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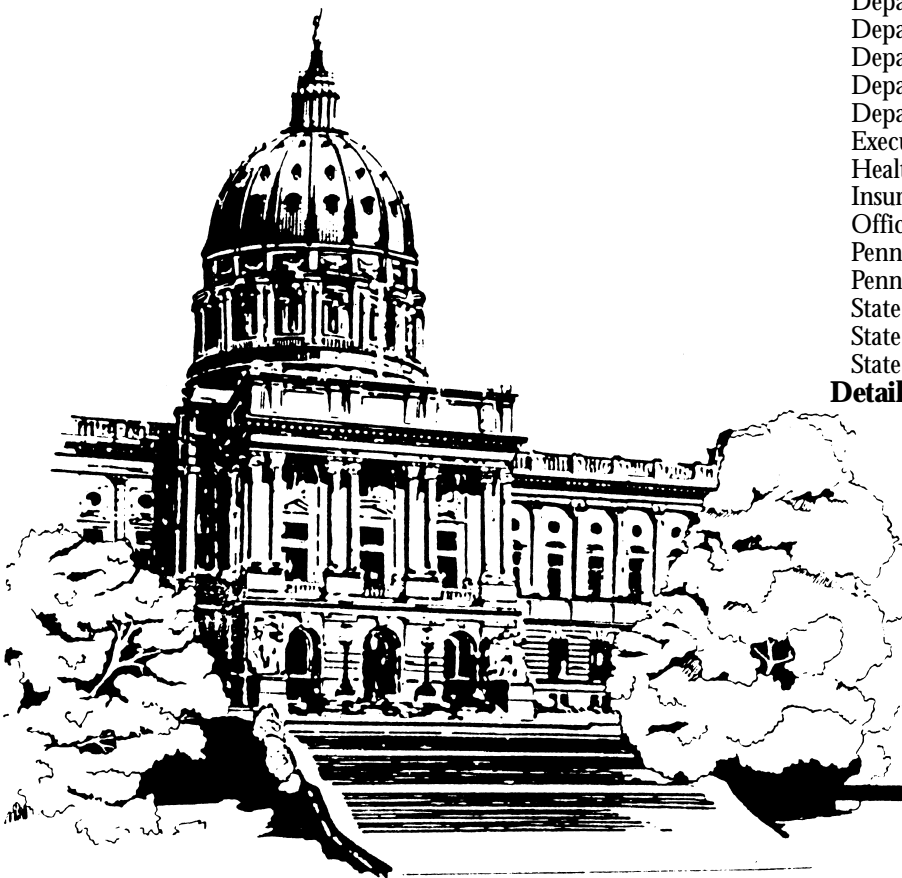
# PENNSYLVANIA BULLETIN

Volume 37  
Saturday, February 24, 2007 • Harrisburg, PA  
Number 8  
Pages 919—1016

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The Courts  
Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Military and Veteran Affairs  
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Executive Board  
Health Care Cost Containment Council  
Insurance Department  
Office of Attorney General  
Pennsylvania Energy Development Authority Board  
Pennsylvania Public Utility Commission  
State Board of Nursing  
State Employees' Retirement Board  
State Real Estate Commission

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

**No. 387, February 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.

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# THE GOVERNOR

## Proclamation of Disaster Emergency

February 14, 2007

*Whereas*, A winter storm, accompanied by substantial accumulations of snow and ice and high winds, began on the morning of February 13, 2007, and continues to impact the Commonwealth of Pennsylvania with severe weather conditions; and

*Whereas*, the winter storm conditions, including heavy snowfall, sleet, and freezing rain have resulted in extensive road closures, community public safety delays, property damage, and other adverse impacts upon the population of the Commonwealth; and

*Whereas*, severe winter weather conditions prompted affected county and municipal governments to declare local disaster emergencies or snow emergencies to exist; and

*Whereas*, the emergency situation may be of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans.

*Now Therefore*, pursuant to the provision of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the Commonwealth and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, I hereby transfer up to \$1 million in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses that may be incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; the time consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of his Department, in whatever manner that he deems necessary, to ensure that all interstate and other federal and state highways in the Commonwealth are cleared of snow, and any other obstructions resulting from this severe winter storm. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the clearing and removal of snow and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. However, this assistance does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this impending emergency; and

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania

## THE GOVERNOR

National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the potential danger to public health and safety caused by the aforementioned emergency; and


*Further*, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of his Department, in whatever manner that he deems necessary, to aid in the recovery aspects related to all interstate, other federal, and state highways in the Commonwealth to address the emergency resulting from this severe winter storm; and

*Further*, I hereby expressly authorize Commonwealth personnel, including Pennsylvania National Guard, to engage in emergency service activities, including the removal and towing of vehicles from Commonwealth highways pursuant to Sections 7303 and 7704 (35 Pa.C.S. Sections 7303, 7704); and

*Further*, I direct that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

*Still Further*, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this fourteenth day of February in the year of our Lord two thousand seven, and of the Commonwealth the two hundred and thirty-first.



Governor

[Pa.B. Doc. No. 07-301. Filed for public inspection February 23, 2007, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Amendment of Rule 1905; No. 297 Judicial Administration; Doc. No. 1

### Order

*Per Curiam:*

And Now, this 7th day of February, 2007, it is ordered that pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania, Pennsylvania Rule of Judicial Administration No. 1905 is amended in the following form.

Whereas prior distribution and publication of these amendments would otherwise be required, it has been determined that immediate promulgation is required in the interests of justice and efficient administration.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### Rule 1905. Investment Advisory Board.

(a) *General.* There is hereby established the Investment Advisory Board ("Board"), which shall consist of **[ seven ] eight** members. The Supreme Court shall appoint four (4) members. The Disciplinary Board of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security **[ and ] Board**, the Pennsylvania Continuing Legal Education Board **and the Pennsylvania Board of Law Examiners** ("the program boards") shall each appoint one (1) member to serve on the Board. The Court Administrator shall serve as an ex officio member to the Board. All members of the Board shall serve at the pleasure of the Supreme Court. The Board shall annually designate its chair.

(b) *Qualifications.* All appointees to the Board shall possess knowledge and expertise in **[ finance and the management ] investments and knowledge** of public sector investment funds. If no current program board member is professionally qualified or able to serve on the Board, the program board will appoint a prior Board member or a non-program board member with the requisite expertise.

(c) *Responsibilities.* The Board shall provide recommendations to the Supreme Court with regard to the development and implementation of an investment policy for the program boards that will maximize investment yields while minimizing risk. In addition, the Board shall provide oversight and monitoring of the activity of the investment portfolios. On **[ an annual ] a fiscal year** basis, the Board shall provide the Supreme Court with a review of its activities and appropriate recommendations

for further action. **The Board's fiscal year shall begin on July 1 and end on June 30.**

(d) *Procedure.* All actions of the Board shall be determined by majority vote. The Court Administrator of Pennsylvania will have no voting power except in the case of a tie.

(e) *Administrative.* The Administrative Office of Pennsylvania Courts shall provide necessary administrative assistance to the Board and shall pay the cost thereof as well as the necessary travel and other expenses of the members of the Board, all staff and any representative of the Supreme Court. The AOPC shall be reimbursed by the program boards for their pro rata share of necessary travel and other expenses.

(f) *Immunity.* Members of the Board, its staff and any other representative of the Supreme Court to the Board shall be immune from civil suit for any conduct in the course of their official duties. **Legal costs incurred by Board members in defense of such matters will be borne by the Board but passed through to the program boards in accordance with Rule 1905 (e). Such costs must be approved by the Board prior to being obligated for payment or reimbursement.**

### Comment

In 2001, the Supreme Court asked the Administrative Office of Pennsylvania Courts to review the investment activities of the Court's three affiliated boards (the Disciplinary Board, Pennsylvania Lawyers Fund for Client Security and the Pennsylvania Continuing Legal Education Board) and to make recommendations for the improved investment stability, performance, operation and cost efficiencies of the boards' investments. Following collection of information and consultation with investment advisors, the AOPC recommended the formation of an Investment Advisory Board to assist the Supreme Court in its oversight and consolidation of investment portfolios that would enhance returns and reduce investment fees. **In 2007 the Pennsylvania Board of Law Examiners became a program board member.**

[Pa.B. Doc. No. 07-302. Filed for public inspection February 23, 2007, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1900]

Order Amending Rule 1905; No. 470 Civil Procedural Rules; Doc. No. 5

### Order

*Per Curiam:*

And Now, this 6th day of February, 2007, Rule 1905 of the Pennsylvania Rules of Civil Procedure is amended as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective in ninety days, on May 7, 2007.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

PROTECTION FROM ABUSE

Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

(a) The Notice of Hearing and Order required by Rule 1901.3 shall be substantially in the following form:

(Caption)

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the petition. In particular, you may be evicted from your residence, be prohibited from possessing any firearm, other weapon, ammunition or any firearm license, and lose other important rights, including custody of your children. Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).

A hearing on the matter is scheduled for the \_\_\_ day of \_\_\_, 20\_\_\_, at \_\_\_m. in Courtroom \_\_\_\_\_ at \_\_\_\_\_ Courthouse, \_\_\_\_\_, Pennsylvania.

[ You ] If an order of protection has been entered, you MUST obey the order [ that is attached ] until it is modified or terminated by the court after notice and hearing. If you disobey this order, the police or sheriff may arrest you. Violation of this order may subject you to a charge of indirect criminal contempt which is punishable by a fine of up to \$1,000 [ .00 ] and/or up to six months in jail under 23 Pa. C.S.A. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this order is enforceable anywhere in the United States, tribal lands, U. S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§ 2261—2262.

If this order directs you to relinquish any firearm, other weapon, ammunition or any firearm license to the sheriff, you may do so upon service of this order. As an alternative, you may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided you and the third party first comply with all requirements to obtain a safekeeping permit. 23 Pa.C.S.A. § 6108.3. You must relinquish any firearm, other weapon, ammunition or any firearm license listed [ herein ] in the order no later than 24 hours after service of the order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, you must provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of the order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a

violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

NOTICE: Even if this order does not direct you to relinquish firearms, you may be subject to federal firearms prohibitions and federal criminal penalties under 18 U.S.C. § 922(g)(8).

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

County Lawyer Referral Service
[insert Street Address]
[insert City, State, and ZIP]
[insert Phone Number]

(b) The petition in an action filed pursuant to the Act shall be substantially in the following form:

(Caption)

PETITION FOR PROTECTION FROM ABUSE

1. Plaintiff's name is: \_\_\_\_\_

2. I am filing this [ Petition ] petition on behalf of:
[ ] Myself and/or [ ] Another Person. If you checked "myself," please answer all questions referring to yourself as "Plaintiff." If you checked "another person," please answer all questions referring to that person as the "Plaintiff, and provide your address here, unless confidential:

If you checked "Another Person," indicate your relationship with Plaintiff:

- [ ] parent of minor Plaintiff(s)
[ ] applicant for appointment as guardian ad litem of minor Plaintiff(s)
[ ] adult household member with minor Plaintiff(s)
[ ] court appointed guardian of incompetent Plaintiff(s)

3. Name(s) of ALL person(s), including Plaintiff and minor children, who seek protection from abuse: \_\_\_\_\_

4. [ ] Plaintiff's address is confidential or

[ ] Plaintiff's address is: \_\_\_\_\_

5. Defendant is believed to live at the following address: \_\_\_\_\_

Defendant's Social Security Number (if known) is: \_\_\_\_\_

Defendant's date of birth is: \_\_\_\_\_

Defendant's place of employment is: \_\_\_\_\_

[ ] Check here if you have reason to believe that Defendant is a licensed firearms dealer [or is employed in a profession that requires Defendant to handle firearms or], is employed by a licensed firearms dealer or manufacturer; is employed as a writer; researcher or technician in the firearms or hunting industry or is required to carry a firearm as a condition of employment.

Check here if Defendant is 17 years old or younger.

6. Indicate the relationship between Plaintiff and Defendant.

- Spouse**
- Current or former sexual/intimate partner**
- Other relationship by blood or marriage:**
- Ex-spouse**
- Persons who live or have lived like spouses**
- Parent/Child**
- Parents of the same children**
- Brother/Sister**

**CHECK ALL THAT APPLY:**

- spouse or former spouse of Defendant**
- parent of a child with Defendant**
- current or former sexual or intimate partner with Defendant**
- child of Plaintiff**
- child of Defendant**
- family member related by blood (consanguinity) to Defendant**
- family member related by marriage or affinity to Defendant**
- sibling (person who shares parenthood) of Defendant**
- current or former cohabitant (person who lives with) Defendant**

7. Have Plaintiff and Defendant been involved in any of the following court actions?

- Divorce
- Custody
- Support
- Protection From Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the court number, if known: \_\_\_\_\_

8. Has Defendant been involved in any criminal court action? \_\_\_\_\_

If you answered Yes, is Defendant currently on probation? \_\_\_\_\_

9. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s)	Age(s)	who reside at (list address unless confidential)
_____	_____	_____
_____	_____	_____

10. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court order regarding their custody? \_\_\_\_\_

If you answered "Yes," describe the terms of the order (e.g., primary, shared, legal and/or physical custody): \_\_\_\_\_

If you answered "Yes", in what county and state was the order issued?

\_\_\_\_\_  
\_\_\_\_\_

If you are now seeking an order of child custody as part of this petition, list the following information:

(a) Where has each child resided during the past five years?

Child's name	Person(s) child lived with	Address, unless confidential	When
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) List any other persons who are known to have or claim a right to custody of each child listed above.

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The following other minor child/ren presently live with Plaintiff:

Name(s)	Age(s)	Plaintiff's relationship to child/ren
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. The facts of the most recent incident of abuse are as follows:

Approximate Date: \_\_\_\_\_

Approximate Time: \_\_\_\_\_

Place: \_\_\_\_\_

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. If Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. (a) Has Defendant used or threatened to use any firearms or other weapons against Plaintiff or the minor child/ren? If so, please describe the use or threatened use below and list on Attachment A to Petition,

which is incorporated by reference into this petition, any firearms, other weapons or ammunition Defendant used or threatened to use against Plaintiff and/or the minor child/ren:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) [ To ] Other than the firearms, other weapons or ammunition Defendant used or threatened to use against Petitioner or the minor child/ren, does Defendant, to the best of your knowledge or belief, [ does Defendant ] own or possess any additional firearm, other weapon, ammunition or any firearm license?

(c) If the answer to (b) above is "yes," list any additional firearm, other weapon or ammunition owned by or in the possession of Defendant on Attachment A to Petition, which is incorporated by reference into this petition.

(d) Plaintiff (check one)  DOES  DOES NOT request that the court order Defendant to relinquish firearms, other weapons or ammunition listed on Attachment A to Petition. If Plaintiff does seek relinquishment, identify on Attachment A to Petition the firearms, other weapons and ammunition Plaintiff requests the court to order Defendant to relinquish.

15. Identify the sheriff, police department or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order:

\_\_\_\_\_  
\_\_\_\_\_

16. There is an immediate and present danger of further abuse from Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

Plaintiff is asking the court to evict and exclude Defendant from the following residence:

\_\_\_\_\_  
\_\_\_\_\_

owned by (list owners, if known): \_\_\_\_\_

rented by (list all names, if known): \_\_\_\_\_

Defendant owes a duty of support to Plaintiff and/or the minor child/ren.

Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, AND AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED):

A. Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or the minor child/ren in any place where Plaintiff and/or the child/ren may be found.

B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of [ the ] Plaintiff.

C. Require Defendant to provide Plaintiff and/or the minor child/ren with other suitable housing.

D. Award Plaintiff temporary custody of the minor child/ren and place the following restrictions on contact between Defendant and the child/ren: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

E. Prohibit Defendant from having any contact with Plaintiff and/or the minor child/ren, either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

F. Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this petition, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren. The following persons are Plaintiff's relatives or family and household members that Plaintiff believes require protection from stalking and harassment by Defendant.

Name      Address (optional)      Relationship to Plaintiff

\_\_\_\_\_  
\_\_\_\_\_

G. Order Defendant to temporarily relinquish [ any firearm, other weapon, ] some or all of the firearms, other weapons and/or ammunition listed on Attachment A to Petition and any firearm license to the sheriff of this county and/or prohibit Defendant from transferring, acquiring or possessing [ firearm, other weapon, ammunition or any firearm license ] some or all firearms for the duration of the order.

H. Order Defendant to pay temporary support for Plaintiff and/or the minor child/ren, including medical support and  payment of the rent or mortgage on the residence.

I. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

J. Order Defendant to pay the costs of this action, including filing and service fees.

K. Order Defendant to pay Plaintiff's reasonable attorney's fees.

L. Order the following additional relief, not listed above:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

M. Grant such other relief as Plaintiff requests and/or the court deems appropriate.

□ N. Order the police, sheriff or other law enforcement agency to serve the Defendant with a copy of this petition, any order issued, and the order for hearing. Plaintiff will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(Caption)

**[ PETITIONER'S ] ATTACHMENT A TO PETITION FIREARMS, OTHER WEAPONS, AND AMMUNITION INVENTORY**

I, \_\_\_\_\_, Plaintiff in this Protection From Abuse Action, hereby **[ request the court order Defendant to relinquish ]**

**(a) state that Defendant used or threatened to use the following firearms, other weapons [ , ammunition, and firearm licenses to the sheriff ] and ammunition against Plaintiff and/or the minor child/ren (include addresses or locations, if known, such as "front seat of blue truck," "gun cabinet," "bedroom closet," etc.):**

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	
<b>[ 6.</b>	
<b>7.</b>	
<b>8.</b>	
<b>9.</b>	
<b>10. ]</b>	

**(b) state that Defendant, to the best of my knowledge or belief, owns or possesses the following firearms, other weapons or ammunition not set forth in (a) above (include addresses or locations, if known):**

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	

**(c) request that the court order Defendant to relinquish the following firearms, other weapons and ammunition (include addresses or locations, if known):**

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	

□ **All firearms, other weapons and ammunition owned or possessed by Defendant.**

If more space is needed, more sheets may be attached to this document.

**[ I believe the above items are located at (List all relevant addresses where they may be found) ]**

Name \_\_\_\_\_ Date \_\_\_\_\_

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. § 6108(a)(7)(v).

(c) The Temporary Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)

TEMPORARY PROTECTION FROM ABUSE ORDER

Defendant's Name: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Social Security Number: \_\_\_\_\_

Names of All Protected Persons, including Plaintiff and minor child/ren:  
\_\_\_\_\_  
\_\_\_\_\_

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the attached Petition for Protection From Abuse, the court hereby enters the following Temporary Order:

□ 1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

□ 2. Defendant is evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other permanent or temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

□ 3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other [ protected ] person protected under this order, either directly or indirectly, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

□ 4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.



5. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

\_\_\_\_\_

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

\_\_\_\_\_

\_\_\_\_\_

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this Order. ]

5. CUSTODY.

There is a current custody order as to the child/ren of the parties:

\_\_\_\_\_ (county court) \_\_\_\_\_ (docket number) \_\_\_\_\_

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

\_\_\_\_\_

\_\_\_\_\_

Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

\_\_\_\_\_

\_\_\_\_\_

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this order.

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS

[ Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order. ]

Check all that apply:

Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.

Defendant shall relinquish to the sheriff [ all firearms and ] the following firearms licenses owned or possessed by Defendant[ . ]: \_\_\_\_\_

Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in [ Petitioner's ] Attachment A [ and any firearms license

Defendant may possess. ] to Temporary Order, which is incorporated herein by references.

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or [ firearms ] firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff an affidavit listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

7. The following additional relief is granted:

Defendant is prohibited from stalking, as defined in 18 Pa.C.S.A. § 2709.1, or harassing, as defined in 18 Pa.C.S.A. § 2709, the following family and household members of Plaintiff:

Name	Address (optional)	Relationship to Plaintiff
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other relief:

\_\_\_\_\_

\_\_\_\_\_

8. A certified copy of this order shall be provided to the sheriff or police department where Plaintiff resides and any other agency specified hereafter: [insert name of agency]

9. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000[ .00 ] and/or up to six months in jail. 23 Pa.C.S.A. § 6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S.A. § [ 6113 ] 6108(g). If Defendant is required to relinquish any firearms, other weapons or ammunition or any [ firearms ] firearm license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defen-

dant and the third party first comply with all requirements to obtain a safekeeping permit. **If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order.** Defendant is further notified that violation of this [ **Order** ] order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§ 2261—2262.

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

This order shall be enforced by the police department or sheriff who has jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located. If Defendant violates Paragraphs 1 through 6 of this order, Defendant shall be arrested on the charge of indirect criminal contempt. An arrest for violation of this order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of a police officer or sheriff.

Subsequent to an arrest, the law enforcement officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession **which were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession.** Any firearm, other weapon, ammunition or any firearm license must be delivered to the sheriff's office of the county which issued this order, which office shall maintain possession of the firearms, other weapons and ammunition until further order of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer or sheriff made the arrest.

BY THE COURT:

\_\_\_\_\_  
Judge Date

(Caption)

**ATTACHMENT A TO TEMPORARY ORDER FIREARMS, OTHER WEAPONS AND AMMUNITION INVENTORY**

**It is hereby ordered that Defendant relinquish the following firearms, other weapons and ammunition to the sheriff:**

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

All firearms, other weapons and ammunition owned or possessed by the defendant.

BY THE COURT

Judge \_\_\_\_\_ Date \_\_\_\_\_

**Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. § 6108(a)(7)(v).**

(d) The form of the Affidavit of Service in a Protection From Abuse matter shall be substantially in the following form:

(Caption)

AFFIDAVIT OF SERVICE

I, \_\_\_\_\_, the undersigned, hereby state that I served a copy of the **Notice of Hearing and Order**, Petition and Temporary Order in the above-captioned action upon Defendant by handing the papers to \_\_\_\_\_ at the following address:

\_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at approximately \_\_\_\_ o'clock \_\_\_\_ .m.

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

(Signature) \_\_\_\_\_

(Title) \_\_\_\_\_

(Address) \_\_\_\_\_

(Date) \_\_\_\_\_

**THIS FORM MUST BE COMPLETED AND SIGNED BY THE PERSON WHO SERVES THE DEFENDANT WITH THE NOTICE OF HEARING AND ORDER, PETITION AND TEMPORARY ORDER. IT MUST BE FILED WITH THE PROTHONOTARY OR BROUGHT TO THE COURT ON THE HEARING DATE.**

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)

FINAL ORDER OF COURT

Defendant's Name: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Social Security Number: \_\_\_\_\_

Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:

Names	Dates of Birth
_____	_____
_____	_____
_____	_____
_____	_____

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a [ **common** ] child with Defendant
- current or former sexual or intimate partner with Defendant
- child of [ **plaintiff** ] Plaintiff
- child of Defendant**
- family member related by blood (consanguinity) to Defendant**
- family member related by marriage or affinity to Defendant**

- sibling (person who shares [ biological ] parent-hood) of Defendant**
- current or former cohabitant (person who lives with) Defendant**

Defendant was served in accordance with Pa.R.C.P. 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED AND DECREED as follows:

**This order is entered (check one)  by agreement  by agreement without an admission  after a hearing and decision by the court  after a hearing at which Defendant was not present, despite proper service being made  by default. Without regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection From Abuse Act.**

Note: Space is provided to allow for 1) the court's general findings of abuse; 2) inclusion of the terms under which the order was entered (e.g., that the order was entered with the consent of the parties, or that the defendant, though properly served, failed to appear for the hearing, or the reasons why the plaintiff's request for a final PFA order was denied); and/or 3) information that may be helpful to law enforcement (e.g., whether a firearm or other weapon was involved in the incident of abuse and/or whether the defendant is believed to be armed and dangerous.

Plaintiff's request for a final protection order is denied.

OR

Plaintiff's request for a final protection order is granted.

1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to Plaintiff or any other protected person in any place where they might be found.

2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

On [insert date and time], Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer or sheriff when such retrieval is made and [ insert any other conditions ]

\_\_\_\_\_

\_\_\_\_\_

3. Except as provided in paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, either directly or indirectly, or any other person protected under this order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Except as provided in paragraph 5 of this order, Defendant shall not contact Plaintiff, either directly or indirectly, or any other person protected under this order, by telephone or by any other means, including through third persons.

5. **[ Custody ] Temporary custody** of the minor children, [NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH] shall be as follows: **[ STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED; STATE TERMS OF PARTIAL CUSTODY OR VISITATION, IF ANY. ]**

Check all that apply:

\_\_\_\_\_

\_\_\_\_\_

**There is a current custody order as to the children of the parties:**

\_\_\_\_\_ (county court) \_\_\_\_\_ (docket number) \_\_\_\_\_

**A custody petition is pending.**

**A hearing is scheduled for \_\_\_\_\_ (date, time and location) \_\_\_\_\_**

**THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.**

**THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.**

6. **[ Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order. ] FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS**

Check all that apply:

**Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.**

Defendant shall relinquish to the sheriff **[ all firearms and ] the following** firearms licenses owned or possessed by Defendant [ . ]: \_\_\_\_\_

Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in **[ Petitioner's Attachment A, and any firearms license Defendant may possess ] Attachment A to Final Order, which is incorporated herein by reference.**

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may **either** relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit, **or relinquish firearms, other weapons and ammunition to a licensed firearms dealer for consignment sale, lawful transfer or safekeeping pursuant to 23 Pa.C.S.A. § 6108.2(e).** Defendant must relinquish any firearm, other weapon, ammunition or firearms license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license **ordered to be relin-**

quished shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

□ 7. Any firearm delivered to the sheriff or transferred to a licensed firearm dealer, or a qualified third party who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 Pa.C.S.A. § 6108.3 pursuant to this order or the temporary order shall not be returned to Defendant until further order of court or as otherwise provided by law.

□ 8. The following additional relief is granted as authorized by § 6108 of the Act:

□ Defendant is prohibited from stalking, as defined in 18 Pa C.S. § 2709.1, or harassing, as defined in 18 Pa.C.S. § 2709.3 pursuant to this order or the temporary order shall not be returned to Defendant until further order of court or as otherwise provided by law.

Name Address (optional) Relationship to Plaintiff

\_\_\_\_\_  
\_\_\_\_\_

□ Other relief:

\_\_\_\_\_  
\_\_\_\_\_

□ 9. Defendant is directed to pay temporary support for: [INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID] as follows: [INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER]. This order for support shall remain in effect until a final support order is entered by this court. However, this order shall lapse automatically if Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

10. □ (a) The costs of this action are imposed on Defendant.

□ (b) Because this order followed a contested proceeding, or a hearing at which Defendant was not present, despite being served with a copy of the petition, temporary order and notice of the date, time and place of the hearing, Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 23 Pa.C.S.A. § 6106(d).

□ (c) Upon a showing of good cause or a finding that Defendant is unable to pay, the costs of this action are waived.

□ 11. Defendant shall pay \$ \_\_\_\_\_ to Plaintiff by (insert date) as compensation for Plaintiff's out-of-pocket losses, which are as follows: \_\_\_\_\_

An installment scheduled is ordered as follows: \_\_\_\_\_

OR

□ Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to [INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETI-

TION SHOULD BE PRESENTED] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the prothonotary's office for the filing of this petition.

□ 12. THIS ORDER SUPERCEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

13. All provisions of this order shall expire:

Check one

□ in \_\_\_\_\_ [ INSERT DAYS, MONTHS OR YEARS ] on [ INSERT EXPIRATION DATE ]

□ in three years, on [INSERT EXPIRATION DATE]

NOTICE TO THE DEFENDANT

VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA. C.S.A. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. A VIOLATION OF THIS ORDER MAY RESULT IN THE REVOCATION OF THE SAFEKEEPING PERMIT, WHICH WILL REQUIRE THE IMMEDIATE RELINQUISHMENT OF YOUR FIREARMS, OTHER WEAPONS AND AMMUNITION TO THE SHERIFF. PLAINTIFF'S CONSENT TO CONTACT BY DEFENDANT SHALL NOT INVALIDATE THIS ORDER WHICH CAN ONLY BE MODIFIED BY FURTHER ORDER OF COURT. 23 Pa.C.S.A. § 6108(g).

THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. § 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT. 18 U.S.C. §§ 2261—2262. IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION. 18 U.S.C. § 922(g)(8).

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

The police and sheriff who have jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered. An arrest for violation of paragraphs 1 through 7 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 23 Pa.C.S.A. § 6113.

Subsequent to an arrest, and without the necessity of a warrant, the police officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession that were used or threatened to be used during the violation of the protection order or during

prior incidents of abuse **and any other firearms in Defendant's possession.** The [insert the appropriate name or title] shall maintain possession of the firearms, other weapons or ammunition until further order of this court.

When Defendant is placed under arrest for violation of the order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff OR Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged, Defendant shall be arraigned, bond set, if appropriate and both parties given notice of the date of hearing.

BY THE COURT:

Judge \_\_\_\_\_ Date \_\_\_\_\_

If entered pursuant to the consent of plaintiff and defendant:

\_\_\_\_\_  
(Plaintiff's signature)                      (Defendant's signature)

(Caption)

**ATTACHMENT A TO FINAL ORDER  
FIREARMS, OTHER WEAPONS AND AMMUNITION  
INVENTORY**

**It is hereby ordered that Defendant relinquish the following firearms, other weapons and ammunition to the sheriff:**

Firearm/Other Ammunition	Location	Weapon/
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

All firearms, other weapons and ammunition owned or possessed by Defendant.

BY THE COURT:

Judge \_\_\_\_\_ Date \_\_\_\_\_

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. § 6108(a)(7)(v).

\* \* \* \* \*

**Explanatory Comment—2006**

The Notice to Defend in subdivision (a) was amended to include three notice requirements of the 2005 Protection From Abuse Act amendments, Act 66 of 2005. 23 Pa.C.S.A. § 6107 (a). The amendments provide that sheriffs may arrest defendants for violations of protective orders. **The notice also advises the defendant that if firearms, other weapons or ammunition cannot reasonably be retrieved within the required time, the defendant must provide the sheriff with an affidavit listing the firearms, other weapons and ammunition and their current location within 24 hours.**

**Pa.C.S.A. § 6108(a)(7)(i)(B).** In addition, defendants have the option to turn firearms, other weapons and ammunition over to a qualified third party instead of the sheriff, and federal firearms prohibitions and penalties are more clearly stated.

The 2005 amendments to the Protection From Abuse Act require several changes to the form petition at subdivision (b). The plaintiff is required to inform the court if the defendant works in a job that requires the handling of firearms. This provision was included to allow courts to exercise appropriate discretion when a defendant is exempt from federal firearm prohibitions and penalties. **It also directs the court to "make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals" of the Protection From Abuse Act. 23 Pa.C.S.A. § 6108(a)(7.1).** Federal law prohibits possession of firearms and penalizes defendants who possess them if they are subject to an order prohibiting abuse, stalking or harassment. However, certain law enforcement officials are exempt from this prohibition and penalty. Under 18 U.S.C. § 925(a)(1), a person performing an official duty on behalf of the federal, state or local law enforcement agency may possess a firearm as long as the officer is required to possess the firearm in his or her official capacity. The Bureau of Alcohol, Tobacco and Firearms requires the official possession of the firearm to be authorized by statute, regulation or official department policy. The new notice requirement is found in 23 Pa.C.S.A. § 6106 (a.2).

Paragraph 14 of the form petition was amended to address the manner in which the firearms and other weapons were used against the plaintiff or minor children and to remove the listing of firearms in the petition itself. The amended statute prohibits public access to any list or inventory of the defendant's firearms, **other weapons or ammunition.** Thus, a separate Attachment A is included at the end of the petition for purposes of listing the firearms, **other weapons and ammunition** at issue. This will allow the prothonotary to more easily redact the list from public access, while at the same time permitting the court, the parties and law enforcement agencies to enforce the order. 23 Pa.C.S.A. § 6108 (a)(7)(v). **Section 6108(a)(7) of the Protection From Abuse Act provides for relinquishment of other weapons and ammunition only if they have been used or threatened to be used in an act of abuse. Paragraph 14 and Attachment A to Petition balance the court's need to be advised of firearms, other weapons and ammunition used or threatened to be used in an act of abuse or available to the defendant with the plaintiff's right to decline to seek relinquishment of some or all of those firearms, other weapons and ammunition.**

The form petition also was amended to address the court's authority to order the defendant to relinquish any and all firearms[, **other weapons and ammunition**], whether they were used or threatened to be used in an act of abuse or not. Any one of several circumstances authorizes the court to grant this relief, including, but not limited to, abuse involving a firearm or weapon or an immediate and present danger of abuse. The amended statute provides the court with multiple examples of what may constitute proof of immediate and present danger for the purposes of ordering the relinquishment of any or all of the defendant's firearms. 23 Pa.C.S.A. § 6107(b)(3). **Finally, the form addresses the court's authority to order the defendant to relinquish other weapons**

**and ammunition which were used or threatened to be used in an act of abuse.**

**The form temporary order retains a space for the defendant's Social Security number. Pursuant to 23 Pa.C.S.A. § 6108(b), "[ a ]ny order issued under this section shall, where furnished by either party, specify the Social Security number and date of birth of the defendant."**

In subdivisions (c) and (e), paragraph three in the form temporary and final orders is amended to clarify that even indirect contact with a protected person may be prohibited. This clarification reflects the Pennsylvania Supreme Court's holding in *Commonwealth v. Baker*, 564 Pa. 192, 766 A.2d 328 (2001), that the order must be "definite, clear, specific and leave no doubt or uncertainty in the mind of the person to whom it was addressed of the prohibited conduct."

**The amendments to paragraph 5 of the form temporary and final orders are consistent with the statutory provisions of the Protection From Abuse Act relating to custody. See 23 Pa.C.S.A. § 6108(a)(4).**

The 2005 amendments to the Protection From Abuse Act provide that the court may order the defendant to relinquish ammunition and firearm licenses, in addition to firearms and other weapons. 23 Pa.C.S.A. §§ 6108(a)(7) and 7.1. These items were added to paragraph six of the temporary and final order forms, the notices to the defendant and the notices to the sheriff, police and law enforcement.

The amendments to paragraph six of the form orders also provide the court with **[ two options if firearms, weapons or ammunition are prohibited ] discretion to place certain restrictions on firearms possession or to completely proscribe firearms possession. [ The court may order only certain firearms, weapons and ammunition to be relinquished as listed by Plaintiff on Attachment A, or the court may order that all firearms, weapons and ammunition be relinquished. ]** The amended paragraphs and the notices to the defendant inform the parties that if the defendant is ordered to relinquish firearms, weapons or ammunition, they must be relinquished to the sheriff or, in the alternative, they may be relinquished to a third party who complies with the substantive and procedural requirements for a third party safekeeping permit. 23 Pa.C.S.A. §§ 6107(a), **6108.3. Upon entry of a final order, the defendant may also relinquish firearms, other weapons or ammunition to a licensed firearms dealer.** No matter which option Defendant chooses, if firearms and weapons are ordered to be relinquished, any firearm license **[ possessed ] ordered to be relinquished** must be relinquished to the sheriff. The aforementioned items may be relinquished at the time of service, but no later than 24 hours after service **unless, with regard to firearms, other weapons or ammunition, they cannot reasonably be retrieved due to their location.** 23 Pa.C.S.A. § 6108(a)(7)(i). The notice to the defendant in the final order was expanded to advise the defendant that violation of the order may result in the revocation of the third-party safekeeping permit. Paragraph seven of the final order form was amended to reflect 23 Pa.C.S.A. § 6108.1(a) **and other statutory provisions concerning the return of firearms. [ The process for return of firearms is within the discretion of the court in each judicial district. ]**

Paragraph ten of the final order form was amended to reflect the statute's prohibition against charging the plaintiff fees or costs related to filing, service, registration or appeal in any Protection From Abuse matter. A new subparagraph (b) in paragraph ten of the final order reflects the 2005 amendments to the Protection From Abuse Act which increased the surcharge a court may order a defendant to pay when an action is contested and directs the disbursement of the collected surcharges. 23 Pa.C.S.A. § 6106(d).

Paragraph fourteen of the final order form was amended to reflect the increased period of protection the court may grant. The maximum period of protection was increased from eighteen months to three years.

The amended notice to the sheriff, police and law enforcement in the final order clarifies that the defendant may be arrested anywhere a violation occurs, and that the court has jurisdiction to hear the issue of indirect criminal contempt either where the order was issued or where the violation occurred. With this amendment, jurisdiction for indirect criminal contempt is parallel to prosecution for stalking and harassment. 23 Pa.C.S.A. § 6114(a.1). The notice also makes it clear that a search and seizure of firearms may occur without a warrant when incident to arrest. 23 Pa.C.S.A. §§ 6113(b) and 6121.

Other amendments to the order forms reflect that the sheriff is authorized to arrest for violations of the order under the Protection From Abuse Act. 23 Pa.C.S.A. § 6113. The references to a protective order superseding provisions of a prior custody order were moved to paragraph five, which deals with custody, in both the temporary and final orders.

[Pa.B. Doc. No. 07-303. Filed for public inspection February 23, 2007, 9:00 a.m.]

## PART I. GENERAL

### [231 PA. CODE CH. 3000]

#### Promulgation of New Rule 3111.1 and Amendment of Rules 3111, 3146, 3252 and 3253 Governing Exemption of Certain Funds from Execution; No. 471 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

*And Now*, this 7th day of February, 2007, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. New Rule 3111.1 is promulgated to read as follows and
2. Rule 3111, 3146, 3252 and 3253 are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective April 1, 2007.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 3000. JUDGMENTS

#### Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

#### Rule 3111. Service of the writ on garnishee; effect.

\* \* \* \* \*

(b) Service of the writ upon the garnishee shall attach all property of the defendant which may be attached under these rules which is in the possession of the garnishee. It shall also attach all property of the defendant which may be attached under these rules and which comes into the garnishee's possession thereafter until judgment against the garnishee even though no such property of the defendant was in the garnishee's possession at the time of service.

**Official Note:** For limitations on the power to attach tangible personal property see Rule 3108(a).

**See Rule 3111.1 providing that service of the writ does not attach the defendant's funds on deposit in a bank or other financial institution in an account in which funds are deposited electronically on a recurring basis and are identified as funds which upon deposit are exempt from attachment.**

\* \* \* \* \*

**Rule 3111.1. Exemptions from levy and attachment.**

In the absence of a court order, service of the writ upon a bank or other financial institution as garnishee shall not attach any of the defendant's funds on deposit with the bank or other financial institution in an account in which

(1) funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or

**Official Note:** See Rule 3146(b)(2) governing judgment against a bank or other financial institution as garnishee upon admission in answer to interrogatory.

(2) the funds on deposit, not including any otherwise exempt funds, do not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123. The plaintiff shall have the right to file an objection if the plaintiff believes that the defendant has exhausted the statutory exemption.

**Rule 3146. Judgment against garnishee upon default or admission in answer to interrogatories.**

\* \* \* \* \*

(b)(1) [ The ] Subject to paragraph (2) of this subdivision, the prothonotary, on praecipe of the plaintiff, shall enter judgment against the garnishee for the property of the defendant admitted in the answer to interrogatories to be in the garnishee's possession, subject to any right therein claimed by the garnishee, but no money judgment entered against the garnishee shall exceed the amount of the judgment of the plaintiff against the defendant together with interest and costs. The entry of judgment shall not bar the right of the plaintiff to proceed against the garnishee as to any further property or to contest any right in the property claimed by the garnishee.

(2) If the garnishee is a bank or other financial institution, the prothonotary, in the absence of an order of court, shall not enter judgment pursuant to paragraph (1) of this subdivision as to funds of any account of the defendant that is identified in the garnishee's answer to interrogatory no. 7 or 8.

\* \* \* \* \*

**Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS**

**FORMS**

**Rule 3252. Writ of execution; money judgments.**

(a) The writ of execution shall include a notice to the defendant, a summary of major exemptions, and a claim for exemption, and shall be substantially in the following form:

(Caption)

WRIT OF EXECUTION

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$ 300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.**

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Telephone Number)

WRIT OF EXECUTION

Commonwealth of Pennsylvania )  
County of \_\_\_\_\_ )

To the Sheriff of \_\_\_\_\_ County:

To satisfy the judgment, interest and costs against \_\_\_\_\_, defendant,  
(Name of Defendant)

(1) you are directed to levy upon the property of the defendant and to sell [ his ] the defendant's interest therein;

(2) you are also directed to attach the property of the defendant not levied upon in the possession of \_\_\_\_\_, as garnishee, \_\_\_\_\_, (Name of Garnishee) (Specifically describe property)

and to notify the garnishee that

(a) an attachment has been issued;

(b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution

(i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or

(ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify [him] such other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due \$ \_\_\_\_\_
Interest from \_\_\_\_\_ \$ \_\_\_\_\_
(Costs to be added) \$ \_\_\_\_\_

(Name of Prothonotary (Clerk))

Seal of the Court

By \_\_\_\_\_ (Deputy)

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

- 1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

(Caption)

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300 statutory exemption be

(i) set aside in kind (specify property to be set aside in kind): \_\_\_\_\_;

(ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption): \_\_\_\_\_.

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$ 300 statutory exemption: [ ] in cash; [ ] in kind (specify property): \_\_\_\_\_;

(b) [ Social Security benefits on deposit in the amount of \$ \_\_\_\_\_;

(c) ] other (specify amount and basis of exemption): \_\_\_\_\_.

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at

\_\_\_\_\_.

(Address)

(Telephone Number)

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

Date: \_\_\_\_\_ (Defendent)

THIS CLAIM TO BE FILED WITH THE OFFICE OF THE SHERIFF OF \_\_\_\_\_ COUNTY:

\_\_\_\_\_

(Address)

(Telephone Number)

Official Note: Under paragraphs (1) and (2) of the writ, a description of specific property to be levied upon or attached may be set forth in the writ or included in a separate direction to the sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, the garnishee's name should be set forth in the space provided.

Under paragraph (3) of the writ, the sheriff may, as under prior practice, add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a).

(b) Each court shall by local rule designate the officer, organization or person to be named in the notice.

Rule 3253. Interrogatories in attachment.

Interrogatories of the plaintiff to the garnishee shall be substantially in the following form:



(Caption)

**Interrogatories to Garnishee**

To \_\_\_\_\_:  
(Garnishee)

You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you:

1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to the defendant on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant for any reason?

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant?

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant or in which defendant held or claimed any interest?

4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

5. At any time before or after you were served did the defendant transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefor?

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant against you?

**7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis.**

**8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.**

(The plaintiff may set forth additional appropriate interrogatories.)

**Explanatory Comment**

Numerous federal and state statutes provide that funds paid to individuals pursuant to the statutes are exempt from execution, levy and attachment. Perhaps the premier statute in this regard is the Social Security Act which provides, 42 U.S.C. § 407:

**§ 407. Assignment; amendment of section**

(a) The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

\* \* \* \* \*

Section 407 provides that not only are future payments exempt from execution but so too are the funds once they have been deposited in the recipient's account in a bank or other financial institution.

Prior to the present amendments, the Pennsylvania Rules of Civil Procedure did not comply with these provisions. The writ of execution under Rule 3252, paragraph 2(b), provided that "the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof." The writ contained no exception for funds of the defendant which are exempt from execution. In addition, the defendant was required to claim the exemption by filing a claim under Rule 3123.1.

The present amendments to the execution rules address this problem. Under the amended rules, the judgment creditor rather than the defendant has the burden of raising an issue with respect to exempt payments within the scope of new Rule 3111.1. The defendant need not file a claim for exemption as exempt funds are not attached.

The amendments are as follows:

1. New Rule 3111.1 is to be promulgated, explicitly stating that funds of the defendant on deposit in certain accounts with a bank or other financial institution are exempt from execution. Social security payments are not named. Rather, the rule speaks in terms of "funds on deposit in a bank or other financial institution in an account in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law."

2. The form of the writ of execution set forth in Rule 3252 is amended by incorporating the language of new Rule 3111.1(1). New paragraph 2(c) of the writ advises the garnishee that the attachment does not include the defendant's funds in an account which exempt funds are deposited electronically on a recurring basis.

3. Rule 3253 governing interrogatories to the garnishee is amended by adding new interrogatory no. 7. This interrogatory inquires of a bank or other financial institution as garnishee whether the defendant had "funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law." The garnishee is then required to "identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis."

4. The prior practice under Rule 3146(b) was that "the prothonotary, on praecipe of the plaintiff, shall enter judgment against the garnishee for the property of the defendant admitted in the answer to interrogatories to be in the garnishee's possession." Rule 3146(b) has been amended by adding new paragraph (2) providing that if the answer of a bank or other financial institution to

interrogatory no. 7 identifies one or more accounts as containing exempt funds, "the prothonotary, in the absence of an order of court, shall not enter judgment pursuant to paragraph (1) of this subdivision as to funds of any account of the defendant that is identified in the garnishee's answer" to the interrogatory.

5. Section 8123 of the Judicial Code, 42 Pa.C.S. § 8123, provides for a \$300 monetary exemption. This exemption is treated separately in new Rule 3111.1(2), in new paragraph (2)(c)(ii) of the writ of execution prescribed by Rule 3252 and in a new interrogatory to the garnishee under Rule 3253, interrogatory no. 8. The amendments provide a similar procedure for the \$300 monetary exemption as for recurring electronic deposits described above: \$300 or less in an account of the defendant is exempt from attachment, the writ of execution notifies the garnishee that \$300 or less in an account of the defendant is not attached and interrogatory no. 8 inquires of the garnishee concerning the funds of the defendant on deposit in accounts with the garnishee. As the \$300 amount is exempt from attachment, the defendant need not claim it under Rule 3123.1 governing claim of exemption.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 07-304. Filed for public inspection February 23, 2007, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [237 PA. CODE CHS. 11—18]

#### Addition of Official Notes and Committee Explanatory Reports to Dependency Matters Rules

It has been brought to the Juvenile Court Procedural Rules Committee's attention that the Official Note and the Committee's Explanatory Report cites were not published with the Rules on September 2, 2006 at 36 Pa.B. 5571. The Official Note for each Rule provides when the Rule was adopted by the Court and when the Rule went into effect. The Committee Explanatory Report cite sends the reader to the publication of the Committee's Explanatory Report in the *Pennsylvania Bulletin*.

There have been no rule changes with this publication. The additions are for historical reference only.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 11. GENERAL PROVISIONS

#### Rule 1100. Scope of Rules.

\* \* \* \* \*

**Official Note:** Rule 1100 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1100 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

#### Rule 1101. Purpose and Construction.

\* \* \* \* \*

**Official Note:** Rule 1101 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1101 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

#### Rule 1102. Citing the Juvenile Court Procedural Rules.

\* \* \* \* \*

**Official Note:** Rule 1102 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1102 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

### PART A. BUSINESS OF COURTS

#### Rule 1120. Definitions.

\* \* \* \* \*

**Official Note:** Rule 1120 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1120 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

#### Rule 1121. Local Rules.

\* \* \* \* \*

**Official Note:** Rule 1121 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1121 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

#### Rule 1122. Continuances.

\* \* \* \* \*

**Official Note:** Rule 1122 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1122 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

#### Rule 1123. Subpoenas.

\* \* \* \* \*

**Official Note:** Rule 1123 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1123 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

#### Rule 1124. Summons.

\* \* \* \* \*

**Official Note:** Rule 1124 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1124 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1126. Defects in Form, Content, or Procedure.**

\* \* \* \* \*

**Official Note:** Rule 1126 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1126 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1127. Recording and Transcribing Juvenile Court Proceedings.**

\* \* \* \* \*

**Official Note:** Rule 1127 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1127 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1128. Presence at Proceedings.**

\* \* \* \* \*

**Official Note:** Rule 1128 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1128 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1130. Public Discussion by Court Personnel of Pending Matters.**

\* \* \* \* \*

**Official Note:** Rule 1130 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1130 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1133. Motion to Intervene.**

\* \* \* \* \*

**Official Note:** Rule 1133 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1133 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1134. Proceedings in Camera.**

\* \* \* \* \*

**Official Note:** Rule 1134 adopted August, 21, 2006, effective February 1, 2007.

**Rule 1135. Captions.**

\* \* \* \* \*

**Official Note:** Rule 1135 adopted August, 21, 2006, effective February 1, 2007.

**PART B(1). EXAMINATION AND TREATMENT OF CHILD**

**Rule 1145. Application or Motion for Examination and Treatment of a Child.**

\* \* \* \* \*

**Official Note:** Rule 1145 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1145 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART B(2). COUNSEL**

**Rule 1150. Attorneys—Appearances and Withdrawals.**

\* \* \* \* \*

**Official Note:** Rule 1150 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1150 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1151. Assignment of Guardian ad litem and Counsel.**

\* \* \* \* \*

**Official Note:** Rule 1151 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1151 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1152. Waiver of Counsel.**

\* \* \* \* \*

**Official Note:** Rule 1152 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1152 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1154. Duties of Guardian ad litem.**

\* \* \* \* \*

**Official Note:** Rule 1154 adopted August, 21, 2006, effective February 1, 2007.

**Rule 1158. Assignment of Court Appointed Special Advocates.**

\* \* \* \* \*

**Official Note:** Rule 1158 adopted August, 21, 2006, effective February 1, 2007.

**PART C. RECORDS**

**PART C(1). ACCESS TO JUVENILE COURT RECORDS**

**Rule 1160. Inspection of Juvenile Court File/Records.**

\* \* \* \* \*

**Official Note:** Rule 1160 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1160 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART C(2). MAINTAINING RECORDS**

**Rule 1165. Design of Forms.**

\* \* \* \* \*

**Official Note:** Rule 1165 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1165 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1166. Maintaining Records in the Clerk of Courts.**

\* \* \* \* \*

**Official Note:** Rule 1166 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1166 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1167. Filings and Service of Court Orders and Notices.**

\* \* \* \* \*

**Official Note:** Rule 1167 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1167 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART D. PROCEEDINGS IN CASES BEFORE MASTER**

**Rule 1185. Appointment to Cases.**

\* \* \* \* \*

**Official Note:** Rule 1185 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1185 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1187. Authority of Master.**

\* \* \* \* \*

**Official Note:** Rule 1187 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1187 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1190. Stipulations Before Master.**

\* \* \* \* \*

**Official Note:** Rule 1190 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1190 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1191. Master's Findings and Recommendation to the Judge.**

\* \* \* \* \*

**Official Note:** Rule 1191 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1191 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT**

**PART A. COMMENCING PROCEEDINGS**

**Rule 1200. Commencing Proceedings.**

\* \* \* \* \*

**Official Note:** Rule 1200 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1200 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1201. Procedures for Protective Medical Custody.**

\* \* \* \* \*

**Official Note:** Rule 1201 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1201 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1202. Procedures for Protective Custody by Police and County Agency.**

\* \* \* \* \*

**Official Note:** Rule 1202 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1202 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART B. EMERGENCY CUSTODY**

**Rule 1210. Order for Protective Custody.**

\* \* \* \* \*

**Official Note:** Rule 1210 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1210 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART C. SHELTER CARE**

**Rule 1240. Shelter Care Application.**

\* \* \* \* \*

**Official Note:** Rule 1240 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1240 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1241. Notification of Shelter Care Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1241 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1241 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1242. General Conduct of Shelter Care Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1242 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1242 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1243. Shelter Care Rehearings.**

\* \* \* \* \*

**Official Note:** Rule 1243 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1243 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 13. PRE-ADJUDICATORY PROCEDURES**

**PART A. VENUE**

**Rule 1300. Venue.**

\* \* \* \* \*

**Official Note:** Rule 1300 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1300 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1302. Inter-County Transfer.**

\* \* \* \* \*

**Official Note:** Rule 1302 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1302 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART B. APPLICATION FOR PRIVATE PETITION**

**Rule 1320. Application to File a Private Petition.**

\* \* \* \* \*

**Official Note:** Rule 1320 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1321. Hearing on Application for Private Petition.**

\* \* \* \* \*

**Official Note:** Rule 1321 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1321 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART C. PETITION**

**Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.**

\* \* \* \* \*

**Official Note:** Rule 1330 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1330 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1331. Service of Petition.**

\* \* \* \* \*

**Official Note:** Rule 1331 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1331 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1333. Separate Petitions and Consolidated Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1333 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1333 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1334. Amendment of Petition.**

\* \* \* \* \*

**Official Note:** Rule 1334 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1334 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1335. Withdrawal of Petition.**

\* \* \* \* \*

**Official Note:** Rule 1335 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1335 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1336. Re-Filing of the Petition After Withdrawal or Dismissal.**

\* \* \* \* \*

**Official Note:** Rule 1336 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1336 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART D. PROCEDURES FOLLOWING FILING OF PETITION**

**Rule 1340. Discovery and Inspection.**

\* \* \* \* \*

**Official Note:** Rule 1340 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1340 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1342. Pre-Adjudicatory Conference.**

\* \* \* \* \*

**Official Note:** Rule 1342 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1342 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART D(1). MOTION PROCEDURES**

**Rule 1344. Motions and Answers.**

\* \* \* \* \*

**Official Note:** Rule 1344 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1344 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1345. Filing and Service.**

\* \* \* \* \*

**Official Note:** Rule 1345 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1345 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART D(2). ADJUDICATORY SUMMONS AND NOTICE PROCEDURES**

**Rule 1360. Adjudicatory Summons.**

\* \* \* \* \*

**Official Note:** Rule 1360 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1360 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1361. Adjudicatory Notice.**

\* \* \* \* \*

**Official Note:** Rule 1361 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1361 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1363. Service of Summons.**

\* \* \* \* \*

**Official Note:** Rule 1363 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1363 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1364. Failure to Appear on the Summons.**

\* \* \* \* \*

**Official Note:** Rule 1364 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1364 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART E. PRESERVATION OF TESTIMONY AND EVIDENCE**

**Rule 1380. Preservation of Testimony After Commencement of Proceedings.**

\* \* \* \* \*

**Official Note:** Rule 1380 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1380 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1381. Preservation of Testimony by Video Recording.**

\* \* \* \* \*

**Official Note:** Rule 1381 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1381 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 14. ADJUDICATORY HEARING**

**Rule 1401. Introduction to Chapter Fourteen.**

\* \* \* \* \*

**Official Note:** Rule 1401 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1401 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1404. Prompt Adjudicatory Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1404 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1404 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1405. Stipulations.**

\* \* \* \* \*

**Official Note:** Rule 1405 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1405 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1406. Adjudicatory Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1406 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1406 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1408. Findings on Petition.**

\* \* \* \* \*

**Official Note:** Rule 1408 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1408 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1409. Adjudication of Dependency and Court Order.**

\* \* \* \* \*

**Official Note:** Rule 1409 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1409 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 15. DISPOSITIONAL HEARING  
PART A. SUMMONS AND NOTICE OF THE  
DISPOSITIONAL HEARING**

**Rule 1500. Summons for the Dispositional Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1500 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1500 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1501. Dispositional Notice.**

\* \* \* \* \*

**Official Note:** Rule 1501 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1501 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1509. Aids in Disposition.**

\* \* \* \* \*

**Official Note:** Rule 1509 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1509 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1510. prompt Dispositional Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1510 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1510 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1511. Pre-Dispositional Statement.**

\* \* \* \* \*

**Official Note:** Rule 1511 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1511 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1512. Dispositional Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1512 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1512 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1514. Dispositional Finding Before Removal from Home.**

\* \* \* \* \*

**Official Note:** Rule 1514 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1514 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1515. Dispositional Order.**

\* \* \* \* \*

**Official Note:** Rule 1515 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1515 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1516. Service of the Dispositional Order.**

\* \* \* \* \*

**Official Note:** Rule 1516 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1516 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**

**PART A. SUMMONS AND NOTICE**

**Rule 1600. Summons for the permanency Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1600 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1600 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1601. Permanency Hearing Notice.**

\* \* \* \* \*

**Official Note:** Rule 1601 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1601 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**PART B. PERMANENCY HEARING**

**Rule 1607. Regular Scheduling of Permanency Hearings.**

\* \* \* \* \*

**Official Note:** Rule 1607 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1607 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1608. Permanency Hearing.**

\* \* \* \* \*

**Official Note:** Rule 1608 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1608 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1609. Court Order of Permanency Hearing Determinations.**

\* \* \* \* \*

**Official Note:** Rule 1609 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1609 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1613. Termination of Court Supervision.**

\* \* \* \* \*

**Official Note:** Rule 1613 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 17. AGGRAVATED CIRCUMSTANCES**

**Rule 1701. Motion for Finding of Aggravated Circumstances.**

\* \* \* \* \*

**Official Note:** Rule 1701 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1701 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1702. Filing of Motion for Finding of Aggravated Circumstances.**

\* \* \* \* \*

**Official Note:** Rule 1702 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1702 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Rule 1705. Adjudication of Aggravated Circumstances.**

\* \* \* \* \*

**Official Note:** Rule 1705 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1705 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 18. SUSPENSIONS**

**Rule 1800. Suspensions of Acts of Assembly.**

\* \* \* \* \*

**Official Note:** Rule 1800 adopted August, 21, 2006, effective February 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1800 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

[Pa.B. Doc. No. 07-305. Filed for public inspection February 23, 2007, 9:00 a.m.]

**Title 25—LOCAL COURT RULES**

**LEHIGH COUNTY**

**Administrative Order for Amendment of Rule of Civil Procedure 205.2(a) Pertaining to Filing of Legal Papers With the Clerk of Courts; No. 2007-J-27**

**Order**

*And Now*, this 5th day of February, 2007, *It Is Ordered* that the following Lehigh County Rule of Civil Procedure 205.2(a) for Filing of Legal Papers with the Clerk of Courts be amended as hereinafter set forth, said amend-



ment to become effective thirty (30) days after the posting of the rule on the UJS Web Portal.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.
5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

*By the Court*

ALAN M. BLACK,  
*President Judge*

**RULE 205.2(a). Filing of Legal Papers with the Clerk of Courts**

All pleadings and other documents submitted for filing with the Clerk of Courts shall conform with the following requirements:

1. The use of backers and/or toppers is prohibited.
2. All documents shall be fastened together by staples.
3. The text of original documents shall not be highlighted by the use of colored markers. Highlighting of text can be done by **bolding** or by using a different *style* and **size** of font.
4. All documents shall be single-sided and double-spaced, except that quotations, footnotes and exhibits may be single-spaced.
5. The font size of all documents shall be not less 12 points.
6. Paper shall be of good quality and shall not exceed 8-1/2" x 11" in size.
7. Attachments smaller than 8-1/2" x 11" shall be attached to regular size paper by using scotch tape.
8. All exhibits shall be identified as such on the bottom center of each document as well as by exhibit tabs.
9. All pages shall be numbered consecutively. The number shall appear at the bottom center position of each page.
10. All copies attached to documents shall be clear and legible.
11. All documents shall contain the following: (i) the correct caption of the case, including the names of the parties, the docket number, the division of the court, and the name of the assigned judge, if any; (ii) a title indicating the nature of the document; (iii) the name,

address, telephone number, fax number and Supreme Court identification number of the attorney filing the document; and (iv) if the party filing the document is not an attorney, the name, address, telephone number of such party.

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

[Pa.B. Doc. No. 07-306. Filed for public inspection February 23, 2007, 9:00 a.m.]

WARREN AND FOREST COUNTIES  
**Rule of Juvenile Procedure—Dependency Matters  
Rule 1167; No. 8 of 2007; Miscellaneous**

**Amended Order**

*And Now*, this 7th day of February, 2007, the Court approves and adopts the Warren/Forest Local Rule of Juvenile Procedure—Dependency Matters—Rule 1167—Service of Court Orders and Notices. The Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) copy with the Prothonotaries of the Court of the 37th Judicial District.

*By the Court*

WILLIAM F. MORGAN,  
*President Judge*

**Rule L1167. Service of Court Orders and Notices**

All Orders and Court Notices in juvenile dependency matters which are filed with the Clerk of Courts, shall be served promptly by Forest County Children and Youth for all Forest County matters and Warren County Children and Youth for all Warren County matters in accordance with the requirements and methods set forth in Rule 1167 of the Pennsylvania Rules of Juvenile Court Procedure.

[Pa.B. Doc. No. 07-307. Filed for public inspection February 23, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CHS. 11, 95, 123, 125 AND 128a]

### Deletion of Outdated Regulations

The Department of Agriculture (Department) proposes to rescind Chapters 11, Subchapters B and C, 95, 123, 125 and 128a to read as set forth in Annex A. The chapters are deleted because the regulations are outdated or unnecessary.

#### *Statutory Authority*

The proposed rescission of Chapter 11, Subchapters B and C (relating to Johne's disease) is authorized under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law), which addresses subjects such as animal health and disease detection and eradication. Under 3 Pa.C.S. § 2305 (relating to keeping and handling of domestic animals), the Department is authorized to regulate as necessary to exclude or contain dangerous transmissible diseases of animals.

The proposed rescission of Chapter 95 (relating to certified apple program) is authorized under the act of April 4, 1929 (P.L. 144, No. 148) (Act 148) (3 P.S. §§ 21—33), which addresses standards for farm products. Section 10 of Act 148 (3 P.S. § 30) authorizes the Department to regulate as necessary to carry out the provisions of that statute.

The proposed rescission of Chapter 123 (relating to fiscal aid for stem rust control) is authorized under the act of July 28, 1953 (P.L. 652, No. 193) (Act 193) (3 P.S. §§ 251 and 252), which addresses barberry bushes and stem rust disease. Section 1 of Act 193 (3 P.S. § 251) authorizes the Department to regulate a program to reimburse counties for expenses relating to the eradication of rust from barberry bushes and stem rust disease in certain other plant species.

The proposed rescission of Chapter 125 (relating to quarantine provisions) is authorized under the Plant Pest Act (3 P.S. §§ 258.1—258.27), which addresses plant diseases. Section 3 of the Plant Pest Act (3 P.S. § 258.3) authorizes the Department to regulate as necessary to carry out the provisions of the Plant Pest Act.

Although Chapter 128a (relating to CHEMSWEEP Pesticide Disposal Program—statement of policy) could be rescinded without going through the formal regulatory promulgation process, the Department references its intention to rescind this statement of policy in this proposed rulemaking, will consider comments offered on this subject as this document proceeds through the promulgation process and proposes to rescind this statement of policy in the same final order that rescinds the regulatory provisions described previously. Chapter 128a is authorized under the Pennsylvania Pesticide Control Act of 1973 (act) (3 P.S. §§ 111.21—111.61), which addresses pesticide use and disposal. Section 7(b) of the act (3 P.S. § 111.27(b)) authorizes the Department to regulate as necessary to carry out the provisions of the act.

#### *Purpose*

The proposed rulemaking rescinds outdated or unneeded regulatory provisions that are currently administered and enforced by the Department.

#### *Background*

The Department administers and enforces regulations addressing a wide range of statutory subjects. The need for some of these regulations has ended, whether due to changes in the authorizing statutes, subsequent regulations, changes in the regulated industries, technological advances or other factors.

The proposed rescission of Chapter 11 is driven by new testing and procedures that obviate the need for these provisions. In addition, 3 Pa.C.S. Chapter 23 affords the Department adequate authority to quickly impose a quarantine to deal with any problems regarding the presence of Johne's disease in an animal.

The Certified Apple Program addressed in Chapter 95 has long been obsolete, as the apple industry has moved on to other quality assurance standards and programs.

Chapter 123 is proposed for recession because the fiscal aid that had once been available for stem rust control has long been gone.

The various plant pest quarantines addressed in Chapter 125 are no longer necessary. The Department retains the ability to quickly address the presence of any plant pests by use of the quarantine authority provided it under the Plant Pest Act.

The proposed recession of the statement of policy in Chapter 128a is driven by the fact that this document has been entirely supplanted by Chapter 128b (relating to CHEMSWEEP Pesticide Disposal Program).

#### *Need for Proposed Rulemaking*

The proposed rulemaking is necessary to remove outdated and unnecessary regulatory provisions.

The Department is satisfied there are no reasonable alternatives to proceeding with the proposed rulemaking.

#### *Overview of the Major Provisions of the Proposed Rulemaking*

The proposed rulemaking accomplishes a straightforward deletion of outdated or unnecessary regulations.

#### *Affected Individuals and Organizations*

The proposed rulemaking would have no adverse impact on the various regulated communities.

The deletion of the outdated or unnecessary provisions addressed in the proposed rulemaking would likely help avoid confusion in the regulated communities.

#### *Fiscal Impact*

*Commonwealth*—The proposed rulemaking would impose no costs and have no fiscal impact on the Commonwealth.

*Political subdivisions*—The proposed rulemaking would impose no costs and have no fiscal impact upon political subdivisions.

*Private sector*—The proposed rulemaking would impose no costs and have no fiscal impact on the private sector.

*General public*—The proposed rulemaking would impose no costs and have no fiscal impact on the general public.

#### *Paperwork Requirements*

The proposed rulemaking is not likely to impact upon the paperwork generated by the Department or the regulated communities.

*Effective Date*

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

*Sunset Date*

There is no sunset date for the proposed rulemaking.

*Public Comment Period/Contact Person*

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin* to the Department of Agriculture, Legal Office, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Angela M. Black.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 13, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

DENNIS C WOLFF,  
*Secretary*

**Fiscal Note:** 2-154. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 7. AGRICULTURE****PART I. BUREAU OF ANIMAL HEALTH AND DIAGNOSTIC SERVICES****CHAPTER 11. JOHNE'S DISEASE****Subchapter B. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 11.11—11.18, which appears in 7 Pa. Code pages 11-4—11-6, serial pages (276652) to (276654).)

§§ 11.11—11.18. (Reserved).

**Subchapter C. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 11.21 and 11.22, which appears in 7 Pa. Code pages 11-6—11-7, serial pages (276654) to (276655).)

§ 11.21. (Reserved).

§ 11.22. (Reserved).

**PART IV. BUREAU OF MARKET DEVELOPMENT****CHAPTER 95. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 95 in its entirety. The present text of Chapter 95, which appears in 7 Pa. Code pages 95-1—95-2, serial pages (266875) to (266876).)

§§ 95.1—95.7. (Reserved).

**PART V. BUREAU OF PLANT INDUSTRY****CHAPTER 123. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 123 in its entirety. The present text of Chapter 123 appears in 7 Pa. Code pages 123-1—123-2, serial pages (276811) to (276812).)

§§ 123.1—123.6. (Reserved).

**CHAPTER 125. (Reserved)****Subchapter A. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 125, Subchapter A in its entirety. The present text of Chapter 125, Subchapter A appears in 7 Pa. Code pages 125-1—125-5, serial pages (276813) to (276817).)

§§ 125.1—125.8. (Reserved).

§ 125.11. (Reserved).

§ 125.12. (Reserved).

§§ 125.21—125.25. (Reserved).

§§ 125.31—125.33. (Reserved).

**Subchapter B. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 125, Subchapter B in its entirety. The present text of Chapter 125, Subchapter B appears in 7 Pa. Code pages 125-6—125-7, serial pages (276818) to (276819).)

§§ 125.41—125.47. (Reserved).

**Subchapter C. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 125, Subchapter C in its entirety. The present text of Chapter 125, Subchapter C appears in 7 Pa. Code pages 125-7—125-8, serial pages (276819) to (276820).)

§§ 125.51—125.56. (Reserved).

**Subchapter D. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 125, Subchapter D in its entirety. The present text of Chapter 125, Subchapter D appears in 7 Pa. Code pages 125-9—125-12, serial pages (276821) to (276824).)

§§ 125.61—125.65. (Reserved).

§§ 125.71—125.78. (Reserved).

**Subchapter F. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 125, Subchapter F in its entirety. The present text of Chapter 125, Subchapter F appears in 7 Pa. Code pages 125-14—125-15, serial pages (276826) to (276827).)

§§ 125.131—125.137. (Reserved).

**CHAPTER 128a. (Reserved)**

*(Editor's Note:* The Department is proposing to delete Chapter 128a in its entirety. The present text of Chapter 128a appears in 7 Pa. Code pages 128a-1—128a-10, serial pages (279345) to (279354).)

§§ 128a.1—128a.18. (Reserved).

[Pa.B. Doc. No. 07-308. Filed for public inspection February 23, 2007, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective February 12, 2007.

The organization chart at 37 Pa.B. 954 (February 24, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to content of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 07-309. Filed for public inspection February 23, 2007, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Liquor Control Board

The Executive Board approved a reorganization of the Liquor Control Board effective February 1, 2007.

The organization chart at 37 Pa.B. 955 (February 24, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to content of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 07-310. Filed for public inspection February 23, 2007, 9:00 a.m.]

## Title 28—HEALTH AND SAFETY

### HEALTH CARE COST CONTAINMENT COUNCIL

[28 PA. CODE CH. 931]

#### Mandated Benefits Review

The Health Care Cost Containment Council (Council), under the authority of section 5(b) of the Pennsylvania Health Care Cost Containment Act (act) (35 P. S. § 449.5(b)), rescinds Chapter 931 to read as set forth in Annex A.

Chapter 931 duplicated what is already in statute and was obsolete because of changes to the statute.

#### *Fiscal Impact*

This statement of policy has no fiscal impact on the general public or government agencies.

#### *Effective Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Questions or comments regarding this statement of policy should be addressed to Marc P. Volavka, Executive Director, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, fax (717) 232-3821, mvolavkaphc4.org.

MARC P. VOLAVKA,  
*Executive Director*

*(Editor's Note: Title 28 of the Pa. Code is amended by rescinding a statement of policy in §§ 931.1—931.4 to read as set forth in Annex A.)*

**Fiscal Note:** 100-17. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 28. HEALTH AND SAFETY

#### PART VI. HEALTH CARE COST CONTAINMENT COUNCIL

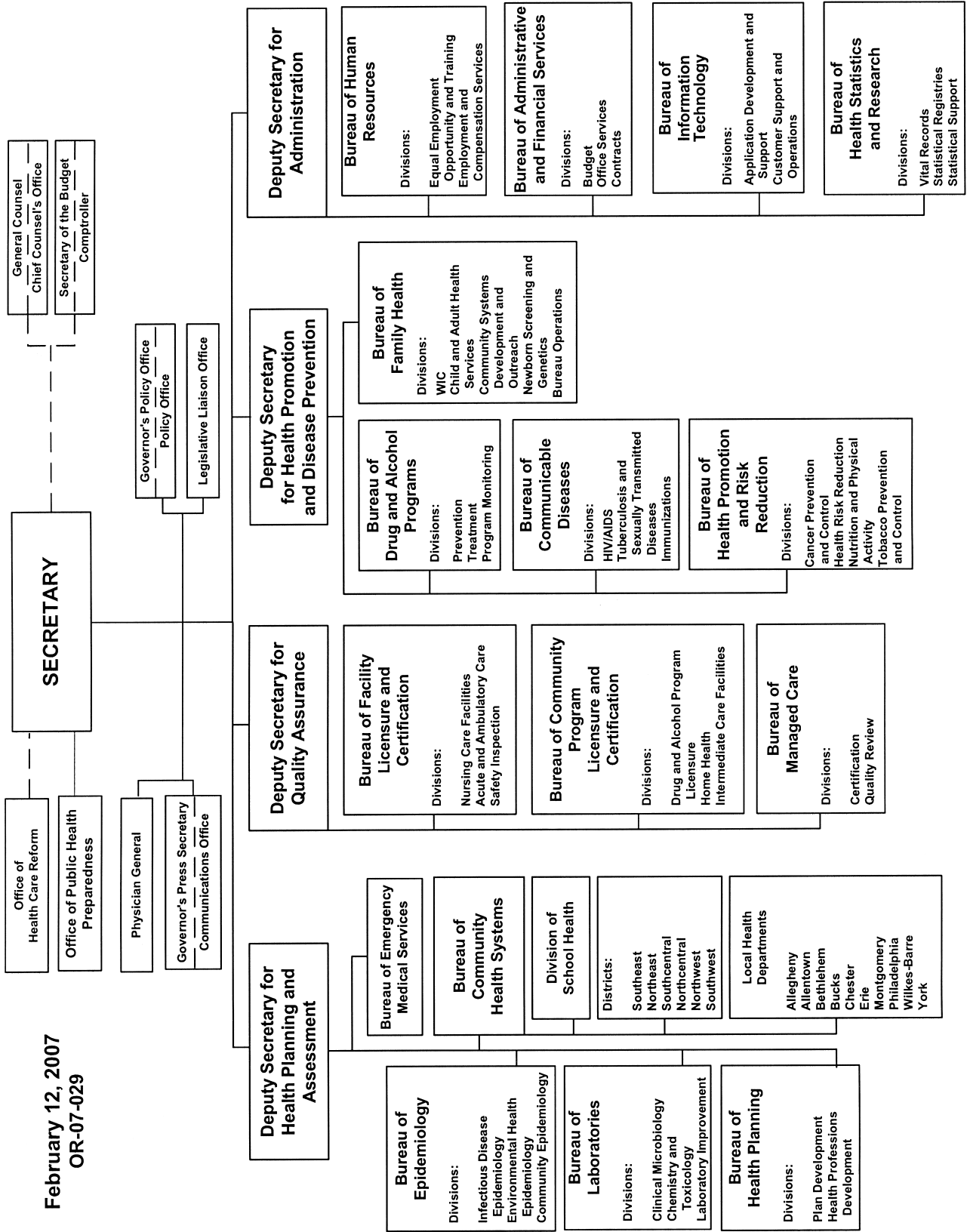
#### CHAPTER 931. (Reserved)

#### Subchapter A. (Reserved)

#### §§ 931.1—931.4. (Reserved).

[Pa.B. Doc. No. 07-311. Filed for public inspection February 23, 2007, 9:00 a.m.]

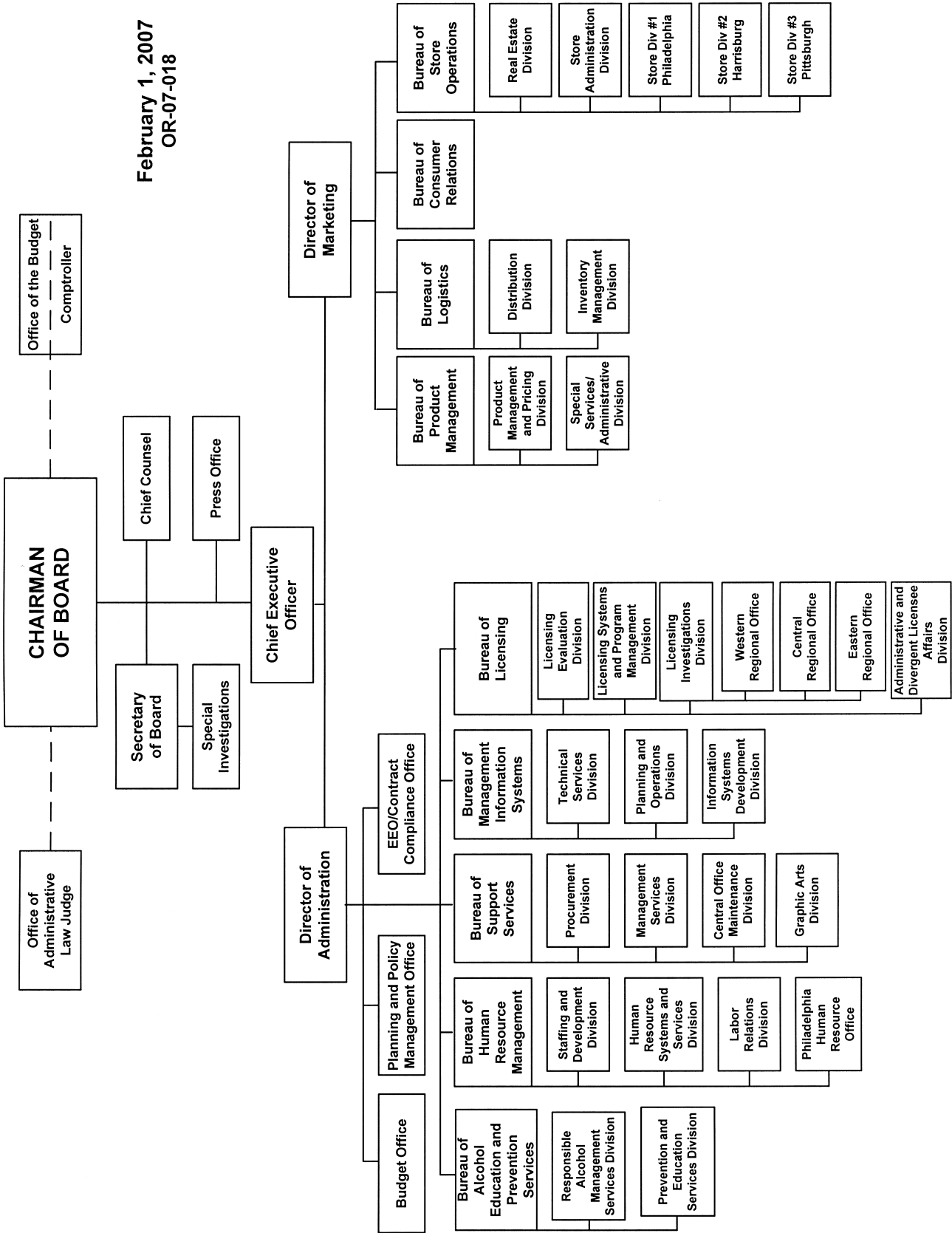
DEPARTMENT OF HEALTH



February 12, 2007  
OR-07-029

February 1, 2007  
OR-07-018

LIQUOR CONTROL BOARD



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, February 28, 2007. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10:15 a.m. Topics include a presentation by the Delaware Riverkeeper Network on islands of the Delaware River; a presentation on the Flood Mitigation Task Force report and recommendations; a presentation on the proposed Flexible Flow Management Plan (FFMP) for the New York City Delaware Basin Reservoirs; and remarks by Natural Resources Conservation Service (NRCS) representatives regarding NRCS activities and proposed activities within the Basin.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Mount Airy No. 1, LLC D-89-37-3.* An application for the renewal of a ground and surface water withdrawal project to continue withdrawal of 9.5 mg/30 days from Wells Nos. 1 and 2 and up to 14 mg/30 days from a surface water intake on Forest Hills Run to supply the applicant's public water supply distribution and golf course irrigation systems, respectively, in the Long Run Member of the Catskill Formation. The project is located in the Forest Hills Run Watershed in Paradise Township, Monroe County, PA. This withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

2. *BP Oil Products North America D-91-32-4.* An application for the renewal of a groundwater decontamination project at the former Paulsboro Refinery to continue withdrawal of 30 mg/30 days for onsite treatment and discharge to the Delaware River through the existing outfall in DRBC Water Quality Zone 4. Up to 1 mgd of groundwater is withdrawn from existing Wells Nos. R-4A, R-5A, R-6A, R-8, R-9, R-10, R-11 and R-12; all located just outside of New Jersey Critical Area 2 of the Potomac-Raritan-Magothy Formation. The project is located off Mantua Avenue in Paulsboro Borough, Gloucester County, NJ.

3. *Paunnacussing Founders, Inc. D-96-42-2.* An application for renewal of a groundwater withdrawal project to continue withdrawal of up to 6 mg/30 days to supply the applicant's Lookaway Golf Course from existing Wells PW-2 and PW-3. The project is located in the Brunswick Formation in the Mill Creek Watershed in Buckingham Township, Bucks County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Freeland Borough Municipal Authority D-65-52 CP-2.* An application for the approval of an extension of service area for the Freeland Borough Municipal Authority's Wastewater Treatment Plant (WWTP). The current WWTP serves Freeland Borough, with the new service area consisting of a portion of Foster Township. The existing WWTP's permitted discharge of 0.75 million gallon per day (mgd) will not be increased as a result of the new service area addition. The WWTP will continue to discharge to Pond Creek, a tributary to the Lehigh River, which is a tributary to the Lower Delaware River Special Protection Waters. The facility is located in Freeland Borough, Luzerne County, PA.

5. *General Chemical Corporation D-69-38-2.* An application to update the original docket approving the discharge from the onsite industrial waste treatment plant (IWTP). General Chemical Corporation has ceased chemical manufacturing at the site. The original docket approved a 28.9 mgd discharge from the IWTP, whereas the current application is for approval of a 0.1 mgd IWTP discharge. The current discharge consists primarily of treated groundwater infiltration and stormwater runoff. In addition to the change in discharge conditions, the Commission has terminated Surface Water Entitlement No. 146, which approved a 33 mgd noncontact cooling water withdrawal. The IWTP, which is located in Claymont, DE will continue to discharge to the Delaware River.

6. *Spring City Borough D-74-61 CP-2.* An application for the approval of an expansion of the Spring City Borough WWTP from 0.345 mgd to 0.600 mgd. The expansion will include the addition of a 600,000 gallon equalization tank, pumps and associated appurtenances. The expansion is being conducted to comply with a Consent Order and Agreement between the Borough and the Department of Environmental Protection to eliminate wet weather related sewage bypasses at the WWTP and at the Main Street Pump Station. The WWTP will continue to discharge to the Schuylkill River. The facility is located in Spring City Borough, Chester County, PA.

7. *Birdsboro Municipal Authority D-74-126 CP-2.* An application for approval of the upgrade and expansion of the Birdsboro Municipal Authority's WWTP. The WWTP's permitted average daily discharge will be increased from 1.0 mgd to 1.35 mgd. The WWTP will continue to discharge to Hay Creek, which is a tributary to the Schuylkill River. The facility is located in the Borough of Birdsboro, Berks County, PA.

8. *Myerstown Borough Sewer Authority D-74-176 CP-2.* An application for approval of an upgrade and expansion of the Myerstown Borough Sewer Authority's Wastewater Treatment Plant. The WWTP is proposed to be expanded from 1.6 mgd to 2.0 mgd and will continue to discharge to the Tulpehocken Creek, which is a tributary of the Schuylkill River. The facility is located in Jackson Township, Lebanon County, PA.

9. *Matamoras Municipal Authority D-81-78 CP-7.* An application for the renewal of a groundwater withdrawal project to increase withdrawal from 11.7 mg/30 days to 19.5 mg/30 days to supply the applicant's public water

supply distribution system from existing Wells Nos. 3, 5, 7, 8 and 8A in the Pleistocene Outwash and Mahantango Formations. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Delaware River Watershed in Matamoras Borough, Pike County, PA. This withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

10. *Pennsylvania Utility Company D-89-33 CP-3*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 6.4 mg/30 days to 21.01 mg/30 days to supply the applicant's 2,500 acre Highland Village (former Tamiment Resort) development from existing Wells Nos. 1—3 in the Towamensing Member of the Catskill Formation. The increased allocation is requested in order to meet projected increases in service area demand. The project is located in the Little Bushkill Creek Watershed in Lehman Township, Pike County, PA. This withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

11. *Joint Municipal Authority of Wyomissing Valley D-91-9 CP-2*. An application for approval to modify the solids handling facilities at the Joint Municipal Authority of Wyomissing Valley WWTP. No change in the WWTP design capacity of 4 mgd is proposed. Existing solids handling facilities at the WWTP will be upgraded to improve WWTP sludge for liquid land application and/or dewatering prior to landfill disposal. WWTP effluent will continue to discharge to Wyomissing Creek in the Schuylkill River Watershed through the existing outfall. The WWTP is located in the City of Reading, Berks County, PA. The WWTP will continue to serve the following municipalities: the Boroughs of West Reading, Wyomissing, Shillington and Mohnton; and portions of the Borough of Wyomissing Hills, Spring and Cumru Townships, and the City of Reading, all within Berks County.

12. *Pennsylvania American Water Company D-92-64 CP-2*. An application for the modification, reconstruction and expansion of an existing wastewater treatment plant to meet regional growth needs and more stringent water quality requirements. The WWTP discharge, located in the West Branch Brandywine Creek in Interstate Water Quality Zone C7, will increase from 3.85 mgd to 7.0 mgd. The facility is located in South Coatesville Borough, Chester County, PA.

13. *Pennsgrove Water Supply Company D-93-77 CP-2*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 58.9 mg/30 days to 70.4 mg/30 days and up to 753 mg/year to supply the applicant's public water supply distribution system from existing Wells RF1A, RF2B, RF3A, 2, 4, 7 and 11 in the Potomac-Raritan-Magothy Formation. The project is located in the Delaware River Watershed in Carneys Point Township, Salem County, NJ and is located just outside of the influence of New Jersey Critical Water Supply Area No. 2.

14. *Borough of Fleetwood D-95-58 CP-2*. An application for approval of a ground and surface water withdrawal project to supply up to 25.92 mg/30 days of water to the applicant's public water supply distribution system from new Well No. 15 and to increase the total withdrawal from all wells and surface water intakes from 27.5 mg/30 days to 54.39 mg/30 days. The increased allocation is

requested in order to meet projected increases in service area demand. The new well is located in the Allentown Formation in the Willow Creek Watershed in Richmond Township, Berks County, PA.

15. *Pennsylvania American Water Company D-99-30 CP-4*. An application for approval of a groundwater withdrawal project to supply up to 12.96 mg/30 days of water to the applicant's Glen Alsace public water supply distribution system from new Well G-9A in the Brunswick Formation, and to retain the existing maximum withdrawal from all wells of 50 mg/30 days. The Glen Alsace distribution system also receives water from two existing interconnections—one with the Reading Area Water Authority (45 mg/30 days) and the other with the Mount Penn Water Authority (6 mg/30 days)—and conveys water to the Pennsylvania American Water Company's Douglasville public water supply distribution system in Amity Township, PA. The project is located in the Antietam Creek Watershed in Exeter Township, Berks County, PA.

16. *Burlington Township D-99-50 CP-2*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 113 mg/30 days to 129.8 mg/30 days of water to the applicant's public water supply system from new Well No. 8 and existing Wells Nos. 1A and 2—7. The project is located in the Potomac-Raritan-Magothy Formation in Burlington Township, Burlington County, NJ.

17. *City of Easton D-99-62 CP*. An application to expand the applicant's water filtration plant to 16 mgd and increase its surface water withdrawal allocation from 10 mgd to 13 mgd (390 mg/month) by means of its intake on the Delaware River at the northeast edge of the City of Easton, Northampton County, PA. The proposed expansion is needed to serve increased population in the service areas of both the applicant and its main subsidiary customer, Easton Suburban Water Authority. The combined service area of both the City of Easton and the Easton Suburban Water Authority includes the City of Easton; Wilson, Glendon and West Easton Boroughs; Palmer and Forks Townships; and portions of Williams, Bethlehem, Plainfield, Lower Mount Bethel and Lower Nazareth Townships; all in Northampton County, PA.

18. *Buckingham Township D-2003-13 CP-3*. An application for approval of a groundwater withdrawal project to supply up to 1.0 mg/30 days of water to the applicant's Smith-Pfeiffer tract (also known as Forest Grove) distribution system from new Well Nos. FG-1 and FG-2 and to increase the existing withdrawal from all wells from 41 mg/30 days to 42 mg/30 days to meet increased service area demand. The project is located in the Brunswick Formation in the Robin Run Watershed in Buckingham Township, Bucks County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

19. *Three Lane Utilities, Inc. D-2006-25 CP-1*. An application for the approval of a groundwater withdrawal project to supply up to 7.68 mg/30 days of water to the applicant's public water supply distribution system from new Well No. 5 and up to 2.25 mg/30 days from existing Well No. 3 and to limit the existing withdrawal from all wells to 9.93 mg/30 days. The project is located in the Mahantango Formation in the Delaware River Watershed in Westfall Township, Pike County, PA.



20. *Downingtown Municipal Water Authority D-2006-31 CP-1.* An application for the approval of an existing backwash discharge from the Authority's water treatment plant. The facility discharges up to 0.1 mgd of filter and clarifier backwash and sludge bed filtrate to an unnamed tributary of Beaver Creek, which is a tributary of the East Branch Brandywine Creek. The facility is located in Downingtown Borough, Chester County, PA.

21. *Little Washington Wastewater Company, Inc. D-2006-32-1.* An application for the approval of a new WWTP facility to serve the proposed Honeycroft Village residential development. The proposed 86,000 gpd treated discharge will be land-applied to a dedicated 14.1 acre spray area. The development, treatment facilities and spray irrigation area are located in the Doe Run Watershed. Doe Run is a tributary of the West Branch Brandywine Creek. The facilities are located in Londonderry Township, Chester County, PA.

22. *Pennsylvania American Water Company D-2006-33-1.* An application for approval of a groundwater withdrawal project to supply up to 18.57 mg/30 days of water to the applicant's Blue Mountain Lake public water supply distribution system from new Wells Nos. PW1 and PW2. The project is located in the Mahantango Formation in the Brodhead Creek Watershed in Stroud Township, Monroe County, PA. This withdrawal project is located within the drainage area to a section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

23. *Concord Associates, LP D-2006-35-1.* An application for approval of a groundwater withdrawal project to supply up to 6.0 mg/30 days of water to the applicant's distribution system from new Wells Nos. 1, 2 and PW-4. The project is located in the Upper Walton Formation in the Kiamesha Creek Watershed in the Town of Thompson, Sullivan County, NY, within the drainage area to a section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

24. *Pennsylvania American Water Company D-2006-36-1.* An application for approval to discharge filter backwash from PAWC's Rock Run water treatment plant (WTP). A discharge of 0.14 mgd is permitted from the WTP and will continue to be discharged to the Rock Run Reservoir, which is a tributary to the Brandywine Creek. The facility is located in West Caln Township, Chester County, PA.

25. *United States Army Training Center and Fort Dix D-2006-40 CP-1.* An application for approval of a ground and surface water withdrawal project to supply up to 155 mg/30 days of water to the applicant's military base from Wells Nos. 2, 4—8 and 10—14, Range 14, ASP and ARDEC and from an intake on the Greenwood Branch of the North Branch Rancocas Creek. The project is located in the Middle Potomac-Raritan-Magothy, Englishtown, Cohansey, and Wenonah-Mt. Laurel aquifers in the Crosswicks Creek and North Branch Rancocas Creek Watersheds in New Hanover and Pemberton Townships, Burlington County and Plumstead and Manchester Townships, Ocean County, NJ.

26. *Lenape Regional High School District D-2006-42 CP-1.* An application for approval of a groundwater withdrawal project to supply less than 3.1 mg/30 days of water to the applicant's irrigation and domestic supply system from new Wells Nos. 1—3. The project is located in the Mt. Laurel and Cohansey Aquifers in the South Branch Rancocas Creek Watershed in Tabernacle Township, Burlington County, NJ.

In addition to the public hearing on the dockets listed, the Commission's 1:30 p.m. business meeting will include: a public hearing and consideration of a resolution approving amendments to Resolution 2006-18 concerning a Spill Mitigation Program for the New York City Delaware Basin Reservoirs; a resolution authorizing the Executive Director to enter into agreements for the implementation of Phase 2 of a study on Dwarf Wedgemussels, an endangered species found in sections of the main stem nontidal Delaware River; a resolution authorizing the Executive Director to enter into an agreement for Periphyton analysis; a resolution authorizing the Executive Director to enter into an agreement with Hydrologics, Inc. for modeling services to link the OASIS flow model and estuary chloride model; a public hearing and consideration of a resolution authorizing the Executive Director to require point source dischargers within the Brodhead Creek Watershed to perform effluent sampling for nutrients for the purpose of implementing the Special Protection Waters program; a resolution approving minor amendments to the *Administrative Manual—By-Laws, Management and Personnel*; and a resolution approving the Commission's operating and capital budgets for Fiscal Year 2008.

The meeting will also include: adoption of the minutes of the Commission's December 12, 2006, business meeting; announcements of upcoming advisory committee meetings and other events; a report by the Executive Director; a report by the Commission's General Counsel and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on February 28, 2007, will be posted on the Commission's website, [www.drbc.net](http://www.drbc.net), where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the commission secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 07-312. Filed for public inspection February 23, 2007, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965;" the act of December 14, 1967 (P. L. 746, No. 345), known as the "Savings Association Code of 1967;" the act of May 15, 1933 (P. L. 565, No. 111), known as the "Department of Banking Code;" and the act of December 9, 2002 (P. L. 1572, No. 207), known as the "Credit Union Code," has taken the following action on applications received for the week ending February 13, 2007.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-9-07	Colonial American Bank West Conshohocken Montgomery County	300 Conshohocken State Road West Conshohocken Montgomery County	Commenced Operations
2-9-07	The Victory Bank Limerick Township Montgomery County  <i>Correspondent:</i> Christina M. Gattuso, Esq. Muldoon Murphy & Aguggia, LLP 5101 Wisconsin Avenue, N.W. Washington, D.C. 20016	Limerick Township	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-12-07	Citizens & Northern Corporation, Wellsboro, to acquire 100% of the voting shares of Citizens Bancorp, Inc., Coudersport	Wellsboro	Filed

#### Section 112 Application

<i>Date</i>	<i>Name of Individual</i>	<i>Action</i>
2-12-07	Application of George W. Connell to acquire up to 19.99% of the outstanding shares of common stock of the Bryn Mawr Bank Corporation, Bryn Mawr, PA, under section 112 of the Banking Code of 1965.	Approved

### CONSOLIDATIONS, MERGERS AND ABSORPTIONS

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-7-07	CommunityBanks, Millersburg, and East Prospect State Bank, East Prospect Surviving Institution— CommunityBanks, Millersburg	Millersburg	Approved
2-7-07	CommunityBanks, Millersburg, and BUCS Federal Bank, Owings Mills, Maryland Surviving Institution— CommunityBanks, Millersburg	Millersburg	Approved
2-8-07	Orrstown Bank, Shippensburg and The First National Bank of Newport, Newport Surviving Institution— Orrstown Bank, Shippensburg	Shippensburg	Filed
2-20-07	Both banks are wholly-owned subsidiaries of Orrstown Financial Services, Inc., Shippensburg. Citizens & Northern Bank, Wellsboro, and Citizens Trust Company, Coudersport Surviving Institution— Citizens & Northern Bank, Wellsboro	Wellsboro	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-28-07	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	483 Berlin Cross Keys Road Sicklerville Camden County, NJ	Opened
2-8-07	Graystone Bank Lancaster Lancaster County	1830 S. Atherton Street State College Centre County	Approved
2-8-07	Graystone Bank Lancaster Lancaster County	39 N. Market Street Frederick Frederick, MD	Approved
2-8-07	Firsttrust Savings Bank Conshohocken Montgomery County	Shoppes at Sycamore Street within the perimeters of Durham Road, Sycamore Street, Silo Drive and Ice Cream Alley Newtown Township Bucks County	Approved
2-9-07	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	South Brinton Lake Road and Baltimore Pike Glen Mills Delaware County	Filed
2-12-07	Penn Liberty Bank Wayne Delaware County	1301 Paoli Pike West Chester Chester County	Approved
2-12-07	Penn Liberty Bank Wayne Delaware County	2724 Ridge Avenue Norristown (Trooper) Montgomery County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-07	CommunityBanks Millersburg Dauphin County	1415 Ritner Highway Carlisle Cumberland County	Approved

**SAVINGS INSTITUTIONS****Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
2-8-07	ESSA Bank & Trust Stroudsburg Monroe County	Stroudsburg	Approved

Represents conversion from a mutual savings association to a stock savings association and concurrent formation of a thrift holding company, ESSA Bancorp, Inc., that will own 100% of the common stock of the association.

**CREDIT UNIONS**

No activity.

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

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-313. Filed for public inspection February 23, 2007, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 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 March 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 4.85 to which was added 2.50 percentage points for a total of 7.35 that by law is rounded off to the nearest quarter at 7 1/4%.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-314. Filed for public inspection February 23, 2007, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Codorus Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Codorus Creek Watershed Conservation Plan (Plan) and is placing the Codorus Creek Watershed and all tributaries covered in the Plan in York County, on the Pennsylvania Rivers Conservation Registry (Registry).

The Codorus Creek Watershed Association submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Codorus Creek (York County) from the headwaters to its confluence with the Susquehanna River—275.46 square miles.
2. All tributary streams within the Codorus Creek Watershed.

This action becomes effective February 24, 2007. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at Codorus Creek Watershed Association, P. O. Box 2881, York, PA 17405, (717) 843-2929, [www.codoruscreek.net](http://www.codoruscreek.net) and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are available by contacting the Codorus Creek Watershed Association.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-315. Filed for public inspection February 23, 2007, 9:00 a.m.]

### Pine Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Pine Creek Watershed Conservation Plan (Plan) and is placing the Pine Creek Watershed and all tributaries covered in the Plan in Clinton, Lycoming, Potter and Tioga Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Endless Mountains Resource Conservation and Development Council, Inc. (Council) submitted the Pine Creek Watershed Conservation Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Pine Creek (Clinton, Lycoming, Potter and Tioga Counties) from the headwaters to its confluence with the West Branch of the Susquehanna River—981 square miles.
2. All tributary streams within the Pine Creek Watershed.

This action becomes effective February 24, 2007. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Endless Mountains Resource Conservation and Development Council, Inc., Stoll Natural Resource Center, R. R. 5, Box 5030D, Towanda, PA 18848, (570) 265-3409, Ext. 5, [www.pinecreekwatershedrcp.org](http://www.pinecreekwatershedrcp.org) and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are available by contacting the Council.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-316. Filed for public inspection February 23, 2007, 9:00 a.m.]

### Three Sisters Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Three Sisters Watershed Conservation Plan (Plan) and is placing the Sideling Hill Creek Watershed, the Fifteenmile Creek Watershed and the Town Creek Watershed and all tributaries covered in the Plan in Bedford and Fulton Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Western Pennsylvania Conservancy submitted the Three Sisters Watershed Conservation Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Sideling Hill Creek (Bedford and Fulton Counties) from the headwaters to the border between Pennsylvania and Maryland—80.31 square miles.

2. All tributary streams within the Sideling Hill Creek Watershed in Pennsylvania.

3. The watershed area of Fifteenmile Creek (Bedford County) from the headwaters in Pennsylvania to the border between Pennsylvania and Maryland—11.94 square miles.

4. All tributary streams within the Fifteenmile Creek Watershed in Pennsylvania.

5. The watershed area of Town Creek (Bedford County) from the headwaters to the border between Pennsylvania and Maryland—89.06 square miles.

6. All tributary streams within the Town Creek Watershed in Pennsylvania.

This action becomes effective February 24, 2007. Projects identified in the Plan become eligible for imple-

mentation, development or acquisition grant funding through the Pennsylvania Rivers Conservation Program.

A copy of the Final Plan is available for review at Western Pennsylvania Conservancy, Freshwater Conservation Program, 246 South Walnut Street, Blairsville, PA 15717, (724) 459-0953, [www.paconserve.org](http://www.paconserve.org), and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are available by contacting the Western Pennsylvania Conservancy.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-317. Filed for public inspection February 23, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waiver Y/N</i>
PA0084395 (IW)	Department of Corrections—State Correctional at Camp Hill 2500 Lisburne Road Camp Hill, PA 17011	Cumberland County Lower Allen Township	Cedar Run 7E	Y
PA0087076	Hershey Entertainment & Resort Company, Inc. 300 Park Boulevard P. O. Box 860 Hershey, PA 17033	Dauphin County Derry Township	Spring Creek 7-D	Y
PA0029947 (SEW)	Southern Huntingdon County School District—Spring Farm Elementary School R. R. 2, Box 1124 Three Springs, PA 17264-9730	Huntingdon County Clay Township	UNT Spring Creek 12-C	Y
PA0029938 (SEW)	Southern Huntingdon County School District—High School/Middle School R. R. 2, Box 1124 Three Springs, PA 17264-9730	Huntingdon County Cromwell Township	Aughwick Creek 12-C	Y
PA0082392 (SEW)	Derry Township Municipal Authority—Southwest STP 670 Clearwater Road Hershey, PA 17033-2453	Dauphin County Londonderry Township	Swatara Creek 7-D	Y
PA0088137 (IW)	Reading Area Water Authority 815 Washington Street Reading, PA 19601-3658	Berks County Maidencreek Township	3B	Y
PA0260142 (Sew)	Thomasville Land LP 240 Bender Road Hanover, PA 17331	York County Jackson Township	Honey Run 7-F	Y
PA0080861 (Sew)	Walmar MHC LLC 10006 Hammock Bend Chapel Bend, NC 27517	York County Franklin Township	Bermudian Creek 7-F	Y
PA0009440 (IW)	Pennsylvania American Water Company 109 Sample Bridge Road Mechanicsburg, PA 17050	Cumberland County Silver Spring Township	Conodoguinet Creek 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228486 Sewerage	Allen J. Dormuth P. O. Box 52 North Bend, PA 17760-0052	Clinton Chapman Township	UNT to West Branch Susquehanna River 9B	Y
PA0114561 Sewerage	Herrick Township R. R. 3, Box 156 Wyalusing, PA 18853-9558	Herrick Township Bradford County	Cold Creek 4-D	Y
PA0115100 SF	George A. and Elizabeth J. Dear 32 Dear Lane Tioga, PA 16946	Tioga Lawrence Township	Mutton Lane Creek 4A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0006181	Phoenix Sintered Metals, Inc. 921 Clark Street Brockway, PA 15824-1644	Brockway Borough Jefferson County	Little Toby Creek 17-B	Y
PA0029467	North Warren Municipal Authority WWTP 4 Hospital Drive North Warren, PA 16365	Conewango Township Warren County	Conewango Creek 16-B	Y

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

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

**PA0056413, Lower Salford Township Mainland Sewage Treatment Plant.** The Department of Environmental Protection is withdrawing the Intent to Issue Notice published at 37 Pa.B. 320 (January 20, 2007).

**PA0025488, Sewage,** Avondale Borough, 110 Pomeroy Avenue, P. O. Box 247, Avondale, PA 19311. This existing facility is located in Avondale Borough, **Chester County**.

Description of Proposed Activity: This NPDES application is for renewal of the Avondale Borough sewage treatment plant.

The receiving stream, a UNT to East Branch White Clay Creek, is in the State Water Plan Watershed 3I and is classified for CWF. There are no public water supply intakes identified downstream on White Clay Creek.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.5 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>					
(5-1 to 10-31)	62.5	96	15	23	30
(11-1 to 4-30)	104	167	25	40	50
Total Suspended Solids	125	188	30	45	60
Ammonia as N					
(5-1 to 10-30)	5.0		1.2		2.4
(11-1 to 4-30)	15		3.6		7.2
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			3.0 (min.)		
pH (Standard Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.4		0.8
Phosphorus	8.0		2.0		4.0
Total Nitrogen	Monitor and Report		Monitor and Report		

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. TMDL/WLA Analysis.
10. Certified Operator.

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

**Application No. PA 0085332, Sewage, Delta Borough,** 2008 Bunkerhill Avenue, Delta, PA 17314. This facility is located in Delta Borough, **York County**.

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

The receiving stream Scott Creek is in Watershed 7-I and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Baltimore City is located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.24 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.23		4.46
(11-1 to 4-30)	6.69		13.38
Total Residual Chlorine	0.22		0.72
Total Phosphorus	2.0		4.0
Total Phosphorus		Monitor	
Total Nitrogen		Monitor	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed Final effluent limits for Outfall 001 for a design flow of 0.48 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.78		3.56
(11-1 to 4-30)	5.34		10.68
Total Residual Chlorine	0.19		0.64
Total Phosphorus	2.0		4.0
Total Phosphorus		365 lbs per year annual	
Total Nitrogen		7,306 lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Schedule for compliance with Chesapeake Bay Strategy.

Individuals 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 0008281, Amendment No. 2**, Industrial waste, sewage and stormwater, **PPL Brunner Island, LLC** (Brunner Island Steam Electric Station), Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. This facility is located in East Manchester Township, **York County**.

Description of activity: The Department of Environmental Protection, Southcentral Regional Office Water Management Program, is proposing to amend NPDES Permit No. PA 0008281 for the Brunner Island Steam Electric Station. The permit amendment includes the following proposed permit modifications:

- The limitations for Total Suspended Solids for Outfall 004 (Ash Basin No. 6 polishing pond effluent) have been modified, from 10 mg/l (Average Monthly), 20 mg/l (Maximum Daily) and 25 mg/l (Instantaneous Maximum) during the period June 1 to October 31 and 50 mg/l (Instantaneous Maximum) the remainder of the year, to 30 mg/l (Average Monthly), 60 mg/l (Maximum Daily) and 75 mg/l (Instantaneous Maximum) year round. The permittee will also be required to conduct a minimum of four quarterly Whole Effluent Toxicity Tests.
- The permittee will be required to construct facilities to improve removal of bottom ash from sluice water prior to discharge, with operation to begin by December 31, 2008.
- Chlorine has been removed from the list of chemical additives in Part C V of the permit.
- Minor changes have been made to the permit with respect to cooling water intake structures and the information that is required by the permittee under section 316(b) of The Clean Water Act.

The receiving streams, Susquehanna River, Conewago Creek and Hartman Run, are in Watersheds 7-F and 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 10 miles downstream.



Individuals 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.

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

**PA0239984**, Sewage. **Laurie Mandel SFTF**, 268 Shades Beach Road, Erie, PA 16511. This proposed facility is located at 268 Shades Beach Road in Harborcreek Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SFTF serving a single dwelling. Treatment consists of a septic tank with Zabel effluent filter, ECO FLO STB 650 peat filter and ultraviolet disinfection.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply to consider between the discharge and Lake Erie.

The receiving stream, a UNT to Lake Erie, is in the Lake Erie watershed and classified for: CWF, MF.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 Standard Units at all times		
Ultraviolet Light	Monitor and Report		

The EPA waiver is in effect.

**PA0038369**, Industrial Waste. **Sharpsville Borough**, 1 South Walnut Street, Sharpsville, PA 16150-1258. This proposed facility is located in Borough of Sharpsville, **Mercer County**.

Description of Proposed Activity: a new permit to continue an existing NPDES discharge.

The receiving water is the Shenango River. The receiving stream is in State Water Plan 20-A and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, consumers Pennsylvania Water Company—Shenango Valley Division, is located on the Shenango River and is approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.034 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/ day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	
Flow					
Total Suspended Solids			30	60	75
Total Aluminum	0.2	0.3	0.58	1.16	1.45
Total Iron			2	4	5
Total Manganese			1	2	2.5
Total Residual Chlorine			0.5		1.2
pH	6.0 to 9.0 Standard Units at all timesc				

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)**

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

**WQM Permit No. 5807401**, Sewerage, **Bridgewater Township Municipal Authority**, P. O. Box 185, South Montrose, PA 18843. This proposed facility is located in Bridgewater and New Milford Townships, **Susquehanna County**, PA.

Description of Proposed Action/Activity: This project is for the construction of a sewage collection system to serve the Heart Lake, Lake Chrisann and Lake Raylean residential communities. The project is called the Three Lakes Sewer project.

**WQM Permit No. 4507201**, Industrial Waste, **Sanofi Pasteur Inc.**, Discovery Drive, Swiftwater, PA 18370-0187. This proposed facility is located in Pocono Township, **Monroe County**, PA.

Description of Proposed Action/Activity: This project is for the expansion of existing landscape and spray irrigation system for treated wastewater.

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

**WQM Permit No. 2807403**, Sewerage, **Peters Township**, 5000 Steele Avenue, P. O. Box 88, Lemasters, PA 17231. This proposed facility is located in Peters Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking authorization for construction modifications to the Upton Wastewater Treatment Facility.

**WQM Permit No. 2206405**, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking authorization for the construction/operation of the Colonial Village Pump Station.

**WQM Permit No. 3691410, Amendment 07-1**, Sewerage, **Turkey Hill Dairy, Inc.**, 2601 River Road, Conestoga, PA 17516-9630. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking authorization for a rerate to increase in their annual average design capacity to 0.094 mgd; the rerate does not involve any construction or new equipment.

**WQM Permit No. WQG01670701**, Sewerage, **East Prospect Borough**, 28 West Maple Street, East Prospect, PA 17317. This proposed facility is located in Lower Windsor Township and East Prospect Borough, **York County**.

Description of Proposed Action/Activity: Seeking authorization for the construction/operation of The Fields at East Prospect pump station.

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

**WQM Permit No. WQG02550701**, Sewerage SIC 4952, **Penn Township Municipal Authority**, 2585 Route 522, P. O. Box 155, Selinsgrove, PA 17870-0155. This proposed facility will be located in Penn Township, **Centre County**.

Description of Proposed Action/Activity: The Authority is proposing the design, construction and operation of a 12,000 gpd pump station, which will convey sanitary wastewater from the Pawling Station Business Park, through the Penn Township Municipal Authority's collection system, to the Eastern Snyder County Regional Authority wastewater treatment plant.

**WQM Permit No. 5907401**, Sewerage SIC 4952, **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901. This proposed facilities will be located in Wellsboro Borough, **Tioga County**.

Description of Proposed Action/Activity: The Authority proposes the design, construction and operation of new facilities to achieve biological nutrient removal at the Authority's wastewater treatment plant. The facilities will include new (replacement) blowers, new air piping for the blowers and Symbio process controls.

**WQM Permit No. WQG01140702**, Sewerage SIC 4952, **Gregory and Marla Dyke**, 128 Round Hill Road, Howard, PA 16841. This proposed facility will be located in Howard Township, **Centre County**.

Description of Proposed Action/Activity: The applicants propose the design, construction and operation of a small flow treatment facility to serve a residence.

**WQM Permit No. WQG01080604**, Sewerage SIC 4952, **Tad Soden**, R. R. 2, Box 60D, Rome, PA 18840. This proposed facility will be located in Windham Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes the design, construction and operation of a small flow treatment facility to serve a residence.

**WQM Permit No. 1407401**, Sewerage SIC 4952, **James and Christina McGinley**, 132 Silverdale Road, Julian, PA 16844. This proposed facility will be located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: The applicants propose the design, construction and operation of a small flow treatment facility to serve a residence.

**WQM Permit No. 1406412**, Sewerage (4952), **Dorothy Semple**, 648 Rattlesnake Pike, Julian, PA, 16844. This proposed facility is located in Union Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is proposing to construct and operate a 400 gpd small flow sewage treatment facility for a single residence. The treatment will consist of a septic tank, sand filter and chlorination. NPDES General Permit No. PAG045234 will cover the discharge to a UNT to Dewitt Run.

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

**WQM Permit No. 6507201**, Sewerage, **Rostraver Township Sewage Authority**, Rostraver Municipal Building, 202 Port Royal Road, Belle Vernon, PA 15012. This proposed facility is located in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the operation and construction of gravity sewer, force main collector, interceptor lines and two pump stations.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 467S028-A4**, Sewerage, **McCandless Township Sanitary Authority**, 418 West Arcadia Drive, Pittsburgh, PA 15237.

Description of Proposed Action/Activity: Application for permit amendment.

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

**WQM Permit No. 2507402**, Sewerage, **Laurie Mandel**, 268 Shades Beach Road, Erie, PA 16511. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507005	Pond Works by Buchholtz Associates 2263 Romig Road Pottstown, PA 19464	Chester	Wallace Township	East Branch Brandywine Creek HQ-TSF-MF
PAI015107001	Canus Corporation 133 Heather Road Suite 202 Bala Cynwyd, PA 19004	Philadelphia	City of Philadelphia	Municipal Storm Sewer

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

*Luzerne County Conservation District: Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024006001	GWF, Inc. Fred Sheaman, President 940 Rabbit Lane White Haven, PA 18661	Luzerne	Foster Township	Lehigh River HQ-CWF

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

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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**

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#### **Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Application No. 4807502**, Public Water Supply.  
Applicant **Pennsylvania American Water Company (PAWC)**  
Upper Nazareth Township  
**Northampton County**

Responsible Official	David Kaufman PAWC 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	David M. Lentowski, P. E. PAWC 4 Wellington Blvd. Wyomissing, PA 19610
Application Received Date	01/30/07
Description of Action	PAWC proposes the installation of an additional booster pump within the existing Schoeneck Avenue Booster Pumping Station.
<b>Application No. 4007502, Public Water Supply.</b>	
Applicant	<b>EZY Water Development Company, Inc.</b> Foster Township <b>Luzerne County</b>
Responsible Official	Steven Evancho, Vice President EZY Water Development Company, Inc. 410 West Mine Street Hazleton, PA 18201
Type of Facility	BVRB
Consulting Engineer	Dominic J. Yannuzzi, P. E. Alfred Benesch & Company 400 One Norwegian Plaza Pottsville PA 17901
Application Received Date	1/24/07
Description of Action	Construct well water facility including two wells, pump station with filters, water storage tanks and load out facility for bulk water hauling.

#### 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 this Commonwealth

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

**WA63-562A, Water Allocations. Borough of Cokeburg, P. O. Box 474, Cokeburg, PA 15324, Washington County.** The applicant is requesting the right to withdraw 59,000 gpd average annual, from a reservoir on a UNT of Pigeon Creek.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

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

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

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

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

**Westtown Township Police Barracks, Westtown Township, Chester County.** Mark Hawkins, Brickhouse Env., 515 S. Franklin Street, West Chester, PA 19382 behalf of Robert Layman, Westtown Township, 1039 Wilmington Pike, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The intended future use is unknown at this time as the property is being prepared for the market. It is likely that the future use will be commercial or residential.

**Sunoco Inc. Old Pennell Rd.**, Aston Township, **Delaware County**. Jennifer Huha, GES, Inc. 440 Creamery Way, Suite, 500, Exton, PA 19341 on behalf of Anthony Morelli, 3460 Pennell Road, Media, PA 19063, Lloyd Yarnell, 3461 Pennell Road, Media, PA 19063, Bruce Snyder, 5000 Pennell Road, Media, PA 19063, Glenn Gualtieri, 102 Old Pennell Road, Media, PA 19063, Dean Fountain, 460 Old Pennell Road, Media, PA 19063, Hope McGowan, 100 Old Pennell Road, Media, PA 19063, Gary Link, 105A Old Pennell Road, Media, PA 19063, Walter Rupnicki, 115A Old Pennell Road, Media, PA 19063 has submitted a Notice of Intent to Remediate Groundwater at the site has been impacted by release of unleaded gasoline. The future use will remain the same.

**Hedley St., Philadelphia Republic**. City of Philadelphia, **Philadelphia County**. Walter H. Hungarter, III, RT Env. Svc., Inc., 215 West Church Road, Suite 301, King of Prussia, PA 19406 on behalf of Dean DiValerio, Republic Svc. of PA, LLC, 414 E. Baltimore Pike, Media, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release inorganics. The future use of the site will remain the same.

**Route 322 & Skelp Level Road**, James Arthur, Env. Standards, Inc., P. O. Box 810, Valley Forge Road, Valley Forge, PA 19482 on behalf of Lara Herzig, PECO Energy Co., 2301 Market Street, Philadelphia, PA 19101 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with No. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily New Local*.

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

**ENCO Realty Facility (Former)**, Reading City, **Berks County**. Whittemore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, on behalf of QMM Properties LLC, P. O. Box 350, Shillington, PA 19607-0350, submitted a Notice of Intent to Remediate site groundwater contaminated with VOCs and lead from historical industrial use of the site. The property is and will remain a frozen food manufacturing plant. The applicant is seeking to remediate to the Nonresidential Statewide Health Standard.

**Fort Indiantown Gap National Guard Training Center**, Union Township, **Lebanon County**. Weston Solutions, Inc., 1400 Weston Way, Building 4-2, West Chester, PA 19380, on behalf of Pennsylvania Army National Guard, Department of Military and Veteran Affairs, Environmental Division, Building 0-11, Fort Indiantown Gap National Guard Training Center, Annville, PA 17003, and the United States Army Environmental Center, SFIM-AEC-CDE, 5179 Hoadley Road, Building E4480, Aberdeen Proving Ground, MD 21010, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with pesticides. The site was used to store and mix pesticides prior to building demolition; future use of the site is for commercial/industrial purposes, with the current plans to construct a parking lot at the site to accommodate nearby office buildings. The applicant seeks to remediate to the background and residential Statewide Health Standards.

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

**Rich Oil Co., Inc., Front Street Gasoline Spill Site**, Northumberland Borough, **Northumberland County**, URS Corp., 4507 N. Front Street, Suite 200, Harrisburg, PA 17110 on behalf of Rich Oil Company, Inc., 1072 Point

Township Drive, Northumberland, PA 17857 has submitted a Notice of Intent to Remediate groundwater and soil contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Item Publishing Co.*, on January 16, 2007.

### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### Renewal Applications Received

**Daniel's New Jersey, LLC**, P. O. Box 9437, Chesapeake, VA 23321. License No. PA-HC 0222. Received on December 19, 2006.

**The Williamsport Hospital**, 777 Rural Avenue, Williamsport, PA 17701. License No. PA-AH 0186. Received on January 24, 2007.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

#### PLAN APPROVALS

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

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

**36-03170: DentaleZ Group** (1816 Colonial Village Lane, Lancaster, PA 17601) for installation of a liquid vapor degreaser with control at their site in East Lampeter Township, **Lancaster County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**63-00928A: Valley Tire Co., Inc.** (15 McKean Avenue, Charleroi, PA 15022) for installation of a tire retreading shop at Valley Retreading Company in Charleroi Borough, **Washington County**.

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

**43-349A: Valley Can, Inc.** (1264 Fredonia Road, Hadley, PA 16130) for a surface paint coating system in Perry Township, **Mercer County**.

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

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

**06-05105A: G.A.S. Access Pioneer Crossing Landfill, LLC** (2809 Boston Street, No. 340, Baltimore, MD 21224) for construction of an electric generation plant at their Pioneer Crossing Landfill in Exeter Township, **Berks County**. The plant will include a landfill gas pretreatment system and four landfill gas fired internal combustion engines each powering a 1,600 KW electric generator. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127 (related to construction, modification, reactivation and operation of sources), 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, 40 CFR Part 63, Subpart AAAAA, National Emission Standards for

Hazardous Air Pollutants from Municipal Solid Waste Landfills and 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The Department of Environmental Protection believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. The landfill gas shall be pretreated by compression, dewatering and particulate filtering.
2. The engines will be limited to the following emissions at full load:
  - a. PM10—0.17 grams per horsepower-hour.
  - b. NOx as NO<sub>2</sub>—0.5 gram per horsepower-hour.
  - c. CO—3.0 grams per horsepower-hour.
  - d. VOC as propane—0.32 gram per horsepower-hour.
3. The engines will be limited to the following emissions at all loads:
  - a. PM10—0.3 pound per hour.
  - b. NOx as NO<sub>2</sub>—2.5 pounds per hour.
  - c. CO—15 pounds per hour.
  - d. VOC as propane—1.6 pounds per hour.
  - e. Nonmethane Organic Compounds as hexane—20 ppmv.
4. The permittee will be limited to the following emissions during any consecutive 12-month period:
  - a. PM10—4.0 tons.
  - b. NOx as NO<sub>2</sub>—41.6 tons.
  - c. SO<sub>2</sub>—49.0 tons.
  - d. CO—249.6 tons.
  - e. VOC as propane—26.0 tons.
  - f. HAP—26.5 tons.
5. The permittee shall limit the operation of each engine to 8,450 hours during any consecutive 12-month period.
6. The permittee shall limit the total reduced sulfur content of the landfill gas to 500 ppmv; and the chlorine content to 50 ppmv.
7. The permittee shall equip the engines with Low NOx emission technology in the form of lean burn combustion with automatic air/fuel ratio control.
8. The permittee shall perform an initial performance test for the following emissions:
  - a. Visible Emissions (percent opacity) (each engine).
  - b. NOx as NO<sub>2</sub> in grams per horsepower-hour (each engine).
  - c. CO grams per horsepower-hour (each engine).
  - d. Nonmethane Organic Compounds (as hexane in parts per million by volume) (each engine).
  - e. Nonmethane Organic Compounds (destruction efficiency) (each engine).
  - f. HAPs (those compounds found in the landfill gas) (each engine).
  - g. PM10 (pounds per hour) (two of four engines).
  - h. Formaldehyde (pounds per hour) (each engine).
  - i. SO<sub>2</sub> (pounds per hour) (each engine).

9. The permittee shall be required to record monthly the gas usage, hours of operation and the emissions, which shall be added to a 12-month rolling total.

10. The permittee will be required to submit an initial report and then an annual report including the various records.

11. The treatment system is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants from Municipal Solid Waste Landfills. The engines are subject to 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. They shall comply with all applicable requirements of these subparts. Copies of all requests, reports, applications, submittals, and other communications shall be submitted to both the Environmental Protection Agency and the Department.

Persons wishing either to object to issuance of plan approval or a proposed conditions thereof or to provide the Department with additional information that they believe should be considered prior to the issuance of a plan approval may submit the information to the Department. Comments should be mailed to the Department at the address shown below. All comments must be received within 30 days of the date of this public notice. Comments shall include the following:

1. Name, address and telephone number of the person filing the comment.
2. Identification of the proposed plan approval issuance being opposed.
3. Concise statement of the objections to the plan approval issuance, and the relevant facts upon which the objections are based.

An appointment to review the pertinent documents at the Reading District Office may be scheduled by contacting Roger Fitterling at (610) 916-0100 between 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Persons needing additional information should contact Roger Fitterling at Department, 1005 Cross Roads Blvd., Reading, PA 19605, (610) 916-0100. Written comments should be mailed to Air Quality Program, at the same address during the 30-day comment period following the publication of this notice.

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

**33-033D: Owens Brockway Glass Container, Inc.** (3831 Route 219, Brockport PA 15823) for replacement of the bottle coating agent tin tetrachloride with mono-butyltin trichloride, MBTT in the Borough of Brockway, **Jefferson County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection intends to issue a Plan Approval for their in the Borough of Brockway, **Jefferson County**. This plan approval will authorize the replacement of the bottle coating agent tin tetrachloride with mono-butyltin trichloride, MBTT. The MBTT will be applied at a rate of 4 #/hr with the appropriate control devices.

Based on the information provided by the applicant and Department's own analysis, the process will emit 1.2 tpy of VOC and 2.3 tpy of PM.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-33-033D.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

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

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to Glenn O. Hawbaker, Inc. for to construct an asphalt plant that will combust natural gas, Nos. 2—6 fuel oils, reprocessed oils, biodiesel, coal or any combination of fuels. The Barkeyville Plant will be owned and operated by Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) and will be in Barkeyville Township, Venango County. Since the technology involved in combusting the coal is new, this plan approval will allow coal to be burned for 180 days or until a stack test is performed. The results of the stack test and a Best Available Technology analysis will be used to determine SOx emission limits for burning coal that will be incorporated into a revised plan approval. The Department reserves the right to require additional controls for SOx. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a Synthetic Minor operating permit at a later date.

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

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

Persons 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. The comment period has been extended until March 13, 2007. Written comments should include the following:

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

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

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

**AMS 06001: Temple University—Main Campus** (1009 West Montgomery Avenue, Philadelphia, PA 19122) for installation of four boilers, 8 water heaters and 24 emergency generators in the City of Philadelphia, **Philadelphia County**. Installation of these units will increase the facility NOx potential emissions by 36.3 tpy. The facility is also replacing an emergency generator and taking fuel usage limitations on 6 boilers. Replacement and the fuel limitation of these units will decrease the facility NOx potential emissions by 14.5 tpy. The plan approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**39-00082: American Atelier, Inc.** (301 North Front Street, Allentown, PA 18102) for initial issuance of a Title V Operating Permit. This facility currently operates under Operating Permit 39-318-102. This facility operates eight paint spray booths and one wood fired boiler for their furniture manufacturing operation in the City of Allentown, **Lehigh County**. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. This Title V Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

#### **Intent to Issue Operating Permits 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.*

**01-03010: Dal-Tile Corp.** (211 North Fourth Street, Gettysburg, PA 17325-1694) for renewal of their State-only Operating Permit for operation of their ceramic floor and wall tile products facility in Gettysburg Borough, **Adams County**. This action is a renewal of the State-only operating permit.

**01-03011: Dal-Tile Corp.** (211 North Fourth Street, Gettysburg, PA 17325-1694) for renewal of their State-only Operating Permit for operation of their ceramic floor and wall tile products facility in Bendersville Borough, **Adams County**. This action is a renewal of the State-only operating permit.

**01-03016: Dal-Tile Corp.** (211 North Fourth Street, Gettysburg, PA 17325-1694) for renewal of their State-only Operating Permit for operation of their ceramic floor and wall tile products facility in Straban Township, **Adams County**. This action is a renewal of the State-only operating permit.

**21-05039: Land O' Lakes, Inc.** (405 Park Drive, Carlisle, PA 17015) for operation of a milk drying plant in South Middleton Township, **Cumberland County**. This action is a renewal of the previous permit issued in 2002.

**36-03074: Colonial Metals Co.** (217 Linden Street, Columbia, PA 17512) for operation of a brass and bronze foundry in Columbia Borough, **Lancaster County**. This action is a renewal of the previous permit issued in 2002.

**36-05139: AFP—Advanced Food Products, LLC** (158 West Jackson Street, New Holland, PA 17557) for their food processing operations in New Holland Borough, **Lancaster County**. The facility's potential emissions are expected to be about 96 tpy of CO, 81 tpy of SO<sub>2</sub>, 31 tpy of NO<sub>2</sub> and 7 tpy of PM. The State-only operating permit will include emission and fuel restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**17-00060: Penfield Collieries, LLC** (301 Market Street, Kittanning, PA 16201) for operation of a coal preparation/processing facility in Huston Township, **Clearfield County**.

The facility incorporates a coal preparation plant consisting of a raw coal truck dump, a rotary breaker, a raw coal stockpiling operation incorporating a stacking tube and underground reclaim, a screening building containing a screen and impact crusher, a wet preparation plant incorporating four dry screens and various wet coal cleaning operations, a wet preparation plant railcar loading operation and various conveyors plus a coal stockpiling and railcar/truck loading operation, six 420,000 Btu per hour diesel-fired conveyor belt heaters, six 160,000 Btu per hour No. 2 fuel oil/kerosene-fired space heaters, a solvent parts washer and a lime storage silo.

The fugitive PM emissions from the facility are prevented or controlled by two fabric collectors, a wet centrifugal collector, a water truck and enclosures as well



as by the implementation of various operating practices such as truck tarping, flood loading, and the like.

The air contaminant emissions from the facility are not expected to exceed 80.96 tons of PM including up to 26.70 tons of PM<sub>10</sub>, 7.84 tons of SO<sub>x</sub>, 2.18 tons of NO<sub>x</sub>, .54 ton of CO and .04 ton of total hydrocarbons per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Plan Approval 17-305-050, issued on June 29, 2004, Plan Approval 17-305-050A, issued on November 30, 2004, and Plan Approval 17-305-050B, issued on November 8, 2005.

The conditions previously contained in Plan Approvals 17-305-050, 17-305-050A and 17-305-0505B include:

1. A condition limiting the amounts of raw coal processed and clean coal produced by the facility to 2,600,000 tons and 2,000,000 tons, respectively, in any 12-consecutive month period.

2. A condition requiring all trucks entering or exiting the facility to be tarped unless empty.

3. A condition requiring specific portions of roadway to be paved and specific portions to be treated with road oil or equivalent.

4. A condition restricting vehicle speed on facility roadways to 15 miles per hour.

5. A condition requiring an operable water truck to be maintained onsite for roadway and stockpile area dust control.

6. Conditions restricting the PM emissions from the fabric collector controlling the screening building screen and impact crusher to .01 grain per dry standard cubic foot of effluent gas volume and the PM emissions from the wet centrifugal collector controlling the four dry screens in the wet preparation plant to .02 grain per dry standard cubic foot of effluent gas volume.

7. Conditions requiring the fabric collector controlling the screening building screen and impact crusher to be equipped with instrumentation to monitor collector pressure differential, to be supplied with dry oil-free compressed air and to have spare bags on hand.

8. Conditions requiring the rotary breaker to be enclosed except for the feed and discharge openings, the truck dump bin to be equipped with a roof and three sides and all conveyors to be equipped with either full or partial enclosures.

9. A condition requiring all raw coal to be stockpiled by means of a stacking tube.

10. A condition requiring all clean coal from the wet preparation plant which is not stockpiled onsite to be loaded into railcars.

11. A condition requiring all clean coal stockpiled onsite to be placed onto the stockpiles with radial stacking conveyors.

12. A condition prohibiting the stockpiling of coal onsite unless it has been, or will be, processed through the wet preparation plant.

13. A condition requiring all railcar loading to be performed with a flood loading technique.

14. A condition allowing trucks to be loaded with front end loaders only if the moisture content of the coal is 5% or greater.

15. Conditions requiring all clean coal placed onto stockpiles to have a moisture content of 5% or greater and the performance of periodic coal sampling and analysis to demonstrate compliance with this requirement.

16. Conditions requiring the maintenance of records of the amount of raw coal received per month, the amount of coal loaded into railcars per month and the amount of coal loaded into trucks per month.

The Department additionally proposes to incorporate several new conditions into the operating permit to be issued:

17. A condition requiring the periodic submission of records.

18. Conditions identifying the applicable 25 Pa. Code § 129.63 requirements for the solvent parts washer.

19. A condition prohibiting the use of halogenated solvent in the solvent parts washer.

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

**65-00235: Alcoa Inc.** (100 Technology Drive, Alcoa Center, PA 15069-0001) for operation of their Research and Development Facility in the Physical, Engineering and Life Sciences at their Alcoa Technical Center facility in Upper Burrell Township, **Westmoreland County**. This is a State-only Operating Permit Renewal.

**65-00909: Multiserv-Allvac-Latrobe** (P. O. Box 5003, Cranberry Township, PA 16066-1903) for operation of stockpiling activity in Derry Township, **Westmoreland County**. This is a State-only Operating Permit Renewal

## OPERATING PERMITS

### PUBLIC HEARINGS

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

**06-05105A: G.A.S. Access Pioneer Crossing Landfill, LLC** (2809 Boston Street, No. 340, Baltimore, MD 21224) for construction of an electric generation plant at the Pioneer Crossing Landfill in Exeter Township, **Berks County**. A public hearing is to be held to accept testimony concerning the Department of Environmental Protection's decision to approve a Plan Approval.

The proposed plan approval is to permit the construction of a landfill gas pretreatment system and four landfill gas fired internal combustion engines. Emissions from the engines will be controlled by proper combustion techniques. The gas will be pretreated by compression, dewatering and particulate filtering as per 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants from Municipal Solid Waste Landfills. Each engine will power a 1,600 KW electric generator. The engines will be subject to 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The pertinent documents are available at the Reading District Office for review. Reviews may be scheduled by

contacting Roger Fitterling at (610) 916-0100 between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

The Department will conduct the public hearing on March 28, 2007, at 7 p.m. in the Dunn Community Center, 4565 Prestwick Drive, Reading, PA 19606. Persons wishing to present testimony at the hearing should contact Roger Fitterling at (610) 916-0100 to reserve a time to present testimony. Oral testimony will be limited to 10 minutes. GAS Access Pioneer Crossing Energy, LLC and all other groups or organizations are requested to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearing.

Persons with a disability, who wish to attend the hearing, and who require an auxiliary aid, service or other accommodation to participate in the proceedings, contact Jeff Minsky at (717) 705-4709 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

**COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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

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

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

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

*Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**32961302 and NPDES Permit No. PA0212949. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). To renew the permit for the Onco Mine in Brush Valley and Center Township, **Indiana County** and related NPDES permit. No additional discharges. Application received: January 11, 2007.

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

**11823004 and NPDES No. PA0124842. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215). Transfer of an existing bituminous surface mine from M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717 located in Elder and Susquehanna Townships, **Cambria County**, affecting 1,458.5 acres. Receiving streams: UNTs to and Little Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 5, 2007.

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

**03920103 and NPDES Permit No. PA0200484. Allegheny Mineral Corp.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application for the NPDES of an existing bituminous surface mine, located in West Franklin Township, **Armstrong County**, affecting 284.7 acres. Receiving streams: Buffalo Creek and Claypoole Run, classified for the following use: TSF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 5, 2007.

**02070101 and NPDES Permit No. PA0241054. Quality Aggregates, Inc.**, (200 Neville Road, Pittsburgh, PA 15225). Application for commencement, operation and reclamation of a bituminous surface mine, located in Robinson Township, **Allegheny County**, affecting 42.4 acres. Receiving streams: Campbells Run and UNT to Campbells Run, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Application received: February 2, 2007.

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

construction contract to change the land use from forestland to pasture land or land occasionally cut for hay, located in Robinson Township, **Allegheny County**, affecting 40.9 acres. Receiving stream: Moon Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Moon Township Municipal Authority. Revision application received: December 26, 2006. (This is a corrected *Pennsylvania Bulletin* Notice)

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

**43910102 and NPDES Permit No. PA0208311. The Ambrosia Coal & Construction Co.** (R. R. 1, Box 422, Edinburg, PA 16116-9801). Renewal of an existing bituminous surface strip and auger operation in Mill Creek Township, **Mercer County** affecting 350.0 acres. Receiving streams: three UNTs to Little Sandy Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Polk Center. Application received: February 5, 2007.

**16020901 and NPDES Permit No. PA0242055. Lester C. Henry** (1555 Route 208, Emlenton, PA 16373). Renewal of an existing bituminous surface strip operation in Ashland Township, **Clarion County** affecting 10.5 acres. Receiving streams: UNT to Pine Run to Little East Sandy 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: February 8, 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 <sup>1</sup>		greater than 6.0; less than 9.0	
pH <sup>1</sup>			

<sup>1</sup> 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.

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

**26070601 and NPDES Permit No. PA0251038. Kevin W. Hennessey** (179 Linden Hall Road, Dawson, PA 15428). Application for commencement, operation and reclamation of a large noncoal surface mine, located in Lower Tyrone Township, **Fayette County**, affecting 21.8 acres. Receiving streams: UNTs to Youghiogheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 24, 2007.

**26970401 and NPDES Permit No. PA0202100. Laurel Aggregates, Inc.** (P. O. Box 1209, Morgantown, WV 26507). Revision application for E&S Controls to an existing noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 254.52 acres. Receiving streams: Rubles Run and UNTs to Rubles Run, classified for the following use: CWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: February 8, 2007.

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

**61990301 and NPDES Permit No. PA0227960. Cooperstown Sand & Gravel** (P. O. Box 4, Cooperstown, PA 16317). Revision to an existing sand, gravel and topsoil operation in Jackson Township, **Venango County** affecting 39.5. Receiving streams: one UNT to Sugar Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the Borough of Franklin. Revision to add 3.0 acres to the permit and to construct a

permanent stream crossing over UNT 1 and mine through and reconstruct approximately 1,250 feet of the stream. Application received: February 8, 2007.

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

**4002803. Lonzetta Trucking & Excavating Company**, (340 Rocky Road, Hazleton, PA 18201). Stages I and II bond release for a quarry operation in Butler Township, **Luzerne County** affecting 5.0 acres on property owned by Kevin Lamont. Application received: February 5, 2007.

**40012802. Lonzetta Trucking & Excavating Company**, (340 Rocky Road, Hazleton, PA 18201). Stages I and II bond release for a quarry operation in Butler Township, **Luzerne County** affecting 5.0 acres on property owned by Kevin Lamont. Application received: February 5, 2007.

**7774SM2A1C9. Berks Products Corp.**, (P. O. Box 421, Reading, PA 19603). Incidental boundary correction to a quarry operation in Ontelaunee Township, **Berks County** affecting 153.4 acres, receiving stream: Maiden Creek. Application received: February 6, 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.*

**E07-412: Norfolk Southern Corporation**, R. D. 7 Box 958, Altoona PA 16602, Logan Township, **Blair County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain a 22-foot wide by 7-foot high by 28-foot long concrete box culvert with a 1-foot depression and associated improvements in Homer Gap Run (WWF) to improve the safety condition of the railroad tracts located 1,000 feet from its confluence with the Little Juniata River (Bellwood, PA Quadrangle N: 10.0 inches; W: 16.4 inches; Latitude: 40° 33' 18"; Longitude: 78° 22' 05") in Logan Township, Blair County, ACOE Baltimore District.

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

**E02-1554. P. W. Campbell**, 109 Zeta Drive, Pittsburgh, PA 15238. To construct a bank in floodway in McCandless Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle N: 6.25 inches; W: 15.8 inches; Latitude: 40° 32' 03" and Longitude: 80° 06' 49"). The applicant proposes to construct and maintain a First Commonwealth Bank and an adjacent coffee shop on the left bank of Pine Creek (CWF). The project is located on the east side of Perry Highway (SR 19), just northeast from the intersection of Perry Highway (SR 19) and Pine Creek Road.

**E63-596. Peters Creek United Presbyterian Church**, 250 Brookwood Road, Venetia, PA 15367. To construct a culvert and fill wetlands in Peters Township, **Washington County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 7.5 inches; W: 9.00 inches and Latitude: 40° 17' 24"—Longitude: 80° 3' 43"). The applicant proposes to construct and maintain fill associated with a proposed parking area in the floodway and along 480 LF of a UNT to Brush Run (WWF) and to place and maintain fill in 0.18 acre of wetlands which includes 0.05 acre of open water for the purpose of addition of 2,700 square feet onto the current sanctuary of Peters Creek United Presbyterian Church. The project includes construction of two utility line stream crossings and a pipe culvert replacement in a UNT to Brush Run.

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

**E20-555, Department of Transportation, District 1-0**, P. O. Box 398, Oil City, PA 16301. Houghton Wetland Mitigation Bank, in Beaver Township, **Crawford County**, ACOE Pittsburgh District (Beaver Center U.S.G.S., PA Quadrangle N: 41° 49' 22"; W: 80° 29' 22.4").

To place fill within 0.4 acre of PEM wetlands and to construct and maintain 7.4 acres of PEM/PSS/PFO wetlands on a 14 acres site located adjacent to SR 4012 between T-308 and T-320 and draining towards Middle Branch Conneaut Creek (CWF).

**E62-411, Columbus Township Authority**, P. O. Box 274, Columbus, PA 16405. Highway 426 Sewerline, in Columbus Township, **Warren County**, ACOE Pittsburgh District (Columbus, PA Quadrangle N: 7.3 inches; W: 16.3 inches).

The applicant proposes to construct and maintain a sewer line extension having a length of approximately 3,300 feet and consisting of 8-inch PVC plastic gravity pipeline and 3-inch forcemain extending from the existing sewer line at the City of Corry, Erie County/Columbus Township, Warren County border through an area in Columbus Township adjacent to SR 426 to the Village of Colza involving: 1) six open cut pipeline crossings of PEM wetlands having a length of approximately 203 feet; 2) a open cut pipeline crossing of Winton Creek; and 3) construction of a pump station within the floodway of Winton Creek permanently impacting 0.007 acre (de minimis) of PEM wetlands. Winton Creek is a perennial stream classified as a CWF. The project proposes to permanently impact approximately 0.007 acre (de minimis) of PEM wetland and to temporarily impact approximately 0.1 acre of PEM wetlands and approximately 30 linear feet of stream.

*Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, (570) 826-2371.*

**E3511-002: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office.** Taylor South Main project in Taylor Borough, **Lackawanna County**, ACOE Baltimore District, Scranton PA Quadrangle N: 2.7 inches; W: 10.8 inches.

To perform the following water obstruction and encroachment activities associated with an impaired creek caused by previously abandoned mine lands.

This project will construct an Abandoned Mine Land (AML) reclamation project to eliminate health and safety

problems associated with an 84-acre AML site. The reclamation project will result in an encroachment of Keyser Creek, which has been impaired from previous mining. The project includes the reconstruction and stabilization of approximately 1,700 feet of creek.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1609-001. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Piney Township, **Clarion County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 900 linear feet of dangerous highwall. The project will include the backfilling of: (1) two AMD-impacted PEM wetlands (one is 0.13 acre and one is 0.11 acre); and (2) 530 feet of watercourse that has developed within the open surface mine pit. (Clarion Quadrangle N: 4.25 inches, W: 12 inches).

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-008. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry 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 2 PEM wetlands (0.13 acre each) that have developed within the open surface mine pit. (West Sunbury Quadrangle N: 7.25 inches, W: 10.5 inches).

## ACTIONS

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

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

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

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

and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0033430	Roamingwood Sewer and Water Association P. O. Box 6 Lake Ariel, PA 18436-0006	Salem Township Wayne County	Ariel Creek 1C	Y
PA0060526	Pennsylvania American Water Company 100 Pennsylvania Avenue Wilkes-Barre, PA 18701	Susquehanna County Forest City Borough	Lackawanna River 5A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0091391 Industrial Waste	Spartech Polycom 470 Johnson Road Washington, PA 15301	Washington County Donora Borough	Monongahela River	Y
PA0204293 Industrial Waste	Spartech Polycom 470 Johnson Road Washington, PA 15301	Washington County Donora Borough	Monongahela River	Y
PA0204633 Sewage	Michael Narquini	Washington County Cross Creek Township	North Fork Cross Creek	N

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0103659	Reno Packaging Plant— Calumet Pennsylvania, LLC 1884 Allegheny Boulevard Reno, PA 16343	Sugarcreek Borough Venango County	Allegheny River 16-G	Y
PA0091316	Buttercup Woodlands Campground 854 Evans City Road Renfrew, PA 16053	Connoquenessing Township Butler County	UNT to Little Connoquenessing Creek 20-C	Y

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

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

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

**WQM Permit No. WQG016134**, Sewerage, **John Heinlein**, 105 Coleman Drive, Beaver, PA 15009. This proposed facility is located in Independence Township, **Beaver County**.

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

**WQM Permit No. 5606401**, Sewerage, **Conemaugh Township**, 1120 Tire Hill Road, Johnstown, PA 15905. This proposed facility is located in Conemaugh Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity sewers and force main and submersible type wastewater pumping station

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

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#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804041	D.R.N. Development, LLC 2311 Easton Avenue Bethlehem, PA 18017	Northampton	Moore Township	Monocacy Creek HQ-CWF
PAI024806006	Cahill Properties, LLC 60 West Broad Street Bethlehem, PA 18016	Northampton	Bethlehem Township	Monocacy Creek HQ-CWF
PAI025205009	U-Store-It R. R. No. 5, Box 5138A Stroudsburg, PA 18360	Pike	Lehman Township	Little Bushkill Creek EV
PAI024505008	Ski Shawnee, Inc. P. O. Box 339 Shawnee-on-Delaware, PA 18356	Monroe	Smithfield and Middle Smithfield Townships	Shawnee Creek HQ-CWF

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

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

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#### **List of NPDES and/or Other General Permit Types**

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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated 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 Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dalton Borough Lackawanna County	PAG2003506031	Joseph Chermak 713 North State Street Clarks Summit, PA 18411	South Branch Tunkhannock Creek TSF	Lackawanna Co. Cons. Dist. (570) 281-9495
Hanover Township	PAG2004006051	Medley Investments Frank Nockley 3 Genoa Lane Shavertown, PA 18708	Solomon Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Dallas Township Kingston Township Luzerne County	PAG2004006047	Lynda Schubring Williams Gas Pipeline—Transco 2800 Post Oak Boulevard Houston, TX 77056	Tributary to Toby Creek and Abrahams Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hanover Township Luzerne County	PAG2004006041	David Pieczynski 24 Richard Drive Dallas, PA 18612	Nanticoke Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Blakely Borough Lackawanna County	PAG2003507005	Charles Hibble 329 Penn Avenue Scranton, PA 18503	Tributary to Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Lower Paxton Township Dauphin County	PAG2002206075	Kusic Capital Group 2491 Paxton Street Harrisburg, PA 17111	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
West Hanover Township Dauphin County	PAG2002207006	Michael Rimer West Hanover Township 7171 Allentown Boulevard Harrisburg, PA 17112	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
City of Harrisburg Dauphin County	PAG2002206074	Brian Zaver Om-Shree Ganesh, LLC 4114 Green Court Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Washington Township Dauphin County	PAG2002205062	Harry H. Fox, Jr. 600 Cold Springs Road Dillsburg, PA 17019	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Silver Spring Township Cumberland County	PAG2002106051	Morgan Residential Subdivision DeerField Road Associates, LLC Brent Stoltzfus 474 Mt. Sidney Road Lancaster, PA 17602	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAG2002107003	Good Hope Office Park 44 Fairview Associates 44 Hersha Drive Harrisburg, PA 17102	UNT to Sears Run	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812



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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Centre County Ferguson Township	PAG2001406024	Riza Ulker/Dream Schools, Inc. Young Scholars of Central Pa Charter School 2433 Haymaker Road Monroeville, PA 15146	Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Spring Township	PAG2001407001	Andy Haines Fox Hill Senior Apartments Phase II 2121 Old Gatesburg Road State College, PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Derry Township	PAG2004705005	Patrick Renshaw 2 North Ninth Street Allentown, PA 18101	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Valley and Liberty Townships	PAG2004706002	Sunland Associates 197 Point Township Drive Northumberland, PA 17857	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Derry Township	PAG2004706006	Chris Huron 13 Water Street Washingtonville, PA 17884	Mud Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Danville Borough	PAG2004706010	J. Michael Fisher 201 Furnace Road Lewisburg, PA 17837	Mahoning Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Danville Borough	PAG2004706013	Raymond Zomok DEP—Bureau. Of Waterways Eng. P. O. Box 8460 Harrisburg, PA 17105-8460	Mahoning Creek TSF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Anthony Township	PAG2004707001	Zane Martin 152 Stamm Road Danville, PA 17821	Middle Branch Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Northumberland County Lower Mahanoy Township	PAG2004907002	Country Terrace Intersection of School Road and Sunbury Street Dalmatia, PA 17017	Dalmatia Creek WWF	Northumberland County Conservation District R. R. 3, Box 238-C Sunbury, PA 17801 (570) 286-7114 Ext. 4
Tioga County Delmar Township and Duncan Township	PAG2005907001	Department of Transportation 715 Jordan Ave P. O. Box 218 Montoursville, PA 17754-0218	Wilson Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 Ext. 3

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fayette County Springfield Township	PAG2002607002	Indian Creek Valley Water Authority 2019 Indian Head Road P. O. Box 486 Indian Head, PA 15446	UNT to Indian Creek CWF	Fayette County CD (724) 438-4497
Washington County Hanover Township	PAG2006307002	Hanover Township Sewer Authority 116 Steubenville Pike Paris, PA 15021	Harmon Creek WWF	Washington County CD (724) 228-6774
Washington County Canton Township	PAG2006307010	Canton Township Volunteer Fire Dept. 701 Weirich Avenue Washington, PA 15301	UNT to Chartiers Creek WWF	Washington County CD (724) 228-6774
Erie County Summit Township	PAG2002506036	Erie Retail Center, InSite Real Estate Development, LLC 1603 West 16th Street Oak Brook, IL 60523	UNT to Walnut Creek WWF; MF	Erie Conservation District (814) 825-6403
Warren County Pine Grove Township	PAG2006206003	Pine Grove Township Municipal Authority	UNT's Conewango Creek CWF and Johnny Run CWF	Warren Conservation District (814) 563-3117
Clearfield County Woodward Township	PAG2091707002	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Clearfield Creek CWF	DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wright Township Luzerne County	PAR212202	CertainTeed Corporation 1200 Oak Hill Road Crestwood Industrial Park Mountaintop, PA 18707-2105	Watering Run CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Dauphin County Middletown Borough	PAR803644	Federal Express 3620 Hacks Cross Road Building B, 2nd Floor Memphis, TN 38125	Swatara Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clinton Township Lycoming County	PAR324802	Construction Specialties, Inc. P. O. Box 380 6696 Route 405 Highway Muncy, PA 17756-0380	Turkey Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
City of Hermitage Mercer County	PAR208336	CCL Container CCL Container— Advanced Monobloc Aerosol Division One Llodio Drive Hermitage, PA 16148-9015	UNT to the Shenango River and City of Hermitage Pond (Industrial Park Flood Control)	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Brookville Borough Jefferson County	PAR118330	Miller Welding and Machine Co. P. O. Box G Brookville, PA 15825	Sandy Lick Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Clarion County	PAR238328	Clarion Bathware 44 Amsler Avenue Shippensburg, PA 16254-4802	East Sandy Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of New Castle Lawrence County	PAR208362	New Castle Industries, Inc. New Castle Industries, Inc.—Tanner Plating Division P. O. Box 7359 New Castle, PA 16102	Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Buffalo Township Butler County	PAR808355	Freeport Transport, Inc. 1200 Butler Road Freeport, PA 16229-0301	UNT to Buffalo Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Newlin Township Chester County	PAG040029	Christina M. DiGregorio 2086 Strasburg Road Coatesville, PA 19320	UNT to West Branch Brandywine Creek Watershed 3H	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Independence Township Beaver County	PAG046334	John Heinlein 105 Coleman Drive Beaver, PA 15009	UNT to Raccoon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Hanover Township Beaver County	PAG046339	Kevin Sweger 1137 Hunts Ridge Crescent, PA 15046	UNT of South Fork Tomlinson Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Union Township Crawford County	PAG049315	Kimberly L. Wilson 9500 Mercer Pike Meadville, PA 16335	UNT to French Creek 16D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township Crawford County	PAG048819	David W. Jesse 2478 Lester Road Linesville, PA 16424	UNT to Paden Creek 20A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG048415	Leonard B. Riel R. D. 4, Box 377 Sugar Grove, PA 16350-9233	Mud Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG048804	James D. Welker 271 Olde Colony Drive New Castle PA 16105	UNT to the Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG048786	Regina Freeman P. O. Box 782 Bradford, PA 16701	UNT to Threemile Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

*Facility Location &  
Municipality*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
PAG083568	Hampden Township 230 South Sporting Hill Road Mechanicsburg, PA 17050		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-12*

*Facility Location &  
Municipality*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG123518	Country View Family Farms Andrews Sow Farm 6360 Flank Drive Suite 100 Harrisburg, PA 17112-2766	UNT of Pequea Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department 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: **Bern Township Municipal Authority**, 3060045, Bern Township, **Berks County** on 2/9/2007 for the operation of facilities approved under Construction Permit No. 0603513 MA.

**Operations Permit** issued to: **Pennsylvania-American Water Company**, 3060069, Lower Heidelberg Township, **Berks County** on 2/5/2007 for the operation of facilities approved under Construction Permit No. 3060069.

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

**Permit No. 1406503—Construction** Public Water Supply.

Applicant	<b>Gregg Township Water Authority</b>
Township or Borough	Gregg Township
County	<b>Centre</b>
Responsible Official	Thomas J. Stitzer Gregg Township Water Authority P. O. Box 165 Spring Mills, PA 16875
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Robert S. Decker, P. E. Nittany Engineering & Associates, LLC 2836 Earlstown Road, Suite 1 Centre Hall, PA 16826
Permit Issued Date	February 9, 2007
Description of Action	Construction of a 256,000 gallon finished water storage tank, transmission lines, mixed oxidant generation system, 65 feet of 48 inch diameter chlorine contact piping, an EPD pressure sand filtration plant and associated appurtenances.

**Permit No. 5591502-T1—Construction** Public Water Supply.

Applicant	<b>Salem Manor Enterprises, Inc.</b>
Township or Borough	Penn Township
County	<b>Snyder</b>
Responsible Official	Andrea Christoff, Secretary Salem Manor Enterprises, Inc. 14145 Christoff Avenue Mount Union, PA 17066
Type of Facility	Public Water Supply—Construction
Consulting Engineer	N/A
Permit Issued Date	February 12, 2007

Description of Action	Transfer of permit for the two existing sources, storage tanks and the distribution system.
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**Permit No. M.A.—Construction** Public Water Supply.

Applicant	<b>Salem Manor Enterprises, Inc.</b>
Township or Borough	Penn Township
County	<b>Snyder</b>
Responsible Official	Andrea Christoff, Secretary Salem Manor Enterprises, Inc. 14145 Christoff Avenue Mount Union, PA 17066
Type of Facility	Public Water Supply—Construction
Consulting Engineer	N/A
Permit Issued Date	February 12, 2007
Description of Action	Construction and operation of the sodium hypochlorite disinfection process.

**State College Borough Water Authority (Public Water), Centre County:** The Source Water Protection report for the State College Borough Water Authority has been approved on February 12, 2007. State College Borough Water Authority is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581.

**WATER ALLOCATIONS**

**Actions taken on 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 this Commonwealth**

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

**WA 14-1010, Water Allocations.** Gregg Township Water Authority, P. O. Box 165, Spring Mills, PA 16875, Gregg Township, **Centre County**. Granting the right to withdraw a maximum of 80,000 gallons per day from Firemans Spring in the Village of Spring Mills.

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

**WA11-779B, Water Allocations.** Jackson Township Water Authority, 2949 William Penn Avenue, Johnstown, PA 15909, Jackson Township, **Cambria County**. Grants the right to purchase 319,000 gallons of water per day, as a peak month, 30-day average, from the Nanty Glo Water Authority and a service area expansion into Jackson Township.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Plumstead Township	5186 Stump Road P. O. Box 387 Plumsteadville, PA 18949	Bucks

*Plan Description:* On February 9, 2007, the Southeast Regional office approved the sewage facilities planning module for the Carriage Hill Subdivision, DEP Code Number 11-09939-297-3IK, APS ID 557566, Site ID 657586. The project is located in Plumstead Township, **Bucks County**. This sewage facilities planning module constitutes a revision to Plumstead Township's Official Sewage Facilities Plan.

This revision provides for adequate sewage facilities planning to permit the development of 463 new dwelling units and a 26.7 acres public athletic recreation area and park. Twelve existing properties will also be connected to the proposed public sewer system. This project is located at 4747 West Swamp Road in Plumstead Township, Bucks County.

This project will generate 140,481 gallons of sewage per day to be treated by a new municipally-owned wastewater treatment facility. The proposed wastewater treatment facility will discharge to a nonperennial tributary to the North Branch Neshaminy Creek.

This approval also provides for the construction of a new sewage collection and conveyance system. The project will be served by two new pump stations. Pump Station 1 will have annual average flows of 67,626 gallons per day. Pump Station 2 will have annual average flows of 23,409 gallons per day. The locations of both pump stations and their force mains are shown on the plan titled "Wastewater Site Planning Module," prepared by Carroll Engineering Corporation, last revised December 28, 2005.

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

*Plan Location:* Glendon Business Center

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Glendon Borough	24 Franklin Street Easton, PA 18042-6805	Northampton

*Plan Description:* The Department has reviewed the subdivision plan submitted for the above referenced proposed Official Plan revision consisting of a four lot Industrial Subdivision of an 18 acre tract. A new pump station (PS No. 3) will be utilized to pump the proposed 4,000 gpd of sewage flows from the four lots. Pump Station No. 3 located at Front and Franklin Streets will pump to existing Pump Station No. 2 on Hilton Street which pumps to existing Pump Station No. 1 on Holly Street. The Borough of Glendon will own and maintain the Pump Stations. Pump Station No. 2 pumps to the City of Easton Sanitary System Wastewater Treatment Facilities will be provided by the Easton Area Joint Sewer Authority. Easton Suburban Water will provide public water to the project. The proposed development is located on Front Street, Glendon Borough, Northampton County.

Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:* Nazareth Crossings

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

*Plan Description:* The approved plan provides for a commercial land development of a 9.77-acre tract with a hotel, convenience store and three restaurants with a proposed sewage flow of 30,000 gpd. A pump station and force main will carry the proposed sewage flow to a new manhole (Prologis MH No. 17) in the Prologis development. The new collection system will be dedicated to the Nazareth Borough Municipal Authority. Conveyance and wastewater treatment facilities will be provided by Nazareth Borough Municipal Authority. Easton Suburban Water Authority will provide public water to the project. The proposed development is located on Easton Nazareth Highway, Lower Nazareth Township, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greene Township	1145 Garver Lane Scotland, PA 17254	Franklin County

*Plan Description:* The approved plan, in the name of Robert Blubaugh, provides for a Small Flow Treatment Facility to serve one residential dwelling with sewage flows of 500 gpd. The project is located on the east side of Shatzler Road, 2,000 feet southeast of Letterkenny Road. 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 applicant.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	13013 Welty Road Waynesboro, PA 17268	Franklin County

*Plan Description:* The approved plan provides a discharge of 49,710 gpd of water treatment process wastewater from the Well No. 2 Treatment Facility to Waynesboro sewers using an existing force main. The project includes new equipment and upgrades for the West Penn Sewer Lift Station. Treatment will be provided at the Waynesboro Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Route 322 and Level Skelp Level Road**, East Bradford Township, **Chester County**. Jim Arthur, Env. Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Lara Herzig, Peco Energy Co., 2301 Market Street, Philadelphia, PA 19101 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Rite Aid Pharmacy Site**, City of Philadelphia, **Philadelphia County**. Michael Beardsley, BL Co., 213 Market Street, 6th Floor, Harrisburg, PA 17101 on behalf of Robert Lerner, Rite Aid Corp., 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Remedial Investigation Report and Final Report concerning remediation of site

soil contaminated with lead and hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standards.

**Johnson & Johnson Pharmacy Research and Development, LLC**, Lower Gwynedd Township, **Montgomery County**. Heath Brown, Env. Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of David Link, Johnson & Johnson PRD, LLC, Welsh 7 McKean Road, P. O., Box 776, Spring House, PA 19477 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Montgomeryville Material Processing Ctr.**, Montgomery Township, **Montgomery County**. Sean Damon, Langan Engineering & Env. Svc., Inc., P. O. Box 1569 on behalf of Michael Galenski, Verizon-Pennsylvania, Inc., 966 S. Matlack Street, West Chester, PA 19380 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Belmont Ridge Dev.**, Bensalem Township, **Bucks County**. Geoffrey Kristof, Leggette, Brashears and Graham Inc., 426 Brandywine Parkway, West Chester, PA 19380 on behalf of Bill Briegel, Orleans Homebuilders, 3333 Street, Road Bensalem, PA 19020 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standards.

**Frost Watson**, Newtown Borough, **Bucks County**. Mark Fortna, DelVal Soil & Env. Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901, Cloreces K Kulp, DelVal Soil & Env., Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Dr., Doylestown, PA 18901 on behalf of Donald Plump, Jr., Frost-Watson, 17 S. Lincoln Avenue, Newtown, PA 18940 has submitted a Final Report concerning remediation of site soil contaminated with lead and inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

**Former Shultz Enterprises Property Lot 3**, Hanover Borough, **York County**. Taylor GeoServices, Inc., 938 Lincoln Avenue, Suite 203, Springfield, PA 19064, on behalf of Fred Frattaroli, Triangle Car Wash, 973 East Main Street, Palmyra, PA 17078 and Mike Greenwalt, Walt Green, LLC—Greenies Car Wash, 4440 Hay Drive, Manchester, MD 21102-1148, submitted a Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons associated with gasoline, waste oil and hydraulic oil. The report is intended to document remediation of the site to the Statewide Health Standard

**ENCO Realty Facility (Former)**, Reading City, **Berks County**. Whittemore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, on behalf of QMM Properties LLC, P. O. Box 350, Shillington, PA 19607-0350, submitted a Final Report concerning groundwater contaminated with VOCs and lead from historical industrial use of the site. The report is intended to document remediation of the site to the Nonresidential Statewide Health Standard.

**Kevin Spangler Residence**, Clay Township, **Lancaster County**. Skelly and Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of Kevin and Stacci Spangler, 930 Skyline Avenue, Lititz, PA 17543-9762, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

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

**Richard A. Rainey Property**, Mahaffey Borough, **Clearfield County**. Environmental Remediation and Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Richard A. Rainey, 1619 Stillwood Street, Chesapeake, VA 23320 has submitted a Remedial Investigation, Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with BTEX and PHCs. The report is Chambers intended to document remediation of the site to meet the Site-Specific Standard.

**Butter Krust Baking Co.**, Upper Augusta Township, **Northumberland County**. Environmental Group, 629 East Rolling Ridge Dr., Bellefonte, PA 16823 on behalf of Butter Krust Baking Co., Inc., 249 N. 11th Street, Sunbury, PA 17801 has submitted a Final Report concerning remediation of site soil contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rich Oil Co., Inc. Front Street Gasoline Spill Site**, Northumberland Borough, **Northumberland County**, URS Corp., 4507 N. Front Street, Suite 200, Harrisburg, PA 17110 on behalf of Rich Oil Company, Inc., 1072 Point Township Drive, Northumberland, PA 17857 has submitted a Final Report concerning remediation of the site groundwater and soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Arthur J. Keister, Jr. Property/Silvermoon Development**, Kelly Township, **Union County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Arthur J. Keister, c/o Attorney Lonnie C. Hill, 47 North Hill Street, Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and dissolved metals. The report is intended to document remediation of the site to meet the Statewide Health/Background Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Wilkes-Barre Truck Center**, Plains Township, **Luzerne County**. Joseph Ozog, Jr., Excalibur Group, LLC, 91 Park Avenue, Windber, PA 15963, has submitted a combined Remedial Investigation Report and Final Report and addendums (on behalf of his client, Doug Barbacci, Calex Truck Sales, 58 Pittston Avenue, Pittston, PA 18640) concerning the remediation of soils and groundwater found or suspected to have been contaminated with petroleum hydrocarbons as the result of historic truck maintenance and repair. The reports demonstrated attainment of the Statewide Health Standard for soil and the Site-Specific Standard for groundwater and were approved on February 1, 2007.

**Claude M. Stauffer Estate**, North Union Township, **Schuylkill County**. Kelly Kinkaid, Liberty Environmental, Inc., 10 N. 5th Street, Suite 800, Reading, PA 19601, has submitted a Final Report (on behalf of her client, James T. O'Brien, The First National Bank of Minersville Trust and Financial Services, 260 Sunbury Street, Reading, PA 19601) concerning the remediation of soils found contaminated with gasoline as the result of historical gasoline dispensing operations at the former auto dealer-



ship. The report demonstrated attainment of the residential Statewide Health Standard for soils and was approved on February 6, 2007.

**Middle Valley Development**, Pittston Township, **Luzerne County**. Dave Fife, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has submitted a Final Report (on behalf of his client, Christopher Langel, Middle Valley Development LLC, Cross Creek Point, 1065 Highway 315, Suite 102, Wilkes-Barre, PA 18702) concerning remediation of site soils contaminated by spillage from handling of waste oil and petroleum product supplied to maintenance trucks from ASTs. The report demonstrated attainment of the Residential Statewide Health Standard for soil and was approved on February 8, 2007.

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

**Tri-County Federal Credit Union**, Pennsburg Borough, **Montgomery County**. Justin Lauterbaugh, RT Env. Svc., Inc., 510 Heron Drive, Purland Complex, Suite 306, Bridgeport, NJ 08014 on behalf of Andrew Pistoria, Tri-County Area Federal Credit Union, 1550 Medical Drive, Pottstown, PA 19464 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic and PAH's. The Final Report demonstrated attainment of the Site Specific Standards and was approved by the Department on January 17, 2007.

**Estes Residence**, Skippack Township, **Montgomery County**. J & J Spill Svc. & Supplies Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of George Estes, 992 Bridge Road, Creamery, PA 19430 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on January 24, 2007.

**Slater Residence**, Skippack Township, **Montgomery County**. Richard Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Georgia and Gehman Slater, 2057 Old Forty Foot Road, Harleysville, PA 19348 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide Health Standards and was disapproved by the Department on January 16, 2007.

**Hunter Residence**, East Marlborough Township, **Chester County**. Gilbert Marshall, Marshall Geosciences, Inc., 170 E. First Avenue, Collegeville, PA 19426 on behalf of Ray and Amy Hunter, 508 Pennock Avenue, Kennett Square, PA 19348 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on January 24, 2007.

**Philadelphia VA Medical Ctr.**, City of Philadelphia, **Philadelphia County**. Gregory Tate, Philadelphia VA Medical Center, University and Woodland Avenue, Philadelphia PA 19104 on behalf of Rachel Burkart and Brain Beahan, Alternative Env. Solutions, Inc. 930 Pointview Avenue, Suite B, Ephrata, PA 17522 has submitted a Low Risk Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Low Risk Final Report did not demonstrate attainment of the Statewide Health Standards and was disapproved by the Department on February 5, 2007.

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

**Pendora Park**, Reading City, **Berks County**. Services Environmental, Inc., 375 Morgan Street, Phoenixville, PA 19460-3588, on behalf of City of Reading, Department of Public Works, 503 North 6th Street, Reading, PA 19601-3085, submitted a Final Report concerning the remediation of site soils contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 5, 2007.

**Serta Mattress Company**, East Hempfield Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Serta Mattress Co., 18 Prestige Lane, P. O. Box 4623, Lancaster, PA 17604-4623, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 8, 2007.

**Former Brownstown Restaurant**, West Earl Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Ernie Capezzi, 23 Warwick Road, Lititz, PA 17543-8580, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil from a removed leaking underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 8, 2007.

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

**GE Transportation Motor Coil**, Emporium Borough, **Cameron County**. MACTEC Engineering and Consulting, Inc., Carnegie Office Park, Building 4, 700 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of GE Transportation Systems, 2901 East Lake Road, Erie, PA 16531 has submitted a combined Remedial Investigation Report and Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs and PCBs. The Final Report demonstrated attainment of the Statewide Health Standard for soil and Site-Specific Standard for Groundwater and was approved by the Department on February 9, 2007.

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

**Caparo Steel AOC-1 Oil Reclaim**, Farrell, Mercer Environmental Management Associates, LLC, 10925 Perry Highway, Suite 23, Wexford, PA 15090 on behalf of Caparo Steel Company (Duferco Farrell Corp.) 15 Roemer Boulevard, Farrell, PA 16121 has submitted a Final Report concerning the remediation of site soils contaminated with inorganics/metals, PCBs, VOCs and SVOCs and other petroleum products/oils. The Final Report demonstrated attainment of a Nonresidential Statewide Health Standards and was approved by the Department on February 2, 2007.

**Zuck Road Property Tract 78 (formerly known as Legacy Woods Condominiums)**, Millcreek Township, **Erie County**. Burt Waite, Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Peter and Mary Fedorka, 2500 South Shore Drive, Erie, PA 16505 has submitted a Final Report concerning remediation of site soils contaminated with lead. The report has document remediation of the site to meet the Site-Specific Standard and was approved by the Department on February 2, 2007.

**HAZARDOUS WASTE TRANSPORTER LICENSE****Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Issued*

**Bionomics, Inc.**, 1550 Bear Creek Road, Oak Ridge, TN 37830. License No. PA-AH 0730. Effective January 23, 2007.

*Hazardous Waste Transporter License Renewed*

**Vickery Transportation, Inc.**, 18375 E., 345 S., Grammer, IN 47236. License No. PA-AH 0698. Effective December 1, 2006.

**Inland Waters Pollution Control, Inc.**, 2021 S. Schaefer Highway, Detroit, MI 48217. License No. PA-AH 0292. Effective December 5, 2006.

**Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-AH 0699. Effective December 27, 2006.

**Ashland, Inc.**, 5200 Blazer Parkway, Dublin, OH 43017. License No. PA-AH 0121. Effective January 2, 2007.

**Triumvirate Environmental, Inc.**, 61 Inner Belt Road, Somerville, MA 02143. License No. PA-AH 0477. Effective January 2, 2007.

**Ross Transportation Services, Inc.**, 36790 Giles Road, Grafton, OH 44044. License No. PA-AH 0133. Effective January 3, 2007.

**T.A.G. Transport, Inc.**, 619 W. Rockwood Street, Rockwood, TN 37854. License No. PA-AH 0539. Effective January 18, 2007.

**Bishop & Associates, Inc.**, P. O. Box 6483, Baltimore, MD 21230. License No. PA-AH 0717. Effective January 22, 2007.

**Tier De, Inc.**, 5745 Lincoln Highway, Gap, PA 17527. License No. PA-AH 0680. Effective January 23, 2007.

**Lancaster Oil Company/DBA Environment**, 1076 Old Manheim Pike, Lancaster, PA 17601. License No. PA-AH 0679. Effective January 25, 2007.

**Ecoflo, Inc.**, 2750 Patterson Street, Greensboro, NC 27407. License No. PA-AH 0225. Effective January 25, 2007.

**Select Transportation, Inc.**, 5055 Nike Drive, Hilliard, OH 43026. License No. PA-AH 0469. Effective January 26, 2007.

**The Pennohio Corporation**, 4813 Woodman Avenue, Ashtabula, OH 44004. License No. PA-AH 0618. Effective January 26, 2007.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Expired*

**T.A.G. Transport, Inc.**, 2818 Roane State Highway, Harriman, TN 37748. License No. PA-AH 0539. Effective December 31, 2006.

**Culp Petroleum**, 19501 S. Santa Fe Avenue, Rancho Dominguez, CA 90221. License No. PA-AH 0673. Effective December 31, 2006.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE****Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Daniel's New Jersey, LLC**, P. O. Box 9437, Chesapeake, VA 23321. License No. PA-HC 0222. Effective December 20, 2006.

**The Williamsport Hospital**, 777 Rural Avenue, Williamsport, PA 17701. License No. PA-HC 0186. Effective January 25, 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.*

**46-310-064GP: Haines and Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on February 9, 2007, to operate a portable nonmetallic mineral process in Abington Township, **Montgomery County**.

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

**GP3-06-03082: Berks Products Corp.** (P. O. Box 421, Reading, PA 19603) on February 7, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Maxatawny Township, **Berks County**.

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

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

**23-0003I: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061) on February 6, 2007, to operate two new boilers in Trainer Borough, **Delaware County**.

**09-0189A: Eureka Stone Quarry—Warrington** (Route 611, Warrington, PA 18914) on February 7, 2007, to operate a new crusher in Warrington Township, **Bucks County**.

**46-0261: US Tape** (2452 Quakertown Road, Pennsburg, PA 18073) on February 7, 2007, to operate a nickel plating operation in Upper Hanover Township, **Montgomery County**.

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

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

**15-0015C: Sartomer Co.** (502 Thomas Jones Way, Exton, PA 19341) on February 7, 2007, to operate a control device in West Chester Borough, **Chester County**.

**15-0058: Martin Limestone, Inc.** (P. O. Box 550, Blue Bell, PA 17506) on February 7, 2007, to operate a tertiary crusher and sizing screen in West Brandywine Township, **Chester County**.

**15-0058A: Martin Limestone, Inc.** (P. O. Box 550, Blue Bell, PA 17506) on February 7, 2007, to operate a primary crusher in West Brandywine Township, **Chester County**.

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

**67-03136A: Service Tire Truck Center, Inc.** (3403 Concord Road, York, PA 17402) on February 5, 2007, to install a truck retreading process in Springettsbury Township, **York County**. This plan approval was extended.

**67-05004I: P.H. Glatfelter** (228 South Main Street, Spring Grove, PA 17362) on February 6, 2007, to install a fluidized bed scrubber on the Fluo-Solids Calciner in Spring Grove Borough, **York County**. This plan approval was extended.

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

**14-00014C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on February 6, 2007, to operate a portable stone crushing and screening plant and associated diesel engine, a portable stone screening plant and associated diesel engine and an aggregate bin on a temporary basis and to construct a second aggregate bin and two associated conveyors, a dust storage silo, a telescopic loadout spout and pug mill, a railcar aggregate unloading operation and a recycled/reprocessed oil and liquid asphalt storage operation, until June 6, 2007, in Spring Township, **Centre County**. The plan approval has been extended.

**08-00012A: Cargill Meat Solutions Corp.** (P. O. Box 188, Wyalusing, PA 18853) on February 8, 2007, to operate a 41.84 million Btu per hour natural gas, No. 2 fuel oil, tallow and biogas-fired boiler and a biogas flare on a temporary basis until June 8, 2007, in Wyalusing Township, **Bradford County**. The plan approval has been extended.

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

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

**06-005149: Fleetwood Industries, Inc.** (225 Peach Street, Leesport, PA 19533-8644) on February 6, 2007, to operate a wooden furniture surface coating facility controlled by various dry filters and low VOC content coatings in Ontelaunee Township, **Berks County**.

**67-03037: Hard Chrome Specialists** (41 Leigh Drive, York, PA 17402-9474) on February 5, 2007, to operate a chrome and nickel plating facility in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

**67-05049: Oldcastle APG Northeast, Inc.** (1 Connelly Road, Emigsville, PA 17318) on February 2, 2007, to switch to low-emissions coatings, add a coating line and vent four existing baghouses to atmosphere in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

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

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

**06-03062: Theo. C. Auman, Inc.** (247 Penn Street, Reading, PA 19601) on February 5, 2007, to operate a thermoplastic manufacturing facility controlled by various fabric collectors in the City of Reading, **Berks County**. This operating permit was administratively amended due to a mistake in the expiration date placed in the renewal. This is revision No. 1.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

*Coal Permits Actions*

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

**Permit Number: 32733709 and NPDES Permit No. PA0214059. Robindale Energy Services, Inc.,** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). To renew the permit for Dilltown Facility in Brush Valley

Township, **Indiana County** and related NPDES permit. Application received: May 30, 2006. Permit issued: February 5, 2007.

**Permit Number: 56971301 and NPDES Permit No. PA0214973, Rox Coal, Inc.**, (P. O. Box 149, Friedens, PA 15541). To revise the permit for the Geronimo Mine in Jenner and Quemahoning Township, **Somerset County** to add underground permit and subsidence control plan acres, Underground Acres Proposed 2,929.55, Subsidence Control Plan Acres Proposed 1,492.25. No additional discharges. Application received: October 24, 2005. Permit issued: February 6, 2007.

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

**56000101 and NPDES No. PA0235229. Cooney Brothers Coal Company**, (P. O. Box 246, Cresson, PA 16630). Permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Paint Township, **Somerset County**, affecting 119.2 acres. Receiving streams: Shade Creek and Stonycreek River classified for the following uses: CWF; CWF. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority, Border Dam Intake, on Stonycreek River. Application received: July 28, 2006. Permit issued: February 7, 2007.

**56060102 and NPDES No. PA0249912. Mountaineer Mining Corporation**, (1010 Garrett Shortcut Road, Berlin, PA 15530). Commencement, operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 83.7 acres. Receiving streams: Schrock Run, UNTs to Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 21, 2006. Permit issued: February 8, 2007.

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

**03040102 and NPDES Permit No. PA0250601.** Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Transfer of permit formerly issued to State Industries, Inc., for continued operation and reclamation of a bituminous surface/auger mining site located in Boggs Township, **Armstrong County**, affecting 87.5 acres. Receiving streams: UNT to North Fork of Pine Creek. Application received: November 1, 2006. Transfer permit issued: February 8, 2007.

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

**4673SM15 and NPDES Permit PA0258237. Sky Haven Coal, Inc.**, (5510 State Park Road, Penfield, PA 15849). Renewal of a NPDES permit in Jay Township, **Elk County**. Receiving streams: two UNT to Spring Run. Application received: December 8, 2006. Permit issued: February 7, 2007.

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

**17800124 and NPDES No. PA0128023. Sky Haven Coal, Inc.**, (5510 State Park Road, Penfield, PA 15849). Renewal of NPDES Permit in Decatur Township, **Clearfield County**. Receiving streams: Upper Morgan Run/Clearfield Creek. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: December 6, 2006. NPDES renewal issued: January 26, 2007.

**17800147 and NPDES No. PA0256463. Sky Haven Coal, Inc.**, (5510 State Park Road, Penfield, PA 15849). Renewal of NPDES Permit in Lawrence Township, **Clearfield County**. Receiving stream: Moose Creek. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 6, 2006. NPDES renewal issued: January 26, 2007.

**45A76SM16 and NPDES No. PA0256455. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), renewal of NPDES Permit in Brady Township, **Clearfield County**. Receiving streams: UNT to East Branch Mahoning Creek. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: December 6, 2006. NPDES renewal issued: January 26, 2007.

**17803108 and NPDES No. PA0127906. SRP Coal Company, Inc.**, (5510 State Park Road, Penfield, PA 15849). Renewal of NPDES Permit in Lawrence Township, **Clearfield County**. Receiving stream: Montgomery Creek. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: December 6, 2006. NPDES renewal issued: January 26, 2007.

**17850145 and NPDES No. PA0596710. SRP Coal Co., Inc.**, (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 42.1 acres. Receiving streams: UNT to Montgomery Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 20, 2006. Permit issued: February 2, 2007.

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

**54960201R2. Northeastern Power Company**, (P. O. Box 7, McAdoo, PA 18237). Renewal of an existing anthracite coal refuse reprocessing operation in Kline, Banks and Hazle Townships, **Schuylkill, Carbon and Luzerne Counties** affecting 429.7 acres, receiving stream: none. Application received: September 19, 2006. Renewal issued: February 6, 2007.

**19950101R2. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948). Renewal of an existing anthracite surface mine and refuse disposal operation in Conyngham Township and Centralia Borough, **Columbia County** affecting 846.0 acres, receiving stream: none. Application received: March 22, 2006. Renewal issued: February 8, 2007.

**54830702R4 and NPDES Permit No. PA0613576.** Swatara Coal Company, (345 Freemans Road, Schuylkill Haven, PA 17972). Renewal of an existing anthracite coal refuse disposal, reprocessing and processing operation in Reilly Township, **Schuylkill County** affecting 108.4 acres, receiving stream: Swatara Creek. Application received: April 3, 2006. Renewal: issued February 8, 2007.

**54793206R4 and NPDES Permit No. PA0593125. Reading Anthracite Company**, (P. O. Box 1200, Pottsville, PA 17901). Renewal of an existing anthracite surface mine, refuse reprocessing, coal processing plant, fly ash disposal and sewage sludge application operation in Mahanoy Township, **Schuylkill County** affecting 3,038 acres, receiving stream: Mahanoy Creek. Application received: July 29, 2005. Renewal issued: February 9, 2007.

*Noncoal Permits Actions*

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

**65980401. New Enterprise Stone & Lime Co., Inc.**, (Box 77 Church Street, New Enterprise, PA 16664). Revision permit change the water handling plan to nondischarge alternatives to an existing noncoal surface mine, located in Donegal Township, **Westmoreland County**, affecting 76.7 acres. Revision permit issued: February 2, 2007.

**26052809. Fayette Coal & Coke, Inc.**, (2611 Memorial Boulevard, Connellsville, PA 15425). Transfer of permit formerly issued to Fayette Coal & Coke, LLC, for continued operation and reclamation of a small noncoal surface mining site located in Redstone Township, **Fayette County**, affecting 5.0 acres. Receiving streams: Saltlick Run to Dunlap Creek. Application received: October 5, 2006. Transfer issued: February 5, 2007.

**3374SM58T and NPDES Permit No. PA0591688. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Permit revised to add the Pocono/Burgoon Sandstone as a rock to be mined at an existing noncoal surface mining site (limestone quarry) located in North Union Township, **Fayette County**, affecting 146.6 acres. Receiving streams: Coolspring Run and a UNT to Coolspring Run. Application received: November 27, 2006. Revised permit issued: February 7, 2007.

**26920401 and NPDES Permit No. PA0203441. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Permit revised to add the Pocono/Burgoon Sandstone as a rock to be mined by both surface and underground mining at an existing noncoal surface mining site (limestone quarry) located in North Union Township, **Fayette County**, affecting 60.6 acres. Receiving streams: UNT to Coolspring Run. Application received: November 27, 2006. Revised permit issued: February 7, 2007.

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

**43040302. New Castle Lime and Stone Company** (P. O. Box 422, Edinburg, PA 16116). Commencement, operation and restoration of a sand and gravel operation in Shenango Township, **Mercer County** affecting 48.3 acres. Receiving streams: UNT to the Shenango River. Application received: August 12, 2004. Permit issued: February 7, 2007.

**15539-43040302-E-1. New Castle Lime and Stone Company** (P. O. Box 422, Edinburg, PA 16116). Application for a stream encroachment to conduct mining no closer than 50 feet of UNT No. 1 to Shenango River in Shenango Township, **Mercer County**. Receiving streams: UNT to the Shenango River. Application received: August 12, 2004. Permit issued: February 7, 2007.

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

**59062801. Signor Brothers** (P. O. Box 98, Arnot, PA 16911). Commencement, operation and restoration of a small industrial minerals (gravel, sand, topsoil) surface mine permit in Bloss Township, **Tioga County**, affecting 5 acres. Receiving streams: UNT to Johnson Creek, Johnson Creek, UNT to Tioga River. Application received: September 28, 2006. Permit issued: February 2, 2007.

**08072803. Nancy S. Preston** (R. R. 1, Box 20A1, Wyalusing, PA 18853). Transfer from SMP No.

08940807—John Preston (R. R. 1, Box 20, Wyalusing, PA 18853), to upgrade from 2,000 tons to 10,000 tons, in Wyalusing Township, **Bradford County**, affecting 2 acres. Receiving Stream: Wyalusing Creek, tributary to Susquehanna River, classified for the following use: WWF. Application received: February 2, 2007. Permit issued: February 6, 2007.

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

**58062807. Kevin Schrader**, (3230 Creamton Drive, P. O. Box 262, Lake Como, PA 18437). Commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: May 26, 2006. Permit issued: February 8, 2007.

**58060856. James P. Rosemergy, III** (R. R. 1, Box 249 G, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received: July 17, 2006. Permit issued: February 8, 2007.

**58060876. Elwood McClaud**, (R. R. 1, Box 1098, Nicholson, PA 18446). Commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: November 17, 2006. Permit issued: February 8, 2007.

**64060808. Matthew R. Meyers**, (203 Stockport Road, Lake Como, PA 18437). Commencement, operation and restoration of a quarry operation in Buckingham Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received: December 8, 2006. Permit issued: February 8, 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.*

**28074112. David H. Martin Excavating, Inc.**, (4961 Cumberland Highway, Chambersburg, PA 17201-9655). Blasting activity permit issued for cemetery development in Shippensburg Borough, **Franklin County**. Blasting activity permit end date is January 24, 2012. Permit issued: January 29, 2007.

**21074105. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013-0608). Blasting activity permit issued for single commercial property development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is January 31, 2008. Permit issued: January 29, 2007.

**21074104. John W. Gleim, Jr., Inc.**, (625 Hamilton Street, Carlisle, PA 17013-1925). Blasting activity permit issued for utility development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is June 15, 2007. Permit issued: January 29, 2007.

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

**22074103. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033). Construction blasting for Brickyard of Edgewater in Royalton Borough and Londonderry Township, **Dauphin County** with an expiration date of February 28, 2008. Permit issued: February 5, 2007.

**38074101. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033). Construction blasting for Village at Springbrook Farms in South Londonderry Township, **Lebanon County** with an expiration date of February 28, 2008. Permit issued: February 5, 2007.

**47074101. DC Guelich Explosives, Inc.**, (R. R. 3, Box 125A, Clearfield, PA 16830). Construction blasting for Wood of Welsh in Mahoning Township, **Montour County** with an expiration date of February 5, 2008. Permit issued: February 5, 2007.

**67074107. Fitz & Smith, Inc.**, (P. O. Box 178, Dalstown, PA 17313). Construction blasting for Shawnee Manor in Windsor Township, **York County** with an expiration date of January 31, 2008. Permit issued: February 5, 2007.

**09074104. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938). Construction blasting for The Villas at Newtown in Newtown Township, **Bucks County** with an expiration date of January 31, 2008. Permit issued: February 6, 2007.

**22074104. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507). Construction blasting for Bow Creek Subdivision in East Hanover Township, **Dauphin County** with an expiration date of January 1, 2008. Permit issued: February 6, 2007.

**45074105. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431). Construction blasting for Mt. Airy Casino in Paradise Township, **Monroe County** with an expiration date of January 30, 2008. Permit issued: February 6, 2007.

**35074102. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Montage Mountain Mall Sign Project in Moosic Borough, **Lackawanna County** with an expiration date of June 30, 2007. Permit issued: February 8, 2007.

**67074108. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a sports field in the City of York, **York County** with an expiration date of June 30, 2007. Permit issued: February 8, 2007.

**45074107. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Blue Mountain Lake Development in Stroud Township, **Monroe County** with an expiration date of February 28, 2008. Permit issued: February 9, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department (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.

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**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).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E35-387. Lackawanna County**, 200 Adams Avenue, Scranton, PA 18503-1607. Fell Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Fall Brook (CWF) consisting of a 10-foot diameter corrugated steel culvert depressed 12-inches below streambed elevation with upstream and downstream ends mitered to slope and stabilized with riprap. The project is located at the entrance to Merli-Sarnoski Park immediately adjacent to SR 1017 (Sandy Banks Road) (Carbondale, PA Quad-range N: 17.2 inches; W: 6.5 inches).

**E45-494. Paradise Township**, R. R. 1, Box 490A, Cresco, PA 18326-9801. Paradise Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing 190-foot long, 54-inch diameter RCP stream enclosure in a tributary to Forest Hills Run with work consisting of a 36-foot long extension on the downstream side using the same pipe diameter and material. The purpose of the stream enlo-

sure extension is to allow the construction of a new access road to the existing golf course. The project is located along SR 1013 (Woodland Road) near the proposed Mount Airy Hotel and Casino Facility (Mount Pocono, PA Quadrangle N: 10.2 inches; W: 20.4 inches).

**E45-495. Paradise Township**, R. R.1, Box 490A, Cresco, PA 18326-9801. Paradise Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing bridge along Woodland Road and to construct and maintain the following structures: 1) an 81-foot long open-bottom, concrete arch culvert having a span of 20.0 feet and underclearance of approximately 4.2 feet in Forest Hills Run as part of the Woodland Road improvement project; and 2) a 69-foot long open-bottom, concrete arch culvert having a span of 20.0 feet and underclearance of approximately 4.2 feet in Forest Hills Run, located 40 feet downstream from the Woodland Road culvert, for the purpose of constructing a new golf course access road. The project is located along SR 1013 (Woodland Road) near the proposed Mount Airy Hotel and Casino Facility (Mount Pocono, PA Quadrangle N: 10.2 inches; W: 20.4 inches).

**E35-398. Keystone College**, One College Green, LaPlume, PA 18440. LaPlume Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To fill a 0.10 acre man-made pond for the purpose of improving road and parking facilities at Keystone College. Keystone College is located on the south side of College Avenue approximately 1 mile east of its intersection with Route 6 (Factoryville, PA Quadrangle N: 10.5 inches; W: 3.4 inches).

**E35-396. Lackawanna Heritage Valley Authority**, 1300 Old Plank Road, Mayfield, PA 18433. City of Scranton, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 12-foot wide paved biking/hiking trail along 4,300 feet of the right bank of the Lackawanna River (CWF); to construct and maintain bank stabilization along 710 feet of the right bank of the Lackawanna River consisting of 535 feet of R-7 riprap and 135 feet of stepped-back landscape boulders; to construct and maintain 12 outfall pipes in the floodway of the Lackawanna River ranging in size from 6-inch diameter to 30-inch diameter; and to construct and maintain various site amenities in the floodway of the Lackawanna River including lighting, fencing, benches, trash receptacles and signage. The trail begins at the 7th Avenue Trailhead and extends northeast approximately 0.8 mile to West Olive Street (Scranton, PA Quadrangle N: 7.3 inches; W: 5.4 inches) in City of Scranton, Lackawanna County.

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

**E17-421. Lilavati Corporation**, 629 South Main Street, DuBois, PA 15801. Water Obstruction and Encroachment Joint Permit Application for hotel and restaurant/conference center complex, in Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 3.3 inches; W: 5.3 inches).

The applicant proposes to place and maintain fill within 0.52 acre of PEM wetlands for the purposes of constructing a 71-unit hotel and 200-patron restaurant/conference center complex on an 8.36 acre site within the

Slab Run Watershed. The wetlands are classified as "other wetlands" by the Department, as the Slab Run basin has a Chapter 93 water use protection designation of CWF. The project is sited immediately south of the SR 219 and Interstate 80 interchange, approximately 2,000 feet west of Falls Creek, PA. The applicant is proposing to replace the 0.52-acre PEM wetland impact onsite through the construction of 0.56 acre of wetlands.

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

**E30-214. McHolme-Waynesburg, LLC**, 315 Payday Drive, Elizabeth, PA 15037-9442. To fill wetlands in Franklin Township, **Washington County**, Pittsburgh ACOE District. (Waynesburg, PA Quadrangle N: 3.03 inches; W: 0.74 inches and Latitude: 39° 53' 30" and Longitude: 80° 07' 49"). To place and maintain fill in approximately 0.31 acre of wetlands (PEM/PSS) and in two UNT to Coal Lick Run (WWF), for a cumulative total of approximately 1,515 linear feet, for the purpose of constructing the Waynesburg Crossings retail/commercial development. The project is located on the north side of Rolling Meadows Road, just east from where Interstate Route 79 crosses over this roadway. To compensate for the aforementioned environmental impacts, the permittee will construct 0.37 acre of onsite, replacement wetland and will conduct stream restoration activities at Dains Farm for approximately 3,550 feet along unnamed tributaries to Coal Lick Run.

*Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, (570) 826-2371.*

**EA5411-002: Bureau of Abandoned Mine Reclamation**, Wilkes-Barre District Office. Branch Dale East Project in Reilly and Branch Townships, **Schuylkill County**, ACOE Philadelphia District, Minersville PA, Quadrangle N: 8.7 inches; W: 9.1 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation of a wetland.

This project will construct an Abandoned Mine Land (AML) reclamation project to eliminate health and safety problems associated with a 72-acre AML site. The project will result in a filling of 0.29-acre of wetland. The project will construct two wetlands measuring 2.0 and 0.7 acres within the project area.

#### SPECIAL NOTICE

#### Notice of Intent to Use Coal Ash as Structural Fill per 25 Pa. Code § 287.661 of the Residual Waste Regulations.

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

The Department of Environmental Protection (Department), per 25 Pa. Code § 287.661(c), is hereby publishing a summary of an intent to use coal ash as structural fill in order to allow for public comment. Per 25 Pa. Code § 287.1 "structural fill" is defined as the "engineered use of coal ash as a base or foundation for a construction activity that is completed promptly after the placement of the coal ash, including the use of coal ash as a backfill material for retaining walls, foundations, ramps or other structures. The term does not include valley fills or the use of solid waste to fill open pits from coal or noncoal mining."



*Summary*

The written notice regarding this project was received on January 9, 2007 by the Department. This project may begin 60 days following this submittal date (March 9, 2007).

*User of Coal Ash:* Grassie & Sons Excavating, Inc., offices at 105 Grassi Way, Greentown, PA 18426.

*Location of Use:*

The location of use is a residential property on Dorantown Road, Moscow, PA 18444 in Covington Township, **Lackawanna County**. The location does not have a physical address but is Property Parcel Number 219.03, Block 2, Lot 701.

*Description of Use:*

Approximately 7,000 cubic yards of historic coal ash will be used as structural fill for retaining walls. The coal ash, that was used as quarry fill at a quarry at the junction of SR 611 and Hester Street in Portland, PA is historic in nature. The coal ash was sampled and meets the requirements for the beneficial use of coal ash.

The coal ash will be stockpiled on site to be graded and compacted into 2-foot lifts. A soil berm and silt fence will surround the entire site during construction. Surface water will be diverted from the construction area and runoff from the fill area will be minimized and/or collected and managed in accordance with The Clean Stream Law. The project is estimated to take 3 months to complete.

*Public Comments:*

Any person wishing to comment on this project should submit the comments in writing to The Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

**SPECIAL NOTICE**

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

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the UNT 45603 ("Dixie Run") Stonycreek River Watershed, located in Somerset County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the UNT 45603 Stonycreek River Watershed, located in Somerset County. The meeting will be held on Wednesday, March 7 beginning at 1 p.m. at the Cambria District Mining Office, in Cambria Township, Cambria County, PA. Individuals who wish to make a presentation should contact Mike Timcik, Cambria District Mining Office at (814) 472-1900 no later than 4 p.m. on Friday, March 2. The Department will consider all comments in developing the final TMDL for the UNT 45603 Stonycreek River Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the UNT 45603 Stonycreek River Watershed was established in accordance with the requirements of section 303(d) of the Clean Water Act. Segments in the UNT 45603 Stonycreek River Watershed have been identified as impaired on the 1996, 1998 and 2004 Pennsylvania 303(d) list due to depressed pH and/or

high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
45603	UNT 45603 Stonycreek River Watershed ("Dixie Run")	2.1

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), acidity and pH and to 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;
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 extensively mined for coal since the late 1940's. The effects of this mining are still present.

The proposed 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 proposed TMDL. The proposed TMDL for the UNT 45603 Stonycreek River Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected during 2004 were used to develop the TMDL. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the UNT 45603 Stonycreek River Watershed. Written comments must be postmarked by March 26 and sent to Mike Timcik, Department, Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931, by fax to (814) 472-1898, or by email to mtimcik@state.pa.us.

To request a copy of the proposed TMDL and an information sheet, or to obtain directions to the meeting location, contact Mike Timcik at (814) 472-1900, mtimcikstate.pa.us.

The proposed TMDL for the UNT 45603 Stonycreek River Watershed can be accessed through the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us). (DEP Keyword: TMDL). 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.

**Notice of Extension of Request for Comment Period For the Revised Proposed Total Maximum Daily Load (TMDL) for the Mahanoy Creek Watershed**

The Department of Environmental Protection (Department) is accepting public comments on the revised (February 2007) proposed TMDL for the Mahanoy Creek Watershed. The Department will consider all comments in



developing the final TMDL for the Mahanoy Creek Watershed, which will be submitted to the Environmental Protection Agency for approval. The TMDL for the Mahanoy Creek Watershed was developed in accordance with the requirements of the Clean Water Act, Section 303(d).

The Department will accept written comments on the proposed Mahanoy Creek Watershed TMDL. All written comments must be postmarked by March 2, 2007 and sent to:

James Andrews, Geologic Specialist  
Department of Environmental Protection  
Pottsville District Mining Office  
5 West Laurel Boulevard  
Pottsville, PA 17901  
Phone: (570) 621-3118  
Email: jameandrew@state.pa.us

To request a copy of the TMDL and associated information sheet, please contact Jim Andrews at the phone number or email address indicated above.

The proposed TMDL for the Mahanoy Creek Watershed can be accessed through the Department's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) by typing "TMDL" in the DEP Keyword field and clicking GO.

[Pa.B. Doc. No. 07-318. Filed for public inspection February 23, 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](http://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.

#### *Final Technical Guidance:*

DEP ID: 383-2300-002 Title: Training Provider Manual for the Pennsylvania Water and Wastewater System Operator Training Program. Description: This guidance provides instructions to private training providers on how

to apply to become an approved provider (sponsor) of water and wastewater training in this Commonwealth and how to obtain approval of training courses taught to water and wastewater operators in this Commonwealth. The manual describes sponsor responsibilities, course guidelines and other elements of this Commonwealth's water and wastewater training approval process. Substantive revisions were made to the guidance to update application forms and instructions and to clarify and simplify course and sponsor guidelines, application processing and training sponsor reporting procedures. Other improvements made to the guidance included the addition of a new Conference Notification form to simplify the application and approval process sponsors may follow when applying to have their conferences approved for continuing education credit and the addition of two new Roster Reporting forms to simplify how approved sponsors must report to the Department the attendance at distance education courses and conferences. Other revisions include the addition of an associates degree program in water and/or wastewater as an option an approved sponsor may offer as well as revised guidelines on the use of these degrees to offset precertification operating experience requirements. The glossary of terms was also expanded and the definitions of some terms were clarified. Notice of the substantive revisions to the guidance was published at 36 Pa.B. 5742 (September 9, 2006), with provision for a 30-day public comment period. The Department did not receive comments from the public during the comment period. Following the public comment period, the Department made minor editorial word changes to the guidance to enhance the clarity of the document. Contact: Barry Greenawald, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-0130; [rgreenawal@state.pa.us](mailto:rgreenawal@state.pa.us). Effective Date: February 24, 2007

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-319. Filed for public inspection February 23, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, March 21, 2007 and Thursday, March 22, 2007, from 9 a.m. to 4 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number or at V/T (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-320. Filed for public inspection February 23, 2007, 9:00 a.m.]

### **Integrated Human Immunodeficiency Virus (HIV) Integrated Council; Public Meeting**

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, March 13, 2007, from 9 a.m. to 2 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA.

For additional information please contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid service or other accommodation to do so, should also contact Joseph Pease at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-321. Filed for public inspection February 23, 2007, 9:00 a.m.]

### **Organ Donation Advisory Committee Meeting**

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 7, 2007, from 10 a.m. to 2 p.m. at the Hospital & Healthsystem Association of Pennsylvania, 4750 Lindle Road, Harrisburg, PA 17105.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Nate Altland, Public Health Educator, Health Education and Information Program, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, Pennsylvania, at (717) 787-6214 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-322. Filed for public inspection February 23, 2007, 9:00 a.m.]

### **Request for Exception; Long-Term Care Nursing Facilities**

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

Westminster Village  
803 N. Wahneta Street  
Allentown, PA 18103  
Facility ID 124102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Spang Crest Manor  
945 Duke Street  
Lebanon, PA 17042  
Facility ID: 193602

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

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-323. Filed for public inspection February 23, 2007, 9:00 a.m.]

## **DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

### **Per Diem Rates at Pennsylvania State Veterans' Homes**

The Department of Military and Veterans Affairs has established the following per diem rates for the costs of care for residents at Pennsylvania State Veterans' Homes. These per diem rates are effective January 1, 2007, until further notice.

#### *Hollidaysburg Veterans' Home*

Nursing Care	\$250.47
Personal Care	\$148.41

#### *Pennsylvania Soldiers' and Sailors' Home*

Nursing Care	\$264.12
Personal Care	\$138.94

*Hollidaysburg Veterans' Home**Southern Veterans' Center*

Nursing Care	\$239.05
Personal Care	\$171.22

*Gino J. Merli Veterans' Center*

Nursing Care	\$251.90
Personal Care	\$119.71

*Southwestern Veterans' Center*

Nursing Care	\$234.75
Personal Care	\$161.68

*Delaware Valley Veterans' Home*

Nursing Care	\$277.50
Personal Care	\$148.27

JESSICA L. WRIGHT,  
Major General, PAARNG  
The Adjutant General

[Pa.B. Doc. No. 07-324. Filed for public inspection February 23, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Nursing Facility Assessment Program for Fiscal Year 2006-2007

This notice announces the amount of the assessment that the Department of Public Welfare (Department) is implementing for Fiscal Year (FY) 2006-2007, provides an explanation of the assessment methodology that the Department is using in FY 2006-2007, and identifies the estimated aggregate impact on nursing facilities which will be subject to the assessment.

#### Background

The act of September 30, 2003 (P. L. 169, No. 25) (Act 25)<sup>1</sup>, known as the Nursing Facility Assessment Law, directs the Department to "implement a monetary assessment" on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007 (Assessment Program). See sections 802-A and 815-A of Act 25 (62 P. S. §§ 802-A and 815-A). Act 25 further specifies that the Department may implement an Assessment Program "only to the extent that the revenues generated therefrom will qualify as the State share of Medical Assistance (MA) program expenditures eligible for Federal financial participation." See section 803-A of Act 25 (62 P. S. § 803-A). To guarantee that the assessment amounts qualify for matching Federal funds, Act 25 directs the Department to seek such waivers from the Federal Centers for Medicare and Medicaid Services (CMS) as may be necessary to implement the Assessment Program in conformity with Federal law. See section 812-A of Act 25 (62 P. S. § 812-A). The Department submitted a waiver request to the CMS and the CMS subsequently granted the waiver and approved implementation of the Assessment Program.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary), in consultation with the Secretary of the Budget, must determine the aggregate amount of the assessment

<sup>1</sup> Act 25 is codified in Article VIII-A of the Public Welfare Code (62 P. S. §§ 801-A-815-A).

and the annual assessment rate. See section 804-A of Act 25 (62 P. S. § 804-A). The aggregate amount and rate of assessment must be approved by the Governor's Office. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, subject to the maximum aggregate assessment amount that qualifies for Federal matching funds. See section 804-A of Act 25.

Before implementing the Assessment Program in a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the amount of the assessment being proposed, provides an explanation of the assessment methodology and assessment amount and identifies the aggregate impact on nursing facilities subject to the assessment. See section 805-A of Act 25 (62 P. S. § 805-A). After consideration of any comments received during the 30-day comment period, the Secretary must publish a second notice announcing the rate of assessment for the fiscal year. *Id.*

On August 19, 2006, the Secretary published a notice at 36 Pa.B. 4673 (August 19, 2006) announcing the proposed assessment rates, the aggregate amount and the impact for FY 2006-2007. The following is a summary of the comments that the Department received in response to the notice and the Department's responses to those comments.

#### *Public Comment on the Proposed Assessment Program*

Only one commentator, which is a major nursing facility trade association, submitted comments in response to the Department's notice published at 36 Pa.B. 4673.

*Comment.* The commentator stated that, although the Department informally provided association representatives with an estimate of the FY 2006-2007 supplemental per diem rate, the Department did not include the supplemental per diem rate as part of the published public notice so that providers would have an opportunity to assess the impact on their individual facilities.

*Response.* Act 25 does not require publication of the supplemental per diem rates with notice of the assessment rates. However, as in past years, once the supplemental per diem rates are finalized, the Department will post the rates on the Office of Medical Assistance Programs website at: [www.dpw.state.pa.us/omap/provinf/ltc/Assess\\_Suppl\\_Calc.asp](http://www.dpw.state.pa.us/omap/provinf/ltc/Assess_Suppl_Calc.asp).

*Comment.* The commentator asserted that although the number of facilities losing money under the Assessment Program will decrease from previous years, "providers continue to lose ground in the capped rate environment for Medicaid nursing facility reimbursement under which they operate."

*Response.* Federal law requires that the State assure that payments made under its MA Program are "consistent with efficiency, economy and quality of care." 42 U.S.C.A. § 1396a(a)(30)(A) (relating to state plans for medical assistance). Consistent with Federal law, the Department has moderated the rate of increase in nursing facility payment rates while taking into consideration both the projected need for nursing facility services and the fiscal resources of this Commonwealth. To the extent that the commentator is suggesting that the Assessment Program may result in the closure of nursing facilities, and therefore, create an access problem for MA recipients in need of nursing facilities services, the Department disagrees with such a suggestion. The MA Program possesses substantial unused capacity, and the withdrawal of any particular nursing facility from the pro-

gram would not present an access problem. Individual nursing facilities occasionally terminate their participation in the MA Program. In the past, such terminations have not served to create an access problem, even in areas of this Commonwealth where there is a perceived shortage of nursing facility beds.

*Comment.* The commentator asserts that the Assessment Program is flawed public policy and its continued existence may actually harm Pennsylvania's nursing facility residents by postponing the inevitable discussion concerning the development of a sustainable funding source for the delivery of nursing facility services.

*Response.* Without the additional revenue from the assessment, which is in excess of \$300 million per year, the MA program would not have the funding to maintain existing MA nursing facility rates. To offset the lost revenue, the Department would be required to decrease payments by approximately \$500,000 for each of the facilities. A dramatic payment decrease would have significant impact to Pennsylvania's aged and disabled individuals who receive care funded by the MA program.

The Department disagrees with the commentator's assertion that it has postponed any discussion concerning the development of a sustainable funding source for the delivery of nursing facility services. The Department is seeking other solutions to the MA funding crisis. In the FY 2006-2007 budget there is \$414.8 million for home and community based services. This funding will allow the Department to provide consumers greater choice in where they receive long-term care. More consumers want to remain in their homes and the Department is continuing to expand its home and community based services, which provide a cost effective alternative to nursing facility care. In addition, the Department is in the process of developing program initiatives that will encourage nursing facilities to review their current delivery of long-term care services and adjust their delivery system to better meet the long-term care service needs of MA consumers.

#### *Assessment Methodology and Rates for FY 2006-2007*

The Secretary published a notice at 36 Pa.B. 4673 (August 19, 2006) announcing the proposed nursing facility assessment methodology and rates for FY 2006-2007.

The following nursing facilities will be exempt from the Assessment Program in FY 2006-2007:

1. Government owned and operated nursing facilities.
2. Veterans Administration nursing facilities.
3. Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter for which an assessment is collected.
4. Nursing facilities that provide nursing facility services free of charge to all residents.

As in the first 3 years of the Assessment Program, nonexempt nursing facilities will continue to be assessed on a quarterly basis during FY 2006-2007 based on the number of licensed beds in the facility, the nursing facility's Continuing Care Retirement Community (CCRC) status and the number of non-Medicare resident days during each calendar quarter immediately preceding the assessment quarter. During FY 2006-2007 the assessment rates for nonexempt facilities will be as follows:

1. The assessment rate for nonexempt nursing facilities that participate within a licensed CCRC or that have 50 licensed beds or less will be increased by \$.43 to \$1.97 per non-Medicare resident day.

2. The assessment rate for all other nonexempt nursing facilities will be increased by \$4.40 to \$20.35 per non-Medicare resident day.

For FY 2006-2007, the Department will consider a nursing facility to qualify for the CCRC assessment rate if the nursing facility satisfies the following criteria:

1. The nursing facility is owned or controlled by an entity that is certified as a CCRC by the Insurance Department (for purposes of this guideline, "control" means the power to direct or cause to direct the management and policies of the nursing facility, whether through equitable ownership of voting securities or otherwise).

2. The CCRC provides a continuum of care during the assessment period that includes residential living units that are either occupied or available for immediate occupancy.

3. The nursing facility is: (a) located on the same campus as the CCRC's residential living units; or (b) identified in the CCRC's Disclosure Statement and Resident Agreement under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225) and located no more than 30 miles from the campus on which the CCRC's residential living units are located.

Under these criteria, a nursing facility that is owned or controlled by a CCRC which is planning to construct residential living units in the future, or is constructing residential units, but which has no residential units occupied or available for immediate occupancy, would not qualify for the CCRC assessment rate. Additionally, the residential living units must be occupied or available for immediate occupancy for the entire assessment period for the nursing facility to qualify for the CCRC rate for that assessment period.

If a nonexempt nursing facility either satisfies the previously listed criteria after the commencement of the Assessment Program or does not satisfy the criteria but believes that it otherwise qualifies for the CCRC rate, then the nursing facility may submit a written request to the Department that it be assessed at the CCRC rate. The written request should include supporting documentation demonstrating that the nursing facility participates within a licensed CCRC. The Department will not unilaterally classify nursing facilities for the CCRC rate without a written request.

All requests relating to CCRC designation should be submitted to the Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105, Attention: NH Assessment Unit.

Assessment payments are due the last day of the Assessment quarter or the 30th day from the date of publication of this final notice, whichever is later.

The Assessment Program due dates, along with supplemental payment dates, will be available on the Department's website at: [www.dpw.state.pa.us/omap/provinf/ltc/nsgfacass.asp](http://www.dpw.state.pa.us/omap/provinf/ltc/nsgfacass.asp).

#### *Aggregate Assessment Amount and Fiscal Impact*

As a result of the implementation of the Assessment Program, the Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$339,839,170 for FY 2006-2007. All of the revenue derived from the assessment fees and associated Federal matching funds will be used to make payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P.O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-500. No fiscal impact; (8) recommends adoption. Implementation of this notice is expected to generate \$339,839,170 in revenue for Fiscal Year 2006-2007.

[Pa.B. Doc. No. 07-325. Filed for public inspection February 23, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$50 Million Super Bingo Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$50 Million Super Bingo.

2. *Price:* The price of a Pennsylvania \$50 Million Super Bingo instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania \$50 Million Super Bingo instant lottery game ticket will contain 10 play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5," "Card 6," "Card 7," "Card 8," "Card 9" and "Card 10." The 77 play symbols located in the ten play areas are: The numbers 1 through 75, "FREE" symbol and a "5X" symbol. The "FREE" symbol is a free space. The "5X" symbol is a free space, and when it appears in a winning pattern, the prize quintuples.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 spaces on a 6 by 5 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000, \$5,000 and \$100,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania \$50 Million Super Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols to eight of the nine spaces appearing in the highlighted "S" pattern, which includes the spaces appearing in the top horizontal row in the "I," "N" and "G" columns; the space appearing in the second horizontal row from the top in the "I" column; extending through the "FREE" space appearing in the third horizontal row from the top in the "N" column; the space appearing in the fourth horizontal row from the top in the "G" column; and the spaces appearing in the fifth horizontal row from the top in the "I," "N" and "G" columns on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5" or "Card 6" or "Card 7" or "Card 8" or "Card 9" or "Card 10," shall be entitled to a prize of \$100,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 10," shall be entitled to a prize of \$5,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 10," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 8" or "Card 9," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 8" or "Card 9," shall be entitled to a prize of \$500.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 4" or "Card 5" or "Card 6" or "Card 7," shall be entitled to a prize of \$500.

(g) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 10," shall be entitled to a prize of \$500.

(h) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "5X" play symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 10," shall be entitled to a prize of \$500.

(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 9," shall be entitled to a prize of \$250.

(j) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 × 2 grid) in any of the four corners on "Card 6" or "Card 7," shall be entitled to a prize of \$250.

(k) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "5X" play symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 9," shall be entitled to a prize of \$250.

(l) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 2" or "Card 3," shall be entitled to a prize of \$100.

(m) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$100.

(n) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 7" or "Card 8," shall be entitled to a prize of \$100.

(o) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 10," shall be entitled to a prize of \$100.

(p) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 3," shall be entitled to a prize of \$50.

(q) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 4" or "Card 5" or "Card 6," shall be entitled to a prize of \$50.

(r) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$50.

(s) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 9," shall be entitled to a prize of \$50.

(t) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "5X" play symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8," shall be entitled to a prize of \$50.

(u) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 2," shall be entitled to a prize of \$25.

(v) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 3," shall be entitled to a prize of \$25.

(w) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a "5X" play symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$25.

(x) Holders of tickets matching the "Caller's Card" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 1," shall be entitled to a prize of \$15.

(y) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1" or "Card 2," shall be entitled to a prize of \$10.

(z) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8," shall be entitled to a prize of \$10.

(aa) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$5.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prizes of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
LINE CARD 1	\$5	30	480,000
LINE CARD 2	\$5	30	480,000
LINE CARD 3	\$5	60	240,000
LINE CARD 4	\$5	60	240,000
LINE CARD 5	\$5	60	240,000
LINE CARD 6	\$10	120	120,000
LINE CARD 7	\$10	120	120,000
LINE CARD 8	\$10	120	120,000
LINE CARDS 1 & 2	\$10	120	120,000
LINE CARDS 4 & 5	\$10	120	120,000
4 CORNERS CARD 1	\$10	120	120,000
4 CORNERS CARD 2	\$10	60	240,000
POSTAGE STAMP CARD 1	\$15	60	240,000
LINE CARDS 1, 2, 3 & 4	\$20	100	144,000
LINE CARDS 2 & 5 + 4 CORNERS CARD 1	\$20	300	48,000
4 CORNERS CARDS 1 & 2	\$20	300	48,000
LINE CARD 1 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 2 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 3 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 4 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 5 w/5X MULTIPLIER	\$25	600	24,000
LINE CARDS 1, 2, 3, 4 & 5	\$25	200	72,000
4 CORNERS CARD 3	\$25	600	24,000

<i>Win With Prizes of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
POSTAGE STAMP CARD 2	\$25	600	24,000
LINE CARD 9	\$50	930.23	15,480
LINE CARD 1 w/5X MULTIPLIER + LINE CARD 2 w/5X MULTIPLIER	\$50	923.08	15,600
LINE CARD 3 w/5X MULTIPLIER + LINE CARD 4 w/5X MULTIPLIER	\$50	923.08	15,600
LINE CARD 6 w/5X MULTIPLIER	\$50	923.08	15,600
LINE CARD 7 w/5X MULTIPLIER	\$50	923.08	15,600
LINE CARD 8 w/5X MULTIPLIER	\$50	923.08	15,600
LINE CARDS 2, 3, 4, 5, 6, 7 & 8	\$50	923.08	15,600
POSTAGE STAMP CARDS 1 & 2 + LINE CARDS 3 & 4	\$50	937.50	15,360
X CARD 1	\$50	930.23	15,480
4 CORNERS CARD 4	\$50	930.23	15,480
4 CORNERS CARD 5	\$50	930.23	15,480
4 CORNERS CARD 6	\$50	930.23	15,480
POSTAGE STAMP CARD 3	\$50	930.23	15,480
LINE CARD 10	\$100	4,800	3,000
4 CORNERS CARD 7	\$100	4,800	3,000
4 CORNERS CARD 8	\$100	4,800	3,000
POSTAGE STAMP CARD 4	\$100	4,800	3,000
POSTAGE STAMP CARD 5	\$100	4,800	3,000
X CARD 2	\$100	4,800	3,000
X CARD 3	\$100	4,800	3,000
X CARD 1 + 4 CORNERS CARD 4	\$100	4,800	3,000
LINE CARD 9 w/5X MULTIPLIER	\$250	40,000	360
POSTAGE STAMP CARD 6	\$250	60,000	240
POSTAGE STAMP CARD 7	\$250	60,000	240
4 CORNERS CARD 9	\$250	60,000	240
LINE CARD 10 w/5X MULTIPLIER	\$500	40,000	360
4 CORNERS CARD 10	\$500	40,000	360
X CARD 4	\$500	40,000	360
X CARD 5	\$500	40,000	360
X CARD 6	\$500	40,000	360
X CARD 7	\$500	40,000	360
POSTAGE STAMP CARD 8	\$500	40,000	360
POSTAGE STAMP CARD 9	\$500	40,000	360
X CARD 4 + POSTAGE STAMP CARD 8	\$1,000	60,000	240
X CARD 5 + 4 CORNERS CARD 10	\$1,000	60,000	240
X CARD 8	\$1,000	60,000	240
X CARD 9	\$1,000	60,000	240
POSTAGE STAMP CARD 10	\$1,000	60,000	240
X CARD 10	\$5,000	120,000	120
S PATTERN ON ANY CARD	\$100,000	720,000	20

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$50 Million Super Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$50 Million Super Bingo, prize money from winning Pennsylvania \$50 Million Super Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$50 Million Super Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$50 Million Super Bingo or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 07-326. Filed for public inspection February 23, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Receipt of Applications for Funding under the Section 5310 Program

The Department of Transportation, Bureau of Public Transportation, under the authority contained in section 5310 of the Federal Transit Laws (49 U.S.C.A. § 5310), gives notice that it will receive applications for the State-administered section 5310 Program. Under this program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. A guidelines and procedures package containing all application forms can be obtained by calling Ben Brosius of the Bureau of Public Transportation at (717) 787-1211. The filing deadline for the program is March 30, 2007. Questions, comments or suggestions may be directed to Ben Brosius, Section 5310 Program Manager, P. O. Box 3151, Harrisburg, PA 17105-3151.

ALLEN D. BIEHLER, P. E.  
*Secretary*

[Pa.B. Doc. No. 07-327. Filed for public inspection February 23, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Approval of State Plan Amendment

In response to the requirements listed in sections 4 and 5 of the act of November 2, 2006 (P. L. 1314, No. 136) (act), the Insurance Department is publishing this notice that the Centers for Medicare and Medicaid Services has approved the language included in Amendment 7 to the Pennsylvania's State Children's Health Insurance Program (SCHIP) State Plan necessary to carry out the provisions of the act.

Amendment 7 to the SCHIP State Plan does not include the Premium Assistance Program in section 3 (at § 2311(L)(6.1)), amending the act of May 17, 1921 (P. L. 682, No. 284) as amended of the act. That program will be applied for under an SCHIP 1115 waiver (Section 1115 of Title XI of the Social Security Act, Pub. L. No. 87-543, 76 Stat. 172, 42 U.S.C.A. § 1315, as amended).

RANDOLPH ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-328. Filed for public inspection February 23, 2007, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

A meeting of the Lobbying Disclosure Regulation Committee (Committee) established under the act of November 1, 2006 (P. L. 1213, No. 134) (Act 34) effective January 1, 2007, will be held on Thursday, March 1, 2007 at 9 a.m. in Hearing Room 3 of the North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 07-329. Filed for public inspection February 23, 2007, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY BOARD

### Meeting

A meeting of the Pennsylvania Energy Development Authority (PEDA) Board is scheduled to be held on Wednesday, March 7, 2007, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda will be available prior to the meeting on the PEDA web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword "PEDA"). Questions concerning the agenda can be directed to Jeanne Dworetzky at (717) 783-8411 or [jdworetzky@state.pa.us](mailto:jdworetzky@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amanda Richards directly at (717) 772-8911 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,  
*Chairperson*

[Pa.B. Doc. No. 07-330. Filed for public inspection February 23, 2007, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Kilbuck Run Disposal Corporation; Formal Complaint

Public Meeting held  
February 8, 2007

*Commissioners Present:* Wendell F. Holland, Chairperson;  
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;  
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission, Law Bureau  
Prosecutory Staff v. Kilbuck Run Disposal Corporation  
(2006.0116.); Doc. No. C-20066150, A-230203*

### Order

*By the Commission:*

On April 6, 2006, Law Bureau Prosecutory Staff (Prosecutory Staff) filed a Formal Complaint against Kilbuck Run Disposal Corporation (Kilbuck Run or Respondent), a wastewater treatment service provider certificated at A-230203. In the Complaint, Prosecutory Staff alleged that the Commission had notified Respondent by both first class and certified mail, return receipt requested, that Respondent had failed to file its 2004 Annual Report. The Complaint requested that the Commission issue an order imposing a \$1,000 civil penalty against Respondent for its failure to file its 2004 Annual Report in violation of 66 Pa.C.S. § 504.

Service of the Complaint was perfected on April 13, 2006. Respondent filed an answer on April 28, 2006, stating that it is no longer providing wastewater treatment service under its certificate of public convenience. Respondent further stated that this service is now being provided by the Ohio Township Sanitary Authority (Authority). Additionally, Respondent noted that all of the rights-of-way, facilities and equipment have been transferred to the Authority at no cost. Respondent requests that its certificate be cancelled as a result of the Authority providing wastewater treatment services to its former customers.

Upon receipt of Respondent's April 28, 2006 answer, Prosecutory Staff contacted the former owner of Kilbuck Run and requested that he supply more information. In response to Prosecutory Staff's request, Respondent submitted a copy of a letter dated July 7, 2005. The letter was sent from the Authority to each of Kilbuck Run's 124 customers notifying them that effective June 1, 2005, the Authority had commenced operation of the new regional facility known as the Kilbuck Run Regional Sewage Treatment Plant. The Authority's letter also informed the customers that the Authority would be responsible for maintaining the plant as well as providing service to them. Finally, the Authority's letter advised the customers as to when they would be billed and how the bill would be calculated for sewage treatment service.

As part of Prosecutory Staff investigation into this matter, Staff spoke with the Ohio Township's engineer regarding its takeover of service to Kilbuck Run's customers. In response to that inquiry, the Ohio Township engineer provided written confirmation to Prosecutory Staff that the Authority is indeed providing service to Kilbuck Run's former customers. The engineer's letter attached copies of two DEP permits issued to the Authority; to wit: a Water Quality Management Permit dated

August 25, 2004 and an NPDES permit issued on February 12, 2004 with an effective date of March 1, 2004.

Prosecutory Staff communicated with the former owner of Kilbuck Run, W.C. Smith, several times subsequent to the receipt of Respondent's answer. Those communications revealed that he is elderly, in poor health and unable to continue providing service pursuant to his certificate. He stated that all rights-of-way and facilities have been transferred to the Authority at no cost to the Authority.

A review of Commission records shows that Kilbuck Run was granted its certificate on November 12, 1987. Kilbuck Run has been the subject of six formal complaints in the last five years. All of the complaints were issued for Kilbuck Run's failure to comply with the Commission's annual report filing requirements. Commission records show that Kilbuck Run has not filed any answers or annual reports in response to past complaints. However, Respondent paid the \$1,000 fine in response to the complaint at C-20044092, which resulted in a Default Order, for Kilbuck Run's failure to file its 2003 Annual Report. As stated earlier, Respondent filed an answer to the instant complaint requesting cancellation of its certificate. We note that the Commission never received any informal (or formal) complaints from customers concerning the service provided by Respondent.

Communications with the Allegheny County Health Department (Health Dept.), which enforces DEP permit conditions in Allegheny County, revealed that Kilbuck Run had a long history of violations. Those violations include: severe and chronic effluent violations, sludge discharge violations and failure to operate and maintain the plant. As a result of those violations, the Health Dept. negotiated an agreement with Mr. Smith that if he agreed to remove himself from the wastewater business, the Health Dept. would not enforce the fines associated with a related consent order judgment from the Allegheny County Court of Common Pleas. This led, in part, to a developer building a plant that the Authority is now operating.

The Health Dept. also advised Prosecutory Staff that Kilbuck Run's former facilities have been demolished. In addition, the Health Dept. reports that the Authority is a responsible entity operating the newly built facilities in compliance with all state and federal requirements.

A certificate of public convenience is a privilege and not a contract or property right under which the holder acquires vested rights. *Western Pennsylvania Water Company v. PA PUC*, 311 A.2d 370 (Pa. Cmwlth. 1973). As such, a certificate of public convenience may be revoked where the utility fails to perform its essential service functions to the public. In the instant case, Kilbuck Run is no longer performing any services for the public. The services it was permitted to perform by its certificate are now being provided by the Ohio Township Sanitary Authority. Respondent no longer has any facilities and the issue of Kilbuck's continuous duty of service to the public is effectively moot. Based upon the foregoing, we find that Mr. Smith is no longer capable of operating Kilbuck Run in a lawful manner and has failed to provide "adequate, efficient, safe and reasonable service and facilities" in accordance with its statutory duty under Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501.

Given the fact that the Authority has taken over the operations previously performed by Kilbuck Run, we conclude that it is appropriate to revoke Kilbuck Run's certificate of public convenience without the necessity of

filing a complaint and holding a hearing. We emphasize that Kilbuck Run's actions of allowing another entity to serve the public without first receiving Commission review and approval of an application to abandon its certificate is illegal, a violation of the Public Utility Code, and subject to fines and such other actions that the Commission may deem necessary. 66 Pa.C.S. §§ 1102(a)(2), 3301. However, in this instance, we will exercise our discretion to waive the imposition of penalties. We expressly limit our actions to the circumstances specific to this case and caution other jurisdictional utilities against pursuing similar actions.

Based upon the foregoing, we conclude that revocation of Kilbuck Run's certificate is in the public interest. We also conclude that the takeover of service by the Authority is in the public interest. We note that pursuant to the Public Utility Code and the Municipal Authorities Act, the service provided by the Authority is not subject to Commission jurisdiction; *Therefore,*

*It Is Ordered That:*

1. The request of Kilbuck Run Disposal Corporation for revocation of its certificate of public convenience and the transfer of customers to the Ohio Township Authority is hereby approved as being in the public interest.

2. The Secretary serve a copy of this Order upon Kilbuck Run Disposal Corporation, the Department of Environmental Protection Southwest Region and the Central Office Bureau of Regulatory Counsel, the Ohio Township Sanitary Authority, the Department of Revenue, Bureau of Corporation Taxes, the Office of Consumer Advocate, and the Office of Trial Staff; and also cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

3. That the certificate of public convenience held by Kilbuck Run Disposal Corporation at A-230203 shall be cancelled, and the Secretary shall strike the name of Kilbuck Run Disposal Corporation from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.

4. That this case be marked closed.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-331. Filed for public inspection February 23, 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 March 19, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

**A-00123351, F3. 903 Rentals, Inc.** (1358 SR 903, Jim Thorpe, Carbon County, PA 18229)—persons, upon call or demand, in the County of Carbon.

**A-00123460. A1 Limousine Service/Universal, Inc.** (589 West Valley Forge Road, King of Prussia, Montgomery County, PA 19406)—persons, in limousine service, from points in the County of Montgomery, to points in Pennsylvania, and return.

### Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *household goods* as described under the application.

**A-00101944, F1, Am-F. J. H. Bennett Moving & Storage, Inc.** (1705 Raspberry Street, Erie, Erie County, PA 16502), a corporation of the Commonwealth, *inter alia*—household goods in use, between points in the City of Erie, Erie County, and within 25 miles by the usually traveled highways of the limits of said City: *So As To Permit* the transportation of persons in household goods in use between points in the Counties of Crawford, Erie, Venango and McKean and from points in said Counties to points in Pennsylvania, and vice versa. *Attorney:* William A. Gray, Esq., Vuono & Gray, LLC, 2310 Grant Building, Pittsburgh, PA 15219.

### Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

**A-00009329, F32, Am-A. Fullington Trailways, LLC** (316 East Cherry Street, Clearfield, Clearfield County, PA 16803), a limited liability company of the Commonwealth—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier, by motor vehicle, the transportation of persons and property on the scheduled route between State College, Centre County and Lewistown Junction, Mifflin County, by means of Boalsburg. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Empire Warehouse & Leasing Co., Doc. No. A-00109604C0601*

### 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 Empire Warehouse & Leasing Co., respondent, maintains its principal place of business at 1059 Empire Avenue, Camden, NJ 08103.

2. That respondent was issued a certificate of public convenience by this Commission on June 28, 1991, at Application Docket No. A-00109604.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2003, 2004 and 2005.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, failed to comply with the January 11, 1999 Commission Decision at P-981458 and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00109604.

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, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and  
Enforcement Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 07-332. Filed for public inspection February 23, 2007, 9:00 a.m.]

#### Telecommunications

**A-310557F7000. Verzion Pennsylvania, Inc. and Access Point, Inc.** Joint petition of Verzion Pennsylvania, Inc. and Access Point, Inc. for approval of amendment nos. 2 and 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verzion Pennsylvania, Inc. and Access Point, Inc., by its counsel, filed on February 7, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment nos. 2 and 3 to 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 Verzion Pennsylvania, Inc. and Access Point, 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. 07-333. Filed for public inspection February 23, 2007, 9:00 a.m.]

#### Telecommunication Services

**A-311436F0002AMA. Voxnet, LLC.** Approval of Voxnet LLC, for approval to offer, render, furnish or supply telecommunication services to the public as a competitive local exchange reseller in the service territory of The United Telephone Company of Pennsylvania, Inc. t/a Embarq Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 12, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Voxnet, LLC

*Through and By Counsel:* Thomas M. Forte, Consultant, Technologies Management Inc., P. O. Drawer 200, Winter Park, FL 32790-0200

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-334. Filed for public inspection February 23, 2007, 9:00 a.m.]

### Transfer of Property

**A-122250F0021. The Peoples Natural Gas Company d/b/a Dominion Peoples**, for approval of the transfer of property to an affiliated company, whereby Peoples will transfer all of or a portion of 325 natural gas lines and the related equipment and rights-of-way to its affiliate, Dominion Exploration and Production, Inc (DEPI).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 12, 2007. The documents filed in support of the Application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* The Peoples Natural Gas Company d/b/a Dominion Peoples

*Through and By Counsel:* Susan G. George, Esquire, 625 Liberty Avenue, Pittsburgh, PA 15222.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-335. Filed for public inspection February 23, 2007, 9:00 a.m.]

### Transfer of Stock

**A-210106F5000. Winola Water Company, Inc.**, for approval of the transfer of stock of Winola Water Company from Brian Fallon to Ralph and Jean Scartelli.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 12, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Winola Water Company, Inc.

*Through and By Counsel:* Armand E. Olivetti, Jr. Esquire, Olivetti and Scacchitti, 400 Spruce Street, Suite 402, Scranton, PA 18503-1814

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-336. Filed for public inspection February 23, 2007, 9:00 a.m.]

### Verizon North Inc. 2007 Price Change Opportunity Filing

Public Meeting held  
February 8, 2007

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; concurring in result only; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Verizon North Inc., 2007 Price Change Opportunity Filing*  
*R-00061914, P-00001854F1000*

*Office of Small Business Advocate v. Verizon North Inc.*  
*R-00061914C0001*

#### Order

#### Nonproprietary

*By The Commission:*

#### BACKGROUND

Before us for disposition is the Verizon North Inc. (Verizon North or Company) annual 2007 Price Change Opportunity (PCO) filing and the associated revenue increases. Verizon North's annual 2007 PCO filing was made under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398 (66 Pa.C.S. §§ 3011—3019) (Act 183) and pursuant to the Company's Alternative Regulation and Network Modernization Plan (Chapter 30 Plan) that this Commission approved at Docket No. P-00001854F1000.<sup>1</sup>

As a result of the passage of Act 183, companies with Chapter 30 Plans are entitled to significantly lower inflation offset values within their respective price cap formulas in exchange for a commitment to accelerated broadband deployment. Inflation offsets previously ranging from 2% to 2.93% were reduced to either 0% or 0.5%, depending on each company's Chapter 30 Plan. In Verizon North's case, the inflation offset was reduced from 2.50% to 0.5%. Accordingly, annual PCO filings have the potential for substantial revenue and rate impacts on end-user consumers.

Under the Company's Price Stability Plan (PSP), the Price Stability Mechanism (PSM) calculates the allowable change (increase or decrease) in rates for noncompetitive services based on the annual change in the Gross Domestic Product Price Index (GDP-PI). The actual total price changes for noncompetitive services are then tracked using the Service Price Index (SPI). The PSP also addresses revenue neutral rate rebalancing/restructuring and the introduction of new services. The PSP set forth in Verizon North's Chapter 30 Plan is a complete substitution of the rate base/rate of return regulation. Noncompetitive services are defined as regulated services or business activities that have not been determined or declared to be competitive.

#### Company Filing

On November 1, 2006, Verizon North filed its annual PCO filing using the change in 2005 and 2006 first quarter GDP-PI (Gross Domestic Product—Price Index) of 2.81% after the inflation offset that produced an annual revenue increase allowable for noncompetitive revenues of \$3,420,000. The proposed price increases equal \$3,340,100. The Company proposes to bank the difference of **BEGIN PROPRIETARY END PROPRIETARY**. In addition, the Company proposes to account for the one and one-half month delay in implementing the increase to

<sup>1</sup> *Petition for Amended Alternative Regulation and Network Modernization Plan of Verizon North Inc.*, Docket No. P-00001854F1000 (Order entered May 20, 2005).

the Business Late Payment Charge by banking a one-time increase of **BEGIN PROPRIETARY END PROPRIETARY**.

Verizon North proposes to implement its PCO by increasing rates for the following services: Residence and Business Dial Tone Line, Business Late Payment Charge and the following Residence Local Usage plans: Local Area Unlimited, Basic Calling, Community Calling, Community Plus. The proposed tariff revisions to Tariff Telephone Pa.P.U.C. Nos. 1, 3, 4, 5 and 6 were filed to become effective February 15, 2007, with the exception of the Business Late Payment charge. The new rate for the Business Late Payment Charge is scheduled to become effective April 1, 2007. A summary of the current and proposed rates is as follows:

Service	Current Rate	Proposed Rate
<b>Residence Dial Tone Line</b>		
Cell 3	\$6.44	\$6.97
Cell 4	\$6.84	\$7.37
<b>Residence Local Usage</b>		
Local Area Unlimited		
Rate Group A	\$5.82	\$5.92
Rate Group D	\$7.05	\$7.15
Rate Group F	\$8.10	\$8.20
Basic Calling Plan	\$1.13	\$1.23
Community Calling Plan	\$2.42	\$2.52
Community Plus Plan	\$3.23	\$3.33
<b>Business Dial Tone</b>		
Cell 3	\$15.20	\$16.00
Cell 4	\$17.75	\$18.60
<b>Business Late Payment Charge</b>	1.25%	1.50%

On November 9, 2006, the Office of Small Business Advocate (OSBA) filed a Formal Complaint. The OSBA contends that the Company's proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

On November 17, 2006, the Office of Consumer Advocate (OCA) filed a Notice of Intervention and Public Statement.

On December 6, 2006, Verizon North filed an Answer and New Matter to the OSBA complaint.

On December 22, 2006, the OSBA filed a Reply to Verizon North's New Matter.

## DISCUSSION

### 1. PCO Calculations and Rate Increases

The annual Verizon North PCO submissions under Chapter 30 laws must conform to its Commission-approved Amended Chapter 30 Plan. Our review of the calculations submitted by Verizon North indicates that they are accurate and consistent with the terms of the Company's Price Stability Mechanism/Price Change Opportunity formula approved in its Chapter 30 Plan at Docket No. P-00001854F1000. In addition, we are of the opinion that the proposed rate increases appear to be reasonable and in conformance with the Company's Chapter 30 Plan. Therefore, we shall approve Verizon North's

2007 PCO calculation and proposed rate increases subject to findings of the Office of Administrative Law Judge (ALJ) regarding the complaint filed by OSBA and subject to refund.

### 2. Banked Revenues

As noted, the Company proposes to bank the remainder of the 2007 PCO increase and a one-time increase for the one and one-half month delay in implementing the increase to the Business Late Payment Charge. Per our Order entered April 6, 2006, at Docket Nos. R-00051227 and P-00001854F1000, Verizon North was given approval to adopt the following banking methodology and timing that we previously approved for The United Telephone Company of Pennsylvania d/b/a Embarq Pennsylvania (United):<sup>2</sup>

1. After 2001, annual price decreases calculated under the PSI filed on September 1 of each year may be banked for application in future years, not to exceed four (4) consecutive years.<sup>3</sup> Such banking of decreases will be with interest at a rate set forth in 66 Pa.C.S. § 1308.

2. The banked price changes must be implemented no more than four (4) years after the annual price change is applied.

3. If a decrease is greater than \$500,000, the Company will implement the decrease immediately.

This adoption of the United banking methodology constitutes an agreement between the Commission and Verizon North pursuant to § 3013(b) of Act 183. Therefore, we shall approve Verizon North's proposal to bank the **BEGIN PROPRIETARY END PROPRIETARY** remainder of its 2007 PCO increase and the **BEGIN PROPRIETARY END PROPRIETARY** one-time increase due to the Business Late Payment Charge delay. We note the prior year banked increase per the April 6, 2006 Order is **BEGIN PROPRIETARY END PROPRIETARY**. This results in a cumulative banked increase of **BEGIN PROPRIETARY END PROPRIETARY** that is available for future use by the Company.

We make no determination at this time whether the recoveries of banked amounts are affected by a company's past or future competitive service declarations. However, we are mindful of Sections 3016(b) and (f) of the Code, 66 Pa.C.S. §§ 3016(b) and (f), and encourage the Company to recover its banked revenue increases from the appropriate group of its noncompetitive customers, consistent with applicable provisions of Chapter 30 (66 Pa.C.S. §§ 3001, et al.). In addition, the recovery of the banked revenue increase due to the Business Late Payment Charge delay should be in a manner that is one-time without resulting in recurring revenues for the Company; *Therefore,*

*It Is Ordered That:*

1. Verizon North Inc's 2007 PCO filed on November 1, 2006, is in compliance with its Commission-approved Amended Chapter 30 Plan.

<sup>2</sup> The reference to "PSI filed on September 1 of each year" in the United banking methodology should be modified to read "PCO filed on November 15 of each year" for Verizon North.

<sup>3</sup> For annual price increases, the Company may apply them in future years, without limitation as to time.

2. The tariffed rate increases proposed by Verizon North Inc. be permitted to go into effect as filed subject to findings of the Office of Administrative Law Judge regarding the Complaint filed by the Office of Small Business Advocate and subject to refund investigation and recoupment.

3. Verizon North Inc.'s proposal to bank the remainder of its 2007 PCO increase is approved.

4. Verizon North Inc.'s proposal to account for the delay value of the Business Late Payment Charge is approved.

5. The Administrative Law Judge who presides over the adjudication of the Office of Small Business Advocate Formal Complaint against the Verizon North 2007 PCO, at Docket No. R-00061914C0001, shall issue a Recommended Decision no later than seven months after the date of entry of the Order in this proceeding.

6. The Commission Order in this matter be published in the *Pennsylvania Bulletin*.

7. A copy of this Order shall be served on the Office of Consumer Advocate, Office of Small Business Advocate, the Office of Trial Staff and the Office of Administrative Law Judge.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-337. Filed for public inspection February 23, 2007, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bid

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #07-071.6, Fire Pump System Repairs at Pier 80 South until 2 p.m. on Thursday, March 22, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available February 27, 2007. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held March 8, 2007 10 a.m. at Pier 80 S., Columbus Boulevard at Snyder Avenue (entrance gate north of Pier 78 South Annex), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 07-338. Filed for public inspection February 23, 2007, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Joan Sakulich Rowlands, LPN; Doc. No. 1939-51- 2006

On January 3, 2007, Joan Sakulich Rowlands, license no. PN-096452-L of York, York County, had her license to practice professional nursing suspended for no less than 3 years, retroactive to November 13, 2006, based on her inability to practice the profession with reasonable skill and safety to patients by reason of illness, addiction to drugs or alcohol or mental incompetence.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with the court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals taking an appeal to the Commonwealth Court, must serve the Board with a copy of your petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY E. BOWEN, R.N., CRNP,  
*Chairperson*

[Pa.B. Doc. No. 07-339. Filed for public inspection February 23, 2007, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

March 22, 2007 Linda L. Shuman 1 p.m.  
(Service-Connected Disability Supplement)

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be

in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 07-340. Filed for public inspection February 23, 2007, 9:00 a.m.]

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## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
James Monroe Company and James M. Zinkand;  
File Nos. 06-56-05641 and 06-56-05641**

On January 9, 2007, James Monroe Company, license no. RB051313C, of Plymouth Meeting, Montgomery County and James M. Zinkand, license nos. RS098423A, AB041750A, RB041750A and RM041750A, of Ft. Washington, Montgomery County, had their licenses automatically suspended based on findings that a payment totaling \$9,495 was made from the Real Estate Recovery Fund to satisfy the claim of Fox and Roach, LP d/b/a/ Prudential Fox and Roach, who has uncollectible civil judgments against them.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Real Estate Commission (Commission) 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 Commission with a copy

of the petition for review. The Commission contact for receiving service of the appeals is the above-named Commission counsel.

JOSEPH MCGETTIGAN, Sr.  
*Chairperson*

[Pa.B. Doc. No. 07-341. Filed for public inspection February 23, 2007, 9:00 a.m.]

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**Bureau of Professional and Occupational Affairs v.  
James Montgomery; File No. 05-56-02125**

On January 9, 2007, James Montgomery, license no. RM049674B, of Philadelphia, Philadelphia County, had his license automatically suspended based on findings that a payment totaling \$63,000 was made from the Real Estate Recovery Fund to satisfy the claim of Community Legal Services, Inc., who has uncollectible civil judgments against him.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final represents the final State Real Estate Commission (Commission) 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 Commission with a copy of the petition for review. The Commission contact for receiving service of appeals is the above-named Commission counsel.

JOSEPH MCGETTIGAN, Sr.  
*Chairperson*

[Pa.B. Doc. No. 07-342. Filed for public inspection February 23, 2007, 9:00 a.m.]

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# 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.

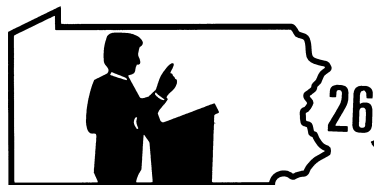
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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



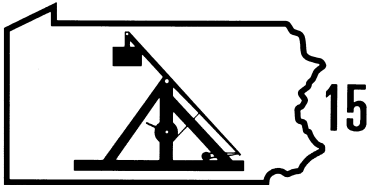
## DO BUSINESS WITH STATE AGENCIES

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.patreaury.org](http://www.patreaury.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



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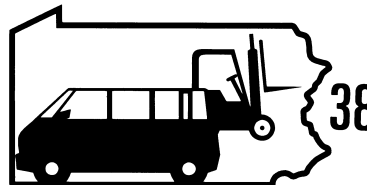
### Environmental Maintenance Service

**BOGM 07-2.** Cleaning Out and Plugging One (1) Abandoned Gas Well, (Mr. and Mrs. Thomas R. Crawford Property). The principal items of work include cleaning out and plugging one (1) abandoned gas well, estimated to be 800 feet in depth, to Department specifications, preparing and restoring well site and mobilizing and demobilizing plugging equipment. The well is estimated to take 100 hours of plugging time. This project issues on February 23, 2007 and bids will be opened on March 29, 2007 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Washington Township, Jefferson County  
**Duration:** 30 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820

**MI-946 Roddy Roof Replacement.** PROJECT TITLE: Roddy Roof Replacement, Millersville University of PASSHE. BRIEF DESCRIPTION: The Contractor will remove the existing EPDM roof system to the corrugated metal deck. Replace aluminum fascia and provide new mechanically fastened insulation and fully adhered EPDM system, approximately 38,853 SF. Roofing system will be a 30 year manufacturers' warranty. PREBID: February 21, 2007, 11:00 AM, Dilworth 203. DUE DATE: March 9, 2007, 11:30 AM. BIDDING DOCUMENTS will be available February 15, 2007. Requests will be accepted on line at: [http://mustang.millersville.edu/~purchase/detail\\_current\\_bids.php?proj=M I-946](http://mustang.millersville.edu/~purchase/detail_current_bids.php?proj=M I-946). There is no cost for a bid packet.

**Department:** State System of Higher Education  
**Location:** Roddy Science Center, Millersville University  
**Duration:** 45 Calendar Days  
**Contact:** Ruth Sheetz, 717-872-3730

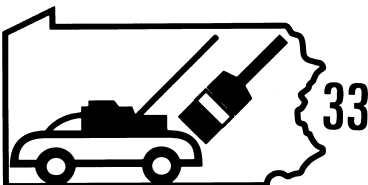


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### Vehicle, Heavy Equipment and Powered Machinery Services

**1200-2007.** Complete Vehicle Detail Contract to clean vehicle inside and out including exterior waxed twice annually.

**Department:** Transportation  
**Location:** 825 North Gallatin Avenue, Uniontown, PA 15401  
**Duration:** Three year contract with the possibility of two one year extensions  
**Contact:** A. J. Brown, Jr, 724-439-7362

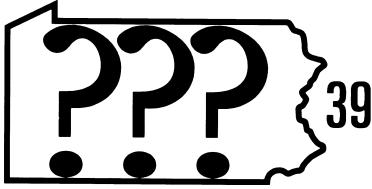


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### Property Maintenance

**75 6306 2134.1.** West Chester University is soliciting sealed bids in the Construction Procurement office, 201 Carter Drive, Suite 200, West Chester, PA 19383 for Interior painting of student residences. Wayne Hall, 9 floor dorm bldg., Killinger Hall, 4 floor dorm bldg., and S. Campus Apts., 4, two-story buildings. Pre-bid site visit is scheduled for Tuesday, Feb. 20, 2007 at 1:00 p.m. 10% Bid Bond and 100% Contract Bond is required. This project is subject to Dept. of L & I Prevailing Wages.

**Department:** State System of Higher Education  
**Location:** West Chester University, Borough of West Chester, West Chester, PA 19380  
**Duration:** Work to begin May 14, 2007 and be completed by August 1, 2007.  
**Contact:** Barb Cooper, 610-436-2706



## Miscellaneous

**CN00024889.** Vendor to provide services to deliver, paver-place and roll approximately 2600 tons of DSA (driving surface aggregate), to Grays Run Road, Lycoming County, Pennsylvania. In order to be awarded a state contract, interested vendors must be registered with the Commonwealth and must have a registered vendor number. To register and obtain number, call CVMU at 1-866-775-2868 or online at [www.vendor.registration.state.pa.us](http://www.vendor.registration.state.pa.us). BID OPENING: 3/1/07, 2pm

**Department:** Conservation and Natural Resources  
**Location:** DCNR Forest District 20, 274 Arbutus Park Road, Bloomsburg, PA 17815-9528  
**Duration:** Upon receipt of purchase order and terminate 6/30/07  
**Contact:** Naomi Rudisill, 717-783-0749

**CN00024883/ROOF REPLACEMENT.** The State Correctional Institution at Somerset will be soliciting bids for the removal/replacement of existing roof on the RHU Corridor located at the institution. Interested vendors must be registered with the Commonwealth to receive bids and purchase orders and should contact the institution directly for a bid package.

**Department:** Corrections  
**Location:** STATE CORRECTIONAL INSTITUTION AT SOMERSET, 1590 WALTERS MILL ROAD, SOMERSET, PA 15510-0001  
**Duration:** 2/8/07 THROUGH 6/30/07

**Contact:** Theresa Solarczyk, Purchasing Agent II, 814-445-6501 x1232

**SU-06-14.** Shippensburg University is seeking vendors who are interested in furnishing and installing two (2) each Frymaster Model #H55C-SC Gas Fryers in the Century Cafe in Old Main. Interested vendors may request a bid package either by faxing request to (717) 477-1386 or by sending an email to [kmsmit@ship.edu](mailto:kmsmit@ship.edu). A mandatory site visit is required. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg PA 17257  
**Contact:** Karen M. Smith, (717) 477-1386

**SSHE 401-BL-841 Hartline Accessibility Renov.** Work consists of renovation of eight restrooms and constructing two new areas of rescue assistance in Hartline Science Center, along with other accessibility upgrades. Primary items of work include demolition, signage, fire extinguisher cabinets, tile, painting, toilet partitions, bathroom accessories, piping, plumbing fixtures, wiring and lighting. To obtain a copy of the bid documents submit a \$75.00 (non-refundable) check to Robert A. Lack, AIA, Architectural & Design, 230 Market Street, Lewisburg, PA 17837, ATTN: Ted Strosser, phone #570-524-2300 X24, fax #570-523-6140. This will be a three prime contract (General \$140,000-\$155,000; Plumbing \$80,000-\$87,500; Electrical \$27,000-\$30,000). The bid documents will be available on February 19, 2007. The pre-bid conference will be held on March 6, 2007 at 10:00 am, Bloomsburg University, Waller Admin. Bldg. Room 38A, Bloomsburg, PA 17815 and bids due March 20, 2007 at 1:00 pm, Bloomsburg University.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815  
**Duration:** August 15, 2007  
**Contact:** Ted Strosser, 570-524-2300 x24

[Pa.B. Doc. No. 07-343. Filed for public inspection February 23, 2007, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*



