared at 36 Pa.B. 6915 (November 11, 2006). *Attorney:* Barbara A. Darkes, P. O. Box 1166, Harrisburg, PA 17108-1166.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Grace Limo Service, Inc.; Doc. No. A-00116324C0601

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 Grace Limo Service, Inc., respondent, maintains its principal place of business at 2046 East Lehigh Avenue, Philadelphia, PA 19125.

2. That respondent was issued a certificate of public convenience by this Commission on October 26, 2000, at Application Docket No. A-00116324.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 2003, 2004 and 2005.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00116324.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code

§ 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-144. Filed for public inspection January 26, 2007, 9:00 a.m.]

Telecommunications

A-311067F7034. Venus Telephone Corporation and Dobson Cellular Systems, Inc. Joint petition of Venus Telephone Corporation and Dobson Cellular Systems, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Venus Telephone Corporation and Dobson Cellular Systems, Inc., by its counsel, filed on January 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval 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 Venus Telephone Corporation and Dobson Cellular Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-145. Filed for public inspection January 26, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Condensed Statement of Changes in Net Assets

	June 30, 2006 and 2005	
	AUDITED	
	<i>June 30, 2006</i>	<i>June 30, 2005</i>
Total Revenues	\$ 5,506,237	\$ 5,616,698
Total Operating Expenses	21,470,082	19,040,633
Operating Gain (Loss)	<u>(15,963,845)</u>	<u>(13,423,935)</u>
Net Nonoperating Revenues (Expenses)	9,600,777	7,670,883
(Loss) Gain Before Capital Grants	<u>(6,363,068)</u>	<u>(5,753,052)</u>
Capital Grants	<u>13,233,320</u>	<u>18,816,381</u>
Change in Net Assets	<u>6,870,252</u>	<u>13,063,329</u>
Net Assets, Beginning of Year	40,888,947	27,825,618
Net Assets, End of Year	47,759,199	40,888,947

JAMES T. MCDERMOTT, Jr.
Executive Director

[Pa.B. Doc. No. 07-146. Filed for public inspection January 26, 2007, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Anita L. Gleason; Doc. No. 1123-51-06

On September 7, 2006, Anita L. Gleason of Pittsburgh, Allegheny County, was suspended for at least 3 years, retroactive to July 13, 2006, based on her violation of the terms of her Voluntary Recovery Program of the Professional Health Monitoring Program.

Individuals may obtain a copy of the final order by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY BOWEN, R. N., CRNP,
Chairperson

[Pa.B. Doc. No. 07-147. Filed for public inspection January 26, 2007, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Kenneth Goliat; Doc. No. 1365-51-06

On November 17, 2006, the State Board of Nursing (Board) issued a memorandum order advising Kenneth Goliat (RN-204854-L) of Butler, Butler County that his license would be suspended effective December 6, 2006, for failure to attend an ordered mental and physical evaluation unless Goliat requested a hearing to challenge the validity of the order by December 6, 2006.

Individuals may obtain a copy of the order by writing to Carole L. Clarke, 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 the petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY BOWEN, R. N., CRNP
Chairperson

[Pa.B. Doc. No. 07-148. Filed for public inspection January 26, 2007, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Ruth Ellen Hibbard, R. N.; Doc. No. 0016-51-06

On October 16, 2006, Ruth Ellen Hibbard, license no. RN-549744 of Vestal, NY had her license to practice professional nursing revoked based on findings that she was convicted of a felony in the State of New York and had disciplinary action taken on her license by the New York Board of Nursing.

Individuals may obtain a copy of the adjudication by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY BOWEN, R. N., CRNP,
Chairperson

[Pa.B. Doc. No. 07-149. Filed for public inspection January 26, 2007, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

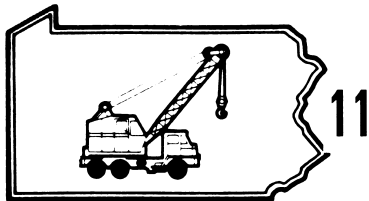
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreasury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ANTHONY E. WAGNER,
Acting Treasurer
 Deputy State Treasurer for Investments and Programs

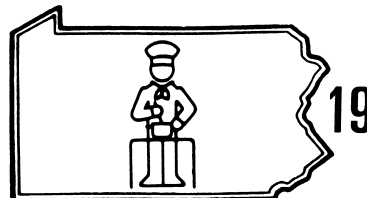
SERVICES



Demolition—Structural Only

067442. Demolition and removal of structures and improvements on 2 parcels for Project SR202-61N. Bidders must be Penndot prequalified as Prime Contractor-work class code "B." Building Demolition. Prevailing Wages will apply.

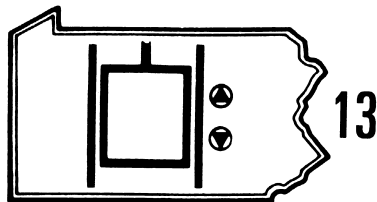
Department: Transportation
Location: Dekalb Pike, Blue Bell, PA
Duration: OPEN
Contact: Linda Bunt, 610-205-6784



Food

CN00024555. Turkey Roast. Ready-to-cook. Raw. Boneless breast & thigh roast, etc. USDA Grade A-2 to 4 roast/case.

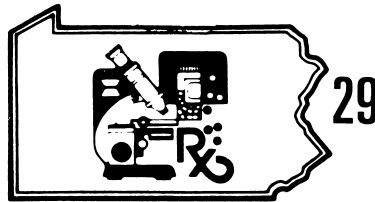
Department: Corrections
Location: SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: February 23, 2007
Contact: Susan Barben, Purchasing Agent, 814-643-2400 ext., 305



Elevator Maintenance

SU-06-11. Lehman Library Elevator Modernization. Shippensburg University is seeking contractors interested in providing a proposal for elevator modernization for Lehman Library at Shippensburg University. Contractors interested in obtaining a proposal package should fax request to 717-477-4004, Attn: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257 or Email request to DKMART@ship.edu.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA
Duration: Work to be completed from May 15, 2007 thru August 10, 2007.
Contact: Deborah K. Martin, 717-477-1121



Medical Services

CN00024536. VISION STIMULATION: Contractor will provide on site assessment, formal plan development and detailed instructions for implementation of programs to be carried out by facility staff for individuals with visual disabilities at Polk Center.

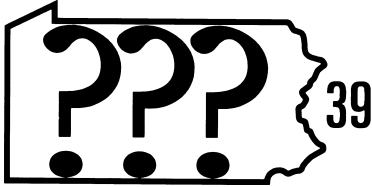
Department: Public Welfare
Location: POLK CENTER, Main Street, P. O. Box 94, Polk, PA 16342
Duration: April 1, 2007 thru December 31, 2009
Contact: Marty DuPont, Purchasing Agent, 814-432-0326

CN00024520. Medical Laboratory Services for patients at Clarks Summit State Hospital. To request a bid package, fax your request to 570-587-7108 on your company letterhead that includes name, address, telephone and fax numbers, Federal ID number and PA State Vendor Number. If you do not have a PA state vendor number, please call 866-775-2868 or register online at: <http://www.vendorregistration.pa.us/Bid> packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411
Duration: March 1, 2007 through February 27, 2010
Contact: Stanley Rygelski, PA, 570-587-7291

cn00024479. VISION STIMULATION: Contractor to provide on-site assessment and instruction for programs designed for multi-handicapped individuals with vision impairment. Each session shall consist of six-hours (6) on grounds at the Ebensburg Center. Complete bid specifications can be obtained from the Purchasing Office at the Ebensburg Center. Certified Orientation and Mobility Specialist required. Bid Date: approximately 2/15/2007

Department: Public Welfare
Location: Ebensburg Center, 4501 Admiral Peary Highway, Rt 22 West; PO Box 600 Ebensburg, PA 15931
Duration: Contract is anticipated to begin July 01, 2007 and end June 30, 2010.
Contact: Marilyn A. Cartwright, PA 3, 814-472-0259



Miscellaneous

CN00023174. RFI # CN00023174 Energy Conservation Services Request for Information. Extend Response Time for RFI to January 24, 2007.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2006-2007
Contact: Danelle Watson, 717-346-8112

41589-1. Musical Instruments: Professional & Student Models. Bids are due January 30, 2007 @ 2 P.M. EST

Department: State System of Higher Education
Location: West Chester University of PA, West Chester, PA 19383
Duration: Bid is due January 30, 2007 at 2 P.M. EST
Contact: Karen Kehler, 610-436-2603

SU-06-10. Shippensburg University is seeking vendors interested in providing all necessary materials, equipment and labor to fabricate chilled water coils for Air Handling Unit #4 in the Ezra Lehman Library. A mandatory site visit is required by all participating bidders for accurate measurements. Interested bidders may request a bid package by faxing a request to (717) 477-1350 or emailing a request to kmsmit@ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Services to begin upon contract award and delivery made by March 1, 2007 Karen Smith, (717) 477-1386

[Pa.B. Doc. No. 07-150. Filed for public inspection January 26, 2007, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

