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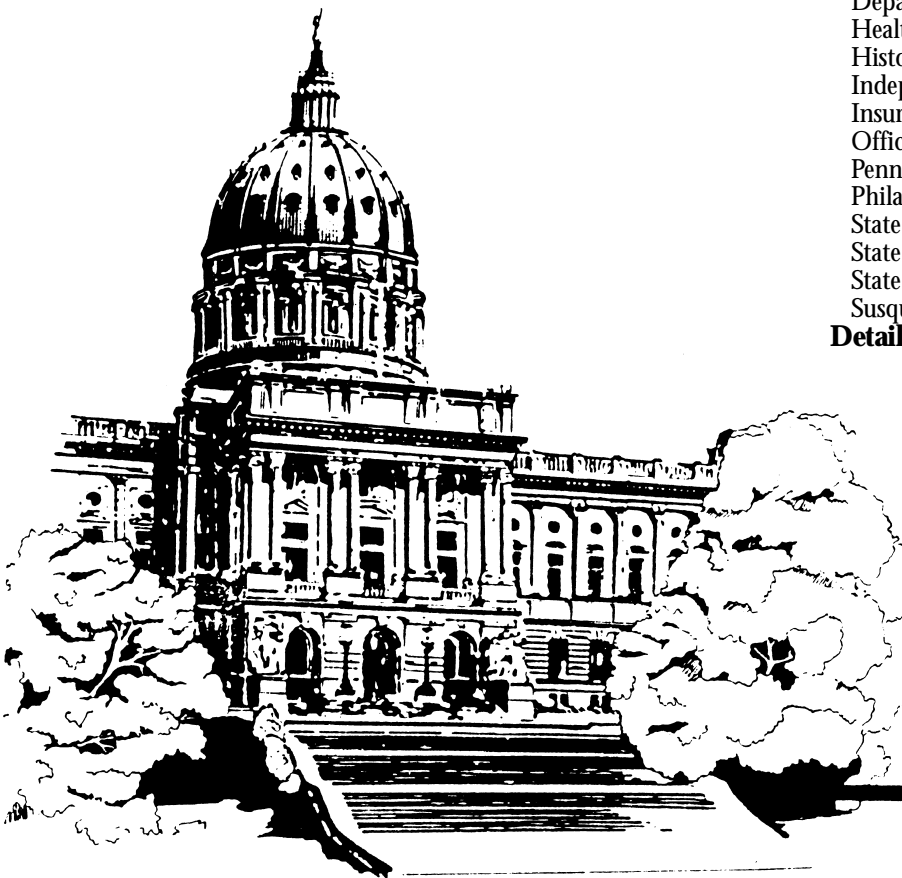
# PENNSYLVANIA BULLETIN

Volume 37  
Saturday, March 3, 2007 • Harrisburg, PA  
Number 9  
Pages 1017—1112

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Department of Agriculture  
Department of Environmental Protection  
Department of General Services  
Department of Health  
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Department of Revenue  
Department of Transportation  
Department of Public Welfare  
Health Care Cost Containment Council  
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Pennsylvania Public Utility Commission  
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State Board of Nursing  
State Board of Pharmacy  
State Board of Veterinary Medicine  
Susquehanna River Basin

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

**No. 388, March 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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770, 772, 773, 949, 950, 1026

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART III. JUDICIAL CONDUCT BOARD

[207 PA. CODE CH. 117]

#### Rescission of Rule 31

At its February 5, 2007 meeting, the Judicial Conduct Board voted to rescind Rule 31 of Chapter 117 of their Rules of Procedure, in its entirety. The rescission is effective immediately.

#### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART III. JUDICIAL CONDUCT BOARD

#### CHAPTER 117. [DISPOSITION; CONTINUANCES] (Reserved)

#### Rule 31. [Disposition of Complaint] (Reserved).

[ (A) Except as provided in paragraph (C), within 180 days of the Board's receipt of the Judicial Officer's written response pursuant to Rule 30(B)(2)(c) or written response to any subsequent letter requesting information by the Board, the Board shall:

(1) dismiss the complaint upon a finding that there is no existing probable cause to file formal charges;

(2) dismiss the complaint with the issuance of a letter of counsel upon a determination that, even if the alleged conduct occurred, it was not conduct which requires that formal charges be filed, provided that the Judicial Officer:

(a) consents in writing;

(b) stipulates that the letter of counsel may be used during proceedings involving new complaints against the Judicial Officer; and

(c) agrees to and satisfies any conditions required by the Board; or

(3) authorize the filing of formal charges with the Court of Judicial Discipline.

(B) If the Board dismisses a complaint following a full investigation, Chief Counsel shall promptly notify the Judicial Officer and the complainant.

(C) Exceptions.

(1) The Board may continue a full investigation of a matter beyond the 180-day period set forth in paragraph (A) upon a good faith belief that further investigation is necessary.

(2) The Board may defer disposition of a complaint pursuant to paragraph (A) upon discovery or receipt of additional, corollary, or cognate allegations which may necessitate an investigation.

(3) The receipt of the Judicial Officer's written response to any Rule 30(B) notice or supplemental or investigatory letter is a necessary prerequisite to the tolling and calculation of the 180-day period set forth in paragraph (A). Thus, the 180-day time period is wholly inapplicable if the Judicial Officer fails to file a written response and the investigation will continue to conclusion. ]

[Pa.B. Doc. No. 07-344. Filed for public inspection March 2, 2007, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

### Proposed Amendments to Pa.R.Crim.P. 541

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 541 (Waiver of Preliminary Hearing) to add a cross-reference to Rule 543(C) to alert the bench and bar that bail needs to be addressed when a defendant waives the preliminary hearing. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055  
fax: (717) 795-2106

e-mail: [criminalrules@pacourts.us](mailto:criminalrules@pacourts.us)

no later than Friday, April 20, 2007.

*By the Criminal Procedural Rules Committee*

NICHOLAS J. NASTASI,  
*Chair*

#### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART D. Proceedings in Court Cases Before Issuing Authorities

#### Rule 541. Waiver of Preliminary Hearings.

(A) The defendant who is represented by counsel may waive the preliminary hearing at the preliminary arraignment or at any time thereafter.

(B) The defendant who is not represented by counsel at the preliminary arraignment may not at that time waive the preliminary hearing.

(C) If the defendant waives the preliminary hearing and consents to be bound over to court, the defendant and defense attorney, if any, shall certify in writing that the issuing authority told the defendant of the right to have a preliminary hearing, and that the defendant voluntarily waives the hearing and consents to be bound over to court.

**(D) When the defendant waives the preliminary hearing, the case shall proceed as provided in Rule 543(C).**

#### Comment

While the rule continues to require a written certification incorporating the contents set forth in paragraph (C), the form of certification was deleted in 1985 because it is no longer necessary to control the specific form of written certification.

Under paragraph (B), it is intended that the defendant who elects to proceed pro se may waive the preliminary hearing at a time subsequent to the preliminary arraignment.

**Official Note:** Rule 140A adopted April 26, 1979, effective July 1, 1979; amended November 9, 1984, effective January 2, 1985; renumbered Rule 541 and amended March 1, 2000, effective April 1, 2001; **amended** , 2007, effective , 2007.

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Report explaining the proposed new paragraph (D) referencing Rule 543(C) published at 37 Pa.B. 1026 (March 3, 2007).**

#### REPORT

##### *Proposed amendments to Pa.R.Crim.P. 541*

##### **Bail When Defendant Waives Preliminary Hearing**

The Criminal Procedural Rules Committee is proposing an amendment to Pa.R.Crim.P. 541 (Waiver of Preliminary Hearing) that would add a cross-reference to the provisions in Rule 543(C) that require the issuing authority to:

- (1) set bail as permitted by law if the defendant did not receive a preliminary arraignment; or
- (2) continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 529(A)

when the defendant has been held for court.

The Committee agreed to propose this change after learning that some judicial districts do not permit defendants to waive the preliminary hearing when the case has proceeded pursuant to a summons because there is no

provision in Rule 541 concerning the imposition of bail, and in summons cases, bail ordinarily is set at the preliminary hearing pursuant to Rule 543(C).

Following our discussion, the Committee confirmed that defendants in cases initiated by summons may waive the preliminary hearing as provided in Rule 541. The Committee also agreed that Rule 541 should be amended to address bail in these cases, as well as when a preliminary hearing is waived following a preliminary arraignment. In reaching this decision, the Committee noted that the bail provisions in Rule 543(C) apply when the defendant is held for court following a preliminary hearing, and reasoned it is appropriate for the issuing authority to address bail at the time he or she accepts the defendant's waiver because, when the defendant waives the preliminary hearing, the case is held for court. Accordingly, after discussing several different means of alerting the bench and bar to the need to address bail at the time of the waiver, the members agreed to propose that a new paragraph (D) be added to Rule 541 that provides "when the defendant waives the preliminary hearing, the case shall proceed as provided in Rule 543(C)."

[Pa.B. Doc. No. 07-345. Filed for public inspection March 2, 2007, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

#### Order

*And Now*, this 20th day of February, 2007, Dauphin County Local Rules of Civil Procedure 1301 and 1308 are amended as follows:

##### **Rule 1301—Arbitration.**

1. All actions at issue in which the amount in controversy is [ **\$35,000** ] **\$50,000** or less, except those involving title to real estate, shall be submitted to and be heard by a Board of Arbitration pursuant to applicable law. The term "amount in controversy" shall mean the aggregate amount, exclusive of interest and costs, claimed by any one party in the complaint, counterclaim, or agreement of reference.

2. . . .

##### **Rule 1308—Appeal. Notice. Compensation.**

. . .

(a)(2) When an appeal is filed to a decision of the Board of Arbitrators, any party appealing shall repay to the County the fees of the members of the Board of Arbitration, which shall not thereafter be refundable to or recoverable by the said party under any circumstances, under the following schedule:

(a) If the amount in controversy is less than \$5,000.00—\$[ **200.00** ] **400.00**.

(b) If the amount in controversy is \$5,000.00 or more, but less than \$10,000.00—\$[ 300.00 ] 500.00.

(c) If the amount in controversy is \$10,000.00 or more, but less than \$20,000.00—\$[ 400.00 ] 600.00.

(d) If the amount in controversy is \$20,000.00 or more, but less than \$35,000.00—\$[ 500.00 ] 700.00.

(e) If the amount in controversy is \$35,000.00—50,000.00—\$800.00.

**For purposes of determining the appeal fee, “amount in controversy” shall be defined as the amount of the award rendered by the Board of Arbitration, or, in cases of no award, the amount demanded in the complaint.**

These amendments shall be effective July 3, 2007.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 07-346. Filed for public inspection March 2, 2007, 9:00 a.m.]

# COMMONWEALTH COURT

Regular Sessions of Commonwealth Court for the Year 2008; 126 M.D. No. 3

## Order

*And Now*, this 9th day of February, 2007, *It Is Hereby Ordered* that the argument sessions of the Commonwealth Court of Pennsylvania shall be held in the year 2008 as follows:

### *Dates*

February 11—15  
March 10—14  
April 7—11  
May 5—9  
June 9—13  
September 8—12  
October 14—17  
November 10—14  
December 8—12

### *Situs*

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Philadelphia  
Harrisburg  
Pittsburgh  
Philadelphia  
Harrisburg  
Pittsburgh  
Philadelphia  
Harrisburg

BONNIE BRIGANCE LEADBETTER,  
*President Judge*

[Pa.B. Doc. No. 07-347. Filed for public inspection March 2, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

[61 PA. CODE CH. 1001]

### Pennsylvania Gaming Cash Flow Management

The Department of Revenue (Department) is proposing regulations to facilitate its responsibilities under the Pennsylvania Race Horse Development and Gaming Act (act) (4 Pa.C.S. §§ 1101—1904), as assisted by the Department's temporary regulations adopted at 36 Pa.B. 3450 (July 1, 2006) and the correction published at 36 Pa.B. 3789 (July 15, 2006). Under section 1501(c) of the act (relating to responsibility and authority of department), the Department proposes that the temporary regulations in Chapter 1001 (relating to Pennsylvania gaming cash flow management) become permanent regulations to read as set forth in Annex A.

The act went into effect July 5, 2004, requiring that the temporary regulations be adopted within 2 years (July 5, 2006). The temporary regulations expire no later than 3 years following the effective date of the act (July 5, 2007) or upon promulgation of regulations as generally provided by law. On November 1, 2006, the act was amended by the act of November 1, 2006 (P. L. 1243, No. 135) (Act 135).

#### *Purpose of Proposed Rulemaking*

The act legalizes the operation of slot machines at a number of venues across this Commonwealth. The Pennsylvania Gaming Control Board (Board) will have primary responsibility for regulatory oversight of gaming activity in this Commonwealth and is separately promulgating regulations in 58 Pa. Code (relating to recreation).

The act required that the Department adopt temporary regulations by July 5, 2006, to facilitate prompt implementation of its responsibilities as defined by the act. The Department is proposing these regulations as a prelude to its adoption of the final-form regulations by July 5, 2007.

#### *Explanation of Regulatory Requirements*

The Department has several important responsibilities in connection with the implementation and control of slots gaming. The creation of Chapter 1001 during the temporary regulations process addressed these responsibilities and will be made permanent in this proposed rulemaking regarding cash flow management for accurate accounting and collection of the different earmarked revenues due the Commonwealth from slot machine gaming operations.

Changes to the temporary regulations are as follows.

Section 1001.5(a) (relating to administration and distribution of moneys held by licensed gaming entities and the Commonwealth) is amended to delete the word "Treasury" in accordance with Act 135. Subsection (b) is amended to delete subparagraph (iii) regarding delegation of payment authority and the subparagraphs are renumbered accordingly. Act 135 eliminated the need for the "delegation of authority" provision. In addition, subsection (b)(2) is amended to delete the phrase "for each banking day." Subsection (b)(5)(iii) is amended to delete the word "banking" from the phrase "banking days." Amendments to subsection (b)(2) and (5) are being made for ease of administration in performing statutory obligations.

Section 1001.6(e) (relating to administration of amounts deposited by licensed gaming entities with Treasury to pay Commonwealth gaming related costs and expenses (\$5 million)) is amended by deleting language and adding language addressing periodic assessments, appropriations by the General Assembly and itemized budget requirements. These amendments are in accordance with Act 135.

Section 1001.8(c)(2) (relating to State Gaming Fund transfers) is amended to change the month for publication of the annual inflation adjustment from July 1 to January 1. Subsection (d) is amended to remove the word "daily." In addition, subsection (d)(2) and (3) is amended to remove the words "each banking day." Amendments to this section are being made for ease of administration in performing statutory obligations.

Section 1001.10(d) (relating to Pennsylvania Race Horse Development Fund transfers) is amended with new clarification language for a Category 1 licensee "conducting live racing" and "eligible" Category 1 licensee.

Section 1001.11 (relating to Property Tax Relief Fund transfers) is amended to add clarification language of "and other applicable laws."

#### *Affected Parties*

Licensed entities, manufacturers and suppliers of gaming supplies in this Commonwealth, as well as the manufacturer of the Central Control Computer System, will be affected by the proposed rulemaking.

#### *Fiscal Impact*

The Department has determined that the overall implementation expenses will be minimal for implementing the act and the regulations.

#### *Paperwork*

The proposed rulemaking will require minimal paperwork for the public or the Commonwealth.

The Department will publish a notice in the *Pennsylvania Bulletin* by January 1 annually to announce the annual inflation adjustment of the distributions to municipalities.

#### *Effective Date*

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

#### *Sunset Date*

The regulations are scheduled for review within 5 years of final-form publication. No sunset date has been assigned.

#### *Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed rulemaking to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 1061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 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 Chairper-

sons of the House Committee on Finance and the Senate Committee on Finance. 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.

GREGORY C. FAJT,  
Secretary

**Fiscal Note:** 15-436. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 61. REVENUE

### PART IX. PENNSYLVANIA GAMING CASH FLOW MANAGEMENT

#### CHAPTER 1001. PENNSYLVANIA GAMING CASH FLOW MANAGEMENT

#### GENERAL PROVISIONS

(*Editor's Note:* The Department is proposing to make permanent the temporary regulations published at 36 Pa.B. 3450 and the correction published at 36 Pa.B. 3789 with amendments as required by Act 135. The bracketing and bolding of the following text refers to the temporary regulations which appear in 61 Pa. Code pages 1001-1—1001-9, serial pages (320475) to (320483). The remaining text is printed in regular type to enhance readability.)

#### § 1001.1. Scope.

This chapter establishes procedures for the administration and distribution of all net slot machine revenue under the act. In addition, this chapter clarifies the administrative procedures for transferring the statutorily established amounts of funding as prescribed in the act.

#### § 1001.2. Purpose.

The purpose of this chapter is to notify prospective licensed entities, as well as the general public, of the procedures and requirements for distributing net slot machine revenue.

#### § 1001.3. Definitions.

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

*Act*—The Pennsylvania Race Horse Development and Gaming Act of 2004 (Act 71) (4 Pa.C.S. §§ 1101—1904).

*Annual minimum distribution*—Other than for a Category 3 licensee, 2% of the gross terminal revenue of the licensed gaming entity or \$10 million, whichever is greater.

*Banking day*—The part of any day that the Federal Reserve has established for a bank to be opened to the public for carrying on substantially all of its banking functions.

*Board*—The Pennsylvania Gaming Control Board of the Commonwealth.

*CCS*—The central control computer system controlled by the Department and accessible by the Board, to which all slot machines communicate for the purpose of record-

ing, reviewing, reporting and auditing real-time information regarding the events that occur during the operation of a slot machine. This includes distinguishing between daily deposits made by licensed gaming entities of taxes due on play of slot machines and all other transfers of moneys to Commonwealth accounts not considered a daily deposit under this chapter.

*Collection Account*—A Department bank account authorized by the Treasury for the collection of taxes and other payments received from licensed gaming entities and which is maintained and reconciled by the Department.

*Concentration Account*—A Treasury bank account used for the deposit and disbursement of all recognized Commonwealth moneys and which is maintained and reconciled by the Treasury Department.

*Credit against tax*—Credit established if the tax rate imposed by section 1403 of the act (relating to establishment of State Gaming Fund and net slot machine revenue distribution) upon slot machine daily gross terminal revenue is increased at any time during the term of 10 years following the initial issuance of the slot machine license.

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

*EFT*—Electronic funds transfer.

*Fund*—A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances and the changes therein, that are segregated for the purpose of carrying on specific activities or attaining certain objectives established for the receipt of gross terminal revenue distributions under the act.

*Gross terminal revenue*—As defined in section 1103 of the act (relating to definitions).

*Licensed gaming entity*—As defined in section 1103 of the act.

*Manufacturers*—As defined in section 1103 of the act.

*Pennsylvania Gaming Economic Development and Tourism Fund*—The fund established under section 1407 of the act (relating to Pennsylvania Gaming Economic Development and Tourism Fund).

*Pennsylvania Race Horse Development Fund*—The fund established under section 1405 of the act (relating to Pennsylvania Race Horse Development Fund).

*Property Tax Relief Fund*—The fund established under section 1409 of the act (relating to Property Tax Relief Fund).

*Race Horse Improvement Daily Assessment*—The amount each operating licensed gaming entity shall pay daily to the Department, according to Department calculations.

*State Gaming Fund*—The fund established under section 1403 of the act.

*Suppliers*—As defined in section 1103 of the act.

*Treasury*—The Treasury Department of the Commonwealth.

#### § 1001.4. Calculations of credit against tax and Race Horse Improvement Daily Assessment.

(a) *Credit against tax.* The amount of the credit must be equal to the difference between the tax calculated at the rate in effect when a license was issued to the

licensed gaming entity and the tax calculated at the increased rate. The credit shall be applied on a dollar-for-dollar basis but may not extend beyond the 10-year period following the initial issuance of the license.

(b) *Race Horse Improvement Daily Assessment.* The amount of this assessment shall be calculated in accordance with section 1405(b) of the act (relating to Pennsylvania Race Horse Development Fund). This assessment shall be multiplied by 18% of daily gross terminal revenue for all active and operating Category 1 licensed gaming entities that are conducting live racing. The amount may not exceed 12% of that day's gross terminal revenue for that licensed gaming entity, and shall be subject to the daily assessment cap established under section 1405(c) of the act.

**§ 1001.5. Administration and distribution of moneys held by licensed gaming entities and the Commonwealth.**

(a) *Application of section.* This section applies to all transfers of moneys to and from the State Gaming Fund, Pennsylvania Gaming Economic Development and Tourism Fund, Pennsylvania Race Horse Development Fund [ , Treasury ] and any other fund as specified in this chapter.

(b) *Deposits and transfers to Treasury by licensed gaming entities.*

(1) The Department will notify each licensed gaming entity, Treasury and Office of the Budget of the actual amount each licensed gaming entity shall be required to deposit with Treasury as calculated by the CCS. A licensed gaming entity shall make deposits with Treasury on the same banking day as the date of the Department's notice to the licensed gaming entity and by the times specified by the Department.

(2) Payments shall be electronically transferred by the licensed gaming entities and available to the Commonwealth by the deadline established by the Department [ for each banking day ]. Moneys shall be deposited in the Department's Collection Account.

(3) System problems or failures, such as power outages and states of emergency, will not excuse the licensed gaming entity from making the required deposits in a timely manner. The licensed gaming entity shall immediately notify the Department and the Board of any of these problems.

(4) The Department will maintain records of deposits to the Department's Collection Account under this chapter and will share information, as practicable, to assist Treasury in its reconciliation of deposits into its Concentration Account.

(5) The administration of assessments will be as follows:

(i) *Proration of assessment.* Upon imposition of the annual minimum distribution amount, as specified in section 1403(c)(3) of the act (relating to establishment of State Gaming Fund and net slot machine revenue distribution), regardless of whether the minimum is subject to the budgetary limitations of section 1403 of the act, the required minimum shall be prorated for that portion of the municipality's fiscal year that the Board determines that the licensed gaming entity was actually in operation.

(ii) *Limitation of assessment.* Upon imposition of the minimum distribution upon the licensed gaming entity, the required minimum shall be paid in accordance with the administrative procedures of this section.

(iii) [ *Delegation of payment authority.* At the direction of the Board, the licensed gaming entity shall authorize the Department to remit payments previously collected from the licensed gaming entity, on behalf of the licensed gaming entity, under section 1403(c)(3) of the act, when the licensed gaming entity is charged with remitting payments to municipalities.

(iv) [ *Distributions of local share assessments to municipalities.* If a licensed gaming entity fails to reach the requisite annual minimum distribution as required under the act within 15 [ banking ] days following the end of the municipality's fiscal year, the Department will notify the licensed gaming entity of the shortfall and the amount to be remitted. A licensed gaming entity shall remit the difference required to meet the requisite annual minimum distribution as required under the act within 15 [ banking ] days following the end of the municipality's fiscal year. The licensed gaming entity shall remit the required payment to the Department for distribution in accordance with the act. Distributions specified in this chapter shall be made by the licensed gaming entity to the Department or the respective municipality, no later than 15 [ banking ] days from the Department's notice of the shortfall.

[ (v) ] (iv) *Distributions of local share assessments to counties.* The Department will make distributions in accordance with section 1403(c)(2) of the act. If the minimum distribution exceeds the applicable annual municipal allocation cap set forth in section 1403(c)(3) of the act, the amount in excess of the municipal allocation cap shall be distributed by the Department in accordance with section 1403(c)(2) of the act.

(6) The Department reserves the right, upon notice served upon the licensed gaming entity and the Board, to temporarily disable the licensed gaming entity's slot machines through the CCS until the Department receives verification that the required deposit has been made.

**§ 1001.6. Administration of amounts deposited by licensed gaming entities with Treasury to pay Commonwealth gaming related costs and expenses (\$5 million).**

(a) No later than 2 business days prior to the commencement of slot machine operations, the licensed gaming entity shall deposit \$5 million in the Department's Collection Account. Upon transfer of the \$5 million deposit into Treasury's Concentration Account, the deposit shall be credited to an account established in Treasury for the licensed gaming entity. The account established shall also be used to recognize and account for all future deposits required from the licensed gaming entity by the Department for administrative costs and all future withdrawals made by the Department for reimbursement of administrative costs.

(b) Each licensed gaming entity shall maintain a minimum account balance with Treasury of \$5 million.

(c) Moneys related to this account shall be transferred to the Department's Collection Account and from Treasury by EFT or other methods of funds transfer in accordance with § 1001.5(b) (relating to administration and distribution of moneys held by licensed gaming entities and the Commonwealth).

(d) If the account balance with Treasury of a licensed gaming entity falls below the \$5 million minimum deposit amount, as a result of the licensed gaming entity's failure

to make replenishments as directed by the Department, the Department will request that the Board utilize its reserved right to draw amounts from any other source of the licensed gaming entity and deposit the draw amount in the account specified by subsection (a) as necessary, to maintain the required minimum account balance. To fulfill the licensed gaming entity's obligations under this section, nothing prohibits the Board from drawing against any source of the licensed gaming entity, with the exception of any licensed gaming entity account that holds gross terminal revenue[, ] to be deposited with Treasury in accordance with § 1001.5.

(e) Reimbursement of Commonwealth expenses **will be as follows:**

(1) The Department will issue to the licensed gaming entity, periodic assessments of expenses incurred by the Board, Department, Office of Attorney General, the Pennsylvania State Police and any other Commonwealth entity charged with administrative duties under the act, **regarding expenses directly related to the licensed gaming entity**, under budgets approved by the Board **and upon appropriation by the General Assembly as required in section 1402.1 of the act (relating to itemized budget reporting)**. Expenses not included in budgets approved by the Board may not be assessed against **[ the account of ]** the licensed entity under this section.

(2) Expenses incurred by the Commonwealth and assessed to the licensed gaming entity shall be charged back to the licensed gaming entity and deducted from the licensed gaming entity's account, as specified in section 1401 of the act (relating to slot machine licensee deposits) and this section.

(3) General administrative costs of the Commonwealth not specifically assessed to a licensed gaming entity **under paragraph (1)**, shall be borne by each licensed gaming entity **[ on a prorata basis, determined by dividing the amount of the individual licensed gaming entity's gross terminal revenue by the total amount of gross terminal revenue of all licensed gaming entities ] at the discretion of the Secretary of Revenue. [ The allocation of expenses under this subsection, and not specifically allocated under paragraph (2) shall be subject to amendment by the Board. ]**

#### § 1001.7. Deposits of license, permit and other fees.

The fees for manufacturers' and suppliers' licenses, employment permits and other licenses and permits as the Board may require, excluding license fees paid for Categories 1, 2 and 3 licenses under sections 1209 and 1305 of the act (relating to slot machine license fee; and Category 3 slot machine license), shall be deposited with Treasury into a restricted receipt account within the State Gaming Fund. The fees deposited will be transferred from a restricted receipt account into a restricted revenue account of the State Gaming Fund to be used by the Board to pay its operating expenses. License fees paid for Categories 1, 2 and 3 licenses under sections 1209 and 1305 of the act shall be paid into the State Gaming Fund in accordance with sections 1209(d) and 1305 of the act.

#### § 1001.8. State Gaming Fund transfers.

(a) *Application of section.* This section applies to the transfers of moneys to and from the State Gaming Fund.

(b) *Establish restricted receipt accounts.* The Governor's Budget Office has the authority to establish restricted

receipt accounts as required to facilitate transfers of moneys to and from the State Gaming Fund.

(c) *Quarterly distributions.* Quarterly distributions from the State Gaming Fund to counties or municipalities in which a licensed facility is located, as determined by the Board, and as specified in Chapter 14 of the act (relating to revenues), shall be performed in accordance with the Governor's Management Directive 305.4 (relating to payments to counties) and the following provisions:

(1) The Department will submit payment requisitions, accompanied by documentation, to the Office of the Budget for payment through Treasury. Payments shall be made payable to the board of county commissioners of the county, or in the case of home rule charter counties, to the chief executive officer of the county, or in the case of counties of the first class coterminous with cities of the first class, to the city treasurer, on behalf of the agency designated as recipient of the payment or disbursement to be credited to the account of the recipient agency for use as specified in the documentation.

(2) The Department will determine the annual inflation adjustment and will publish notice of the inflation adjustment in the *Pennsylvania Bulletin* by **[ July 1 ] January 1** of each year.

(3) The Department will make distributions quarterly, no later than 30 days following the end of each calendar quarter.

(d) *Tax and credit against tax.*

(1) Determinations of gross terminal revenue and the calculations of taxes due will be determined **[ daily ]** by the Department based on the actual calculations by the CCS.

(2) **[ Each banking day, the ]** The Department will notify each licensed gaming entity and Treasury of the amount of tax due to the Commonwealth.

(3) **[ Each banking day, each ]** Each licensed gaming entity shall deposit the amount specified in paragraph (2) into the Department's Collection Account, in the manner prescribed by § 1001.5(b) (relating to administration and distribution of moneys held by licensed gaming entities and the Commonwealth).

(4) The Department will enter into an agreement with each licensed gaming entity setting forth the terms and conditions of any credit against tax as claimed by the licensed gaming entity.

(5) Taxes due as determined by the Department shall remain payable by the licensed gaming entity to the Department in accordance with section 1501(a) of the act (relating to responsibility and authority of department) regardless of any discrepancies between the licensed gaming entity's **[ daily ]** calculation and that of the Department's or amounts contested by any party concerning the credit against taxes due. Resolution of disputed **[ daily ]** payments due will be addressed by the Department through adjustments it makes to its calculation of future **[ daily ]** payment due amounts. The Department may make adjustments to its calculation of future **[ daily ]** payment due amounts after resolution of any dispute regarding the amount of taxes due. The Department will provide notice to the Board of the final calculations of taxes due under this subsection.

(6) Any **[ daily ]** remittance due that is caused by the imposition of the tax on nonbanking days as well as



holidays shall be remitted by the licensed gaming entity on the next banking day. For example, any tax that has accrued on Independence Day shall be transferred on the following banking day.

(e) *Imposition of a penalty.* Failure to comply with this section that results in the failure to transmit the requisite amounts to the Department's Collection Account or to any other fund of the Commonwealth, shall result in the imposition of a penalty of 5% per month up to a maximum of 25% of the amounts due and unpaid by the licensed gaming entity. Payments made by a licensed gaming entity toward delinquent amounts, including penalties, shall be allocated to the licensed gaming entity's delinquency in accordance with the priority of payments as specified under section 209 of the Taxpayers' Bill of Rights (72 P. S. § 3310-209).

**§ 1001.9. State Gaming Economic Development Tourism Fund transfers.**

(a) Department personnel will notify the respective licensed gaming entity and Treasury of the amounts the licensed gaming entity shall be required to deposit in the Department's Collection Account. Deposits shall be made on the same banking day as the date of the notice by the Department.

(b) Moneys shall be transferred by the licensed gaming entity by EFT or other method the Department may require and shall be deposited in the Department's Collection Account prior to being transferred to Treasury's Concentration Account.

(c) System problems or failures, such as power outages and states of emergency, will not excuse the licensed gaming entity from making the required deposits in a timely manner. The licensed gaming entity shall immediately notify the Department and the Board of the problems.

(d) The Department will maintain records of the Department's Collection Account under this chapter and will share information as practicable, to assist Treasury in its reconciliation of deposits into its Concentration Account.

**§ 1001.10. Pennsylvania Race Horse Development Fund transfers.**

(a) Prior to making each Race Horse Improvement Daily Assessment against a licensed gaming entity, the Department will determine the amount of each licensed gaming entity's gross terminal revenue.

(b) Eighteen percent of the gross terminal revenue of each Category 1 licensed gaming entity shall be returned to each active and operating Category 1 licensed gaming entity that conducts live racing subject to the assessment cap in section 1405(c) of the act (relating to Pennsylvania Race Horse Development Fund), and subject to the allocations specified in section 1406(a)(1)(i)—(iii) of the act (relating to distributions from Pennsylvania Race Horse Development Fund).

(c) Procedures concerning Pennsylvania Race Horse Development transfers are as follows:

(1) Department personnel will notify the respective licensed gaming entity and Treasury of the actual amount each licensed gaming entity shall be required to deposit in the Department's Collection Account as determined by the CCS. Deposits shall be made on the same banking day as the date of the notice by the Department.

(2) Moneys shall be transferred by the licensed gaming entity by EFT or other method as the Department may

require and shall be deposited in the Department's Collection Account prior to being transferred to Treasury's Concentration Account.

(3) System problems or failures, such as power outages and states of emergency, will not excuse the licensed gaming entity from making the required deposits in a timely manner. The licensed gaming entity shall immediately notify the Department and the Board of any of these problems.

(4) The Department will maintain records of the Department's Collection Account under this chapter and will share information as practicable, to assist Treasury in its reconciliation of deposits to its Concentration Account.

(d) The Department will notify each active and operating Category 1 licensee **conducting live racing**. Treasury and Office of the Budget of the amounts each active and operating Category 1 licensee **conducting live racing** will receive. **[ A ]** An eligible Category 1 licensee will receive from Treasury a weekly payment from the Pennsylvania Race Horse Development Fund in accordance with the act. The deposits required under section 1406(a)(1)(ii) will be deducted by the Department before making the payment to each active and operating licensee and transferred to the appropriate **[ state ] State** fund, under section 1406 of the act.

(1) Payments shall be electronically transferred by the Commonwealth and shall be available to the licensee by the deadline established by the Department.

(2) Both Treasury and the Department will maintain records of distributions under this chapter and will share information, as practicable, to assist each agency in its reconciliation process.

(e) For purposes of the calculations and distributions of section 1406(a) of the act, live racing will be determined annually, and as a Category 1 licensed gaming entity commences live racing in accordance with section 1303(b) of the act (relating to additional Category 1 slot machine license requirements).

**§ 1001.11. Property Tax Relief Fund transfers.**

The Department will determine the appropriate amount of moneys to be transferred into the Property Tax Relief Fund. The moneys will be transferred only after all amounts of funding have been met concerning the transfers of money to the other Funds specified in section 1408 of the act (relating to transfers from State Gaming Fund) **and other applicable laws.**

[Pa.B. Doc. No. 07-348. Filed for public inspection March 2, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 64]

[L-00060179]

### Provision of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers

The Pennsylvania Public Utility Commission, on June 22, 2006, adopted a proposed rulemaking order which permits a limited exception of the application of Chapter

64 billing requirements under certain conditions and authorizes local exchange carriers to offer single-priced bundled service packages.

#### *Executive Summary*

By Order entered July 3, 2006, at Docket No. L-00060179, the Commission adopted a Proposed Rulemaking Order to amend Chapter 64 of Commission regulations, 52 Pa. Code §§ 64.1—64.213. The purpose of the proposed rulemaking is to create an exception to the current obligation for separate billing by telecommunications carriers offering bundled service package plans, and to eliminate the necessity of obtaining a waiver of Chapter 64 separate billing regulations in 52 Pa. Code §§ 64.14(a)(4) and (5), 64.17, 64.18, 64.21(a), and 64.63(1) and (2), where certain consumer safeguards are in place.

Under the current language of Chapter 64, the Commission is required to review and approve or deny a request for waiver from Chapter 64's separate billing requirements. The proposed amendment to Chapter 64 eliminates the need for administrative review and approval of a waiver from separate billing requirements, provided certain consumer safe guards are met, while preserving the Commission's oversight authority. Specifically, the need for administrative hours devoted to review of applications for waiver from Chapter 64 separate billing requirements will be eliminated.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 15, 2007, the Commission 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 Committees. 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 Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Meeting held  
June 22, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Provision of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers;*  
Doc. No. L-00060179

### **Proposed Rulemaking Order**

By the Commission:

By our order in *Petition of Trinsic Communications, Inc.*, Docket No. P-00052169, (Order entered Feb. 1, 2006), the Commission ordered Staff's review of Chapter 64 regulations to examine whether an amendment to those regulations may be advisable to adapt to the current trend in the telecommunications industry of offering multiple services together in single-priced billing packages. As we then noted:

... the Commission has consistently granted conditional waivers of various sections of Chapter 64<sup>1</sup> to allow telephone companies to offer bundled services packages.<sup>2</sup> The purpose of these waivers has been to permit companies to offer bundled services packages while still preserving the customer protections currently in place to enable consumers to maintain basic telephone service as long as they meet their payment obligations regarding basic service. Additionally, in the past year, the General Assembly passed a law to allow telephone companies to "offer and bill to customers on one bill bundled packages of services." 66 Pa.C.S. § 3016(e)(2).

As technology continues to advance and the desires of consumers change, we need to ensure that our regulatory framework is appropriately structured to recognize these developments. Our regulations should also provide the flexibility needed to better serve consumers while still ensuring that Pennsylvania maintains its high telephone service penetration rate. To that end, it is important for this Commission to reevaluate its current Chapter 64 regulations in light of statutory changes as well as new desires in consumer preferences.

Id at pp. 6-7.

Based upon Staff's evaluation of Chapter 64 and subsequent recommendations, we formally commence this rulemaking to propose certain amendments to Chapter 64 and seek comment from all interested parties on these proposed amendments, hereto set forth in Annex A. At the same time, to eliminate the need to act on repetitive waiver petitions, we will grant a temporary waiver of the applicable provisions of Chapter 64, effective until the final adoption of the regulations, provided that the necessary consumer safeguards are satisfied.

In order to ensure that the consumer protections under Chapter 64 are retained, the Commission has set forth certain conditions that local exchange carriers (LECs) offering bundled service packages need to satisfy before a waiver of the applicable Chapter 64 requirements is granted. See the Commission's *Secretarial Letter to all Competitive Local Exchange Carriers* regarding compliance with § 64.21, issued September 23, 2003, at Docket No. M-00031747; and *Petition of North Pittsburgh Telephone for Waiver of Certain Billing and Collection Rule Requirements*, Docket No. P-00011899 (Order entered Oct. 15, 2001).

The September 23, 2003, Secretarial Letter governs billing, disclosure statements, non-payment procedures, and notice of waiver requests for competitive local exchange carriers (CLECs) that offer single-price packages and request a waiver of Chapter 64 requirements. The

<sup>1</sup> Chapter 64 pertains to "Standards and Billing Practices for Residential Services" and became effective on January 1, 1985, 52 Pa. Code §§ 64.1—64.213

<sup>2</sup> See *Petition of Bell Atlantic—Pa., Inc. for Expedited Modification of Consent Order and Waiver of Certain Chapter 64 Requirements*, Docket No. C-00881727 (Order entered June 12, 1997); *Petition of North Pittsburgh Telephone for Waiver of Certain Billing and Collection Rule Requirements*, Docket No. P-00011899 (Order entered October 15, 2001); *Petition of Commonwealth Telephone Company for Waiver of Certain Billing and Collection Requirements*, Docket No. P-0021982 (Order entered December 20, 2002); *Secretarial Letter to All Competitive Local Exchange Carriers Re: Compliance with 52 Pa. Code § 64.21 Separate Billing for Basic Service*, Docket No. M-00031747 (issued September 23, 2003); *In re: Petition of Marianna and Scenery Hill Telephone Company for Waiver of Certain Billing and Collection Requirements Set Forth at 52 Pa. Code Chapter 64 to Permit Provision of Singly Priced Service Packages to Customers, including Residential Customers*, Docket No. P-00042124 (Order entered November 22, 2004); *Petition of Comcast Phone of Pennsylvania LLC for Waiver of Certain Billing and Collection Rule Requirements Set Forth at 52 Pa. Code Chapter 64 to Permit Provision of Singly Priced Service Packages to Customers, including Residential Customers*, Docket No. P-00042119 (Order entered August 12, 2005); and, *Petition of ACN Communication Services, Inc. for Waiver of Certain Billing and Collection Rule Requirements Set Forth at 52 Pa. Code chapter 64 to Permit Provision of Singly-Priced Service Packages to Customers*, Docket No. P-00052173 (Order entered October 28, 2005).

Secretarial Letter states that the Commission has granted petitions for such waivers previously but that these waivers have been contingent on the satisfaction of certain conditions.<sup>3</sup> The Secretarial Letter details the conditions, as follows:

First, the company must agree that failure to pay the package charge will not result in immediate termination of basic service. Instead, the account will be converted to a basic service account which could be subject to future suspension or termination for non-payment in accordance with Commission regulations. Second, the company must provide a disclosure statement to all customers currently subscribed to a bundled service package and to all consumers being offered the opportunity to subscribe to a bundled service package. This disclosure statement, the content of which is subject to Commission review for consistency with plain language guidelines, notifies the customer of the billing practices that will be implemented in the event of the customer's failure to pay the bundled service package charge in full, informs the customer that they will not lose basic service for failure to pay the bundled service package charge, and identifies the charge that must be paid to maintain basic service.<sup>4</sup>

*Secretarial Letter*, issued September 23, 2003, at Docket No. M-00031747, p. 2, available through the search function found at [www.puc.state.pa.us](http://www.puc.state.pa.us).

We note that while the Public Utility Code expressly grants local exchange telecommunications companies<sup>5</sup> (incumbent local exchange carriers or ILECs) permission to offer single-rate package plans, 66 Pa.C.S. § 3016(e)(2), nothing in the Code precludes the Commission from authorizing competitive local exchange carriers (CLECS) to provide single-rate package plans. In fact, we believe that authorizing CLECS to provide such service packages advances two important policy goals: (1) to encourage diversity in services and products; and (2) to promote the provision of competitive services by a variety of service providers without jeopardizing universal service. See, 66 Pa.C.S. § 3011(5)(8).

Therefore, we are proposing to amend our regulations to permit a limited exception to the application of the Chapter 64 billing requirements, where the company meets certain conditions regarding protection of basic service and provision of a disclosure statement. In particular, the proposed amendment to Chapter 64 in Annex A, adds § 64.24 to Chapter 64 which authorizes LECs to offer single-priced bundled service packages and incorporates the same conditions previously established by Commission Order, including: (1) an agreement by the local exchange carrier that basic service will not be immediately suspended for failure of a customer to pay in full the monthly charge for the bundled service package; and (2) the provision of a bundled service package disclosure statement to customers who are offered, or who already subscribe to a bundled service package. This amendment creates an exception to the application of Chapter 64,

which remains in effect where the circumstances addressed in this order are not at issue.

At the same time, to eliminate the need to act on repetitive waiver petitions, we will grant, by this order, a temporary waiver of Chapter 64 billing requirements to the extent necessary to permit LECs to offer bundled service packages without petitioning the Commission, so long as the conditions previously set forth in the September 23, 2003, Secretarial Letter are met. Compliance with these conditions obviates the requirement that CLECS petition the Commission for a waiver of the applicable Chapter 64 regulations, including 52 Pa. Code §§ 64.14(a)(4) and (5), 64.17, 64.18, 64.21(a) and 64.63(1) and (2). We note that the temporary waiver of these regulations operates only to the extent required to facilitate the offering of bundled service packages. See, e.g., *Petition of North Pittsburgh Telephone for Waiver of Certain Billing and Collection Rule Requirements*, P-00011899 (Order entered Oct. 15, 2001), p.2, fn. 2-4. The temporary waiver granted by this order will remain in effect pending final resolution of this rulemaking.

All interested parties are invited to submit comments on the proposal set forth in Annex A. We propose to amend Chapter 64 of our regulations by adding 52 Pa. Code § 64.24, which will authorize all LECs to offer bundled service packages at a single monthly rate, so long as consumer protections are observed. Accordingly, pursuant to sections 501, 1501, and 1504 of the Public Utility Code, 66 Pa.C.S. § 501, § 1501 and § 1504, and the Commonwealth Documents Law, 45 P.S. §§ 501 et seq., and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we propose to amend the regulations in 52 Pa. Code Chapter 64 as previously noted and as set forth in Annex A; *Therefore*,

*It Is Ordered That:*

1. The proposed amendments to 52 Pa. Code Chapter 64, as set forth in Annex A, be issued for comment.
2. The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.
3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for review and comments by the Independent Regulatory Review Commission and the designated Legislative Standing Committees of both Houses of the General Assembly.
5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. A copy of this order and Annex A shall be posted on the Commission's Web site and served on all jurisdictional local exchange carriers, the Pennsylvania Telephone Association, the Broadband Cable Association of Pennsylvania (BCAP), the Public Utility Law Project, Competitive Telecommunications Association (COMPTEL), the Office of Trial Staff, Office of Consumer Advocate and Office of Small Business Advocate.

7. Interested persons may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 within 30 days from the date this order is published in the *Pennsylvania Bulletin*. A paper copy and an electronic copy of filed comments shall be provided to the Commission contact persons listed in ordering paragraph 8.

<sup>3</sup> Citing *Petition of Bell Atlantic-Pa., Inc. for Expedited Modification of Consent Order and Waiver of Certain Chapter 64 Requirements*, C-00881727 (Order entered June 12, 1997); *Petition of North Pittsburgh Telephone for Waiver of Certain Billing and Collection Rule Requirements*, P-00011899 (Order entered Oct. 15, 2001); and *Petition of Commonwealth Telephone Co. for Waiver of Certain Billing and Collection Requirements*, P-00021982 (Order entered Dec. 20, 2001).

<sup>4</sup> These conditions are consistent with the Federal Communications Commission's ("FCC") Truth-in-Billing standard that carriers identify on customer bills the charges for which failure to pay will not result in disconnection of basic service. See CC Docket No. 98-170; FCC 00-111, released July 13, 2000.

<sup>5</sup> A local exchange telecommunications company is defined at 66 Pa.C.S. § 3012 as "an incumbent carrier authorized by the commission to provide local exchange telecommunications services."

8. The contact persons for this matter are Elizabeth Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696, elionjanuz@state.pa.us; and Holly Frymoyer, Telecommunications Policy and Evaluation Unit Supervisor, Bureau of Consumer Services, (717) 783-1628, mfrymoyer@state.pa.us. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597, sdelbiondo@state.pa.us.

9. Pending the final resolution of this rulemaking, the Chapter 64 separate billing requirement, including 52 Pa. Code §§ 64.14(a)(4) and (5), 64.17, 64.18, 64.21(a), and 64.63(1) and (2), are temporarily waived to the extent necessary to permit all LECs to offer bundled services packages, provided that the LEC agrees to the conditions set forth in the Secretarial Letter issued September 23, 2003, at Docket No. M-00031747.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-251. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL TELEPHONE SERVICE

##### Subchapter B. PAYMENT AND BILLING STANDARDS

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

#### § 64.24. Provision of bundled service packages at a single monthly rate.

An LEC may offer bundled packages of services including nontariffed, competitive, noncompetitive, basic service or services of an affiliate, combined in a single package plan at a single monthly rate, under the following conditions:

(1) The LEC may not suspend or terminate a customer's basic service when the customer fails to make payment on the bundled service package, in accordance with § 64.21(b) (relating to separate billing for basic service).

(2) When a customer fails to make payment on a bundled service package, the LEC shall convert the customer's service to a basic service plan, subject to future suspension or termination for nonpayment in accordance with Commission regulations in §§ 64.61—64.63, 64.71—64.74 and 64.101—64.111 for suspension, and §§ 64.121—64.123 for termination.

(3) The LEC provides a disclosure statement to customers subscribing to or being offered a bundled service package. The bundled service package disclosure statement must contain the following:

(i) A statement that a customer's basic service may not be suspended or terminated when the customer fails to make payment in full on the monthly charge for the bundled service package.

(ii) A statement that, in the event of nonpayment or partial payment on a bundled service package, a customer shall receive a notice of suspension for the bundled

service package advising the customer that the bundled service package will be converted to a basic service plan at the current basic service rate in the LEC's tariff, stated in dollar amount.

(4) The LEC may offer payment agreements for past-due amounts on bundled service packages.

(5) Notices issued by the LEC pertaining to the bundled service package, including the disclosure statement, a suspension or termination notice, or other communication, will be subject to Commission review and approval for compliance with Commission regulations and consistency with plain language guidelines in § 69.251 (relating to plain language—statement of policy).

[Pa.B. Doc. No. 07-349. Filed for public inspection March 2, 2007, 9:00 a.m.]

## STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

### Continuing Education Fee for Certified Registered Nurse Practitioners

The State Board of Nursing (Board) proposes to amend § 21.253 (relating to fees) to read as set forth in Annex A. Section 21.253 is amended by setting an application fee for approval of certified registered nurse practitioner (CRNP) continuing education courses.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 8.1(c) and 11.2(a) and (d) of the Professional Nursing Law (act) (63 P. S. §§ 218.1(c) and 221.2(a) and (d)).

#### *Background and Purpose*

Section 8.1 of the act requires each CRNP to complete, in the 2 years prior to CRNP certification renewal, at least 30 hours of continuing education approved by the Board. For a CRNP with prescriptive authority, the 30 hours of continuing education must include at least 16 hours in pharmacology. In initially promulgating regulations to implement CRNP continuing education in 2004, the Board preapproved continuing education courses offered by the following providers: Board-approved CRNP programs, the American Nurses Credentialing Center's Commission on Accreditation, the American Academy of Nurse Practitioners, the National Association of Pediatric Nurse Practitioners and the American Medical Association. See § 21.334(a) (relating to sources of continuing education). Although the Board anticipated that these providers would develop and offer the vast majority of programs for CRNP continuing education, the Board also recognized that other entities would provide CRNP continuing education. Accordingly, by that rulemaking the Board also provided in § 21.334(b) that any other provider of CRNP continuing education could seek approval of its courses and in § 21.334(c) that an individual CRNP could seek approval of a continuing education course the CRNP intended to take. Section 21.336(b) (relating to continuing education course approval) provides that an applicant for approval of a CRNP continuing education

course must pay the fee required by § 21.253. That section, however, did not set the fee.

Section 11.2(a) and (d) of the act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses for enforcement of the act are funded through biennial license renewal fees. The various licensing boards of the Bureau of Professional and Occupational Affairs (Bureau) attempt to recover expenses regarding services which are provided directly to individuals, such as applications, verification of licensure or provision of required review and approval, directly through fees in which the actual cost of providing the service forms the basis for the fee. Actual cost calculations are based upon the product of the average time necessary to perform the function and the pay rate for the classification of the personnel performing the function, together with a proportionate share of administrative overhead.

The Board now proposes to implement the fee necessary for an application for approval of CRNP continuing education courses offered by providers that are not on the preapproved provider list. In this proposed rulemaking, the fee for the service provided would be implemented to allocate costs to those who use the service or application.

*Description of Proposed Amendment*

Based on estimates provided by the Bureau's Revenue Office, the Board proposes a fee of \$100 for approval of a CRNP continuing education course. The fee was calculated based on an estimate of the Board staff and resources that will be expended to review and approve a CRNP continuing education course.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on members of the private sector who apply for services from the Board. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 2007, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5128 (CRNP CE course approval fee) when submitting comments.

MARY E. BOWEN, R. N., CRNP,  
*Chairperson*

**Fiscal Note:** 16A-5128. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS**

**GENERAL PROVISIONS**

**§ 21.253. Fees.**

The following fees are charged by the Board:

\* \* \* \* \*

**Application for approval of CRNP continuing education course..... \$100**

[Pa.B. Doc. No. 07-350. Filed for public inspection March 2, 2007, 9:00 a.m.]

**STATE BOARD OF PHARMACY**

**[49 PA. CODE CH. 27]**

**Supplies and Equipment**

The State Board of Pharmacy (Board) proposes to amend §§ 27.14 and 27.16 (relating to supplies; and construction and equipment requirements) to read as set forth in Annex A. The proposed rulemaking would delete references to specific supplies that a pharmacy must maintain and instead allow pharmacies to maintain equipment to enable them to prepare and dispense prescriptions properly within their scope of practice. The proposed rulemaking would also delete the reference to the specific measurement of a pharmacy sink.

*Effective Date*

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

*Statutory Authority*

The proposed rulemaking is authorized under sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)).

*Background and Need for Amendments*

Section 27.14(c) currently lists specific supplies and equipment that pharmacies must maintain (except phar-

macies operating as central processing centers). Certain items on this list are outdated and not used in pharmacies anymore. Other items on the current list are not used in pharmacies that have specific practice areas, such as compounding pharmacies, nuclear pharmacies, veterinary pharmacies and so forth. This rulemaking proposes to amend § 27.14(c) by deleting the specific list of supplies and equipment and replacing it with language that permits a pharmacy to maintain supplies and equipment that are necessary to that pharmacy's area of practice. In addition, there are more advanced balances, scales and weights available than those specified in § 27.14(c)(1) and (2). There are also more advanced measuring tools than the graduates specified in § 27.14(c)(4). The remaining supplies in § 27.14(c)(5), (6), (7), (9) and (10) are outdated and not needed in most pharmacies. These supplies simply sit on the shelves unused. The Board is also deleting § 27.14(c)(9) because it is repetitive with the requirement that pharmacies keep records of prescriptions of controlled substances in accordance with the requirements of the Federal Drug Enforcement Administration in 21 CFR 1304.04(h) (relating to maintenance of records and inventories).

Section 27.16(b) currently requires that a pharmacy have a sink that measures at least 200 square inches exclusive of drainboard area. The Board proposes to delete the reference to specific measurements of the sink. The Board believes it is unnecessary to specify the size of the sink given the purposes for which it is used, such as hand washing and cleaning compounding equipment.

*Description of Proposed Amendments*

The proposed amendments to § 27.14 would delete the specific list of supplies and equipment in subsection (c)(1)–(10). The proposed amendment adds language that requires a refrigerator equipped with a thermometer or a temperature-monitoring device, which is used solely for the storage of drugs requiring refrigeration. This is the only specific equipment that the Board proposes to keep in the regulation but with amended language to make it clear that the refrigerator is not to be used for food storage.

The proposed amendment to § 27.16 deletes the specific measurements for the pharmacy sink.

*Fiscal Impact*

The proposed rulemaking would have no fiscal impact on the Commonwealth, its political subdivisions, the public or the regulated community.

*Paperwork Requirements*

The proposed rulemaking will not impose any additional paperwork requirements on the Commonwealth or the regulated community.

*Sunset Date*

The Board reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 2007, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Melanie Zimmerman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-26409 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWARD J. BECHTEL, R.Ph.,  
*Chairperson*

**Fiscal Note:** 16A-5415. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 27. STATE BOARD OF PHARMACY STANDARDS**

**§ 27.14. Supplies.**

\* \* \* \* \*

(c) [ **Except for a pharmacy operating as a central processing center, a** ] A pharmacy shall maintain at least the following equipment and supplies:

(1) [ **A Class A prescription balance or other scale with a no-load sensitivity of 6 milligrams or less.**

(2) **Both an apothecary set of weights from 1/2 grain to 1 ounce and a set of metric weights from 10 milligrams to 50 grams.**

(3) **A mechanical refrigerator having the appropriate temperature control for the storage of the drugs, vaccines, biologicals or medicaments which require specific temperatures for their stability. The refrigerator shall be kept within the prescription area.**

(4) **At least four graduates assorted to measure 1 ml to 500 ml.**

(5) **At least two mortars and pestals, glass or wedgewood.**

(6) **At least three spatulas of assorted sizes, metallic-rust resistant and rubber or nonmetallic composition.**

(7) **At least two funnels, one 120 ml and the other 480 ml.**

(8) **One glass or tile slab or specially treated paper for use in compounding ointments.**

(9) A book to record sales and transfers of Schedule V controlled substances and poisons. This paragraph does not apply to an institutional pharmacy servicing only inpatients.

(10) An adequate supply of filter paper and powder papers and an adequate supply of empty capsules, prescription containers, prescription and poison and other applicable identification labels used in dispensing of prescription drugs and medication. ]

A refrigerator, used solely for the storage of drugs requiring refrigeration, equipped with a thermometer or a temperature monitoring device.

[ (11) ] (2) \* \* \*

[ (12) ] (3) \* \* \*

[ (13) ] (4) \* \* \*

(5) Additional equipment and supplies necessary to enable the pharmacy to properly prepare and dispense prescriptions consistent with its scope of practice.

[ (14) ] (6) \* \* \*

\* \* \* \* \*

§ 27.16. Construction and equipment requirements.

\* \* \* \* \*

(b) Building standards. The following apply to building standards:

\* \* \* \* \*

(5) Sanitary facilities. [ Except for pharmacies operating as central processing centers, pharmacies ] Pharmacies shall be equipped with a sink within the prescription area to be used solely for pharmaceutical purposes. [ The sink must measure at least 200 square inches exclusive of drainboard area. ] The sink must be connected properly to supply hot and cold water. Restroom facilities for employees of the pharmacy shall be provided reasonably close to, but outside of the prescription area.

\* \* \* \* \*

[Pa.B. Doc. No. 07-351. Filed for public inspection March 2, 2007, 9:00 a.m.]

# STATE BOARD OF VETERINARY MEDICINE

## [49 PA. CODE CH. 31] Professional Conduct

The State Board of Veterinary Medicine (Board) proposes to amend § 31.21 (relating to Rules of Professional Conduct for Veterinarians) to read as set forth in Annex A. The amendments to Principle 1 (relating to competency) would mandate that a veterinarian report to the Board certain conduct regarding issues of professional competency of another veterinarian. Amendments to Principle 3 (relating to professional behavior) would state more comprehensively conduct that is unprofessional. In addition, the Board proposes to amend Principle 7 (relat-

ing to veterinarian/client relationships) to specify limits on refusal or discontinuation of treatment.

### Effective Date

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

### Statutory Authority

Section 5(1) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5(1)) authorizes the Board “[a]dopt reasonable rules and regulations governing the practice of veterinary medicine as are necessary to enable it to carry out and make effective the purpose and intent of this statutory law.” Section 5(2) of the act authorizes the Board to “[a]dopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.”

### Background and Need for Amendment

The Board’s proposed amendments arise from the Board’s ongoing review and commitment to keeping its regulations consistent with current standards of veterinary medicine practice, from disciplinary matters that have come before the Board and from input from the public regarding the need to regulate in particular areas of professional conduct.

### Description of Proposed Rulemaking

The Board proposes to amend Principles 1, 3 and 7 as follows:

#### Proposed Amendment to Principle 1

Subsections (a)—(c) concern the duty of veterinarians to maintain the aspirational goals of competency in the veterinarian’s individual practice. Current subsection (d) concerns a veterinarian’s responsibility concerning issues regarding the professional competency of another veterinarian.

The Board proposes to amend subsection (d) to make mandatory a veterinarian’s duty to report to the Board when a veterinarian has been unable to informally resolve with another veterinarian an issue of gross professional incompetence. The Board’s current regulation is aspirational. The Board proposes to make the duty to inform the Board mandatory. In a related amendment, the Board proposes to amend Principle 3 by adding subsection (k) to provide that unprofessional conduct includes failing to report a matter described in Principle 1(d) to the Board.

#### Proposed Amendments to Principle 3

The Board proposes to maintain Principle 3(a)—(d) and add subsections (e)—(l). The Board has amended Principle 3 to clarify that a licensee may be disciplined for unprofessional conduct under section 21 of the act (63 P. S. § 485.21). Specifically, a licensee may be disciplined under section 21(1) of the act for willful or repeated violations of any of the rules and regulations of the Board. A licensee may be disciplined under section 21(20) of the act for professional incompetence. This proposed rulemaking clarifies this statutory term. Some of the examples of incompetent, unprofessional or immoral conduct may also subject a licensee to discipline under other subsections of section 21 of the act. For example, the Board believes that fraudulently issuing a health certificate is immoral conduct. This conduct may also be disciplined under section 21(6) of the act.

Proposed subsection (e) would prohibit a veterinarian from attempting to induce or attempting to influence,

through coercion, undue pressure or intimidation, a person to file, not file or withdraw a complaint before the Board. Licensees subject themselves to the jurisdiction of the Board, including the statutory and regulatory rules of conduct and processes for disciplining professional licenses. This process includes the ability of the public to file a complaint against a professional licensee, to have that complaint investigated and, when appropriate, to have formal charges brought against the licensee in accordance with the licensing act and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). A licensee who attempts to induce or inappropriately influence a member of the public to file, not file or withdraw a complaint has attempted to undermine the disciplinary process of the Board. The Board concludes that this conduct is unprofessional.

Proposed subsection (f) would prohibit a veterinarian from abusing a client, former client, colleague, associate or staff, including verbal abuse, harassment or intimidation. The proposed language adds necessary specificity to allow the Board to discipline licensees for certain misconduct.

Proposed subsection (g) relates to section 21(11) of the act, which authorizes the Board to discipline a licensee for “[i]ncompetence, gross negligence or other malpractice, or the departure from, or failure to conform to, the standards of acceptable and prevailing veterinary medical practice.” Proposed subsection (g) also relates to section 21(20) of the act, which authorizes the Board to discipline a licensee for “[p]rofessional incompetence.” Proposed subsection (g) would clarify that the two statutory prohibitions against incompetence encompass both performing a task incompetently and performing a task the licensee knows or was reason to know he is not competent to perform. Subsection (g) is consistent with the Commonwealth Court’s opinion of conduct prohibited by section 21(11) and (20) of the act.

Proposed subsection (h) prohibits a veterinarian from making a false, deceptive or misleading statement or claim as defined in Principle 5(a) (relating to advertising). While Principle 5 applies only to advertising, the Board believes that veterinarians should be prohibited from making false, deceptive or misleading statements or claims in all aspects of context professional practice, such as in a conversation with a client.

Proposed subsection (i) would prohibit a veterinarian from delegating a veterinary medical service to a certified veterinary technician or unlicensed person who the veterinarian knows or should know is not qualified by education, training, experience, license or certification to perform the service. In addition, the new subsection requires a veterinarian to make a reasonable investigation of the delegatee’s education, training, experience, license or certification before delegating a veterinary medical service. Finally, the proposed subsection requires the veterinarian to provide appropriate supervision to the delegatee.

Proposed subsection (j) prohibits a veterinarian from inhumanely treating or abusing an animal, whether or not the animal is a patient. This provision is consistent with the acceptable and prevailing ethical standards of the profession and with many states’ practice acts and regulations.

Proposed subsection (k) prohibits a veterinarian from failing to report another licensee to the Board when the veterinarian knows or has reason to believe the licensee has engaged in incompetent practice, unprofessional conduct or animal neglect or abuse.

### *Proposed Amendments to Principle 7*

As with the proposed amendments to Principle 3, the proposed amendments to Principle 7 clarify and expand existing provisions. Consistent with the statutory amendments of December 2002, defining the “veterinarian-client-patient relationship” in section 3 of the act (63 P. S. § 485.3), Principle 7 will be renamed “veterinarian-client-patient relationships” to mirror statutory language and reflect the duties required to both the client/owner and the patient/animal. The Board proposes two amendments to provide additional clarity to existing subsection (a).

The Board proposes to add exceptions to the general rule that veterinarians may choose whom they will serve to account for circumstances in which a veterinarian is presented with an animal in a life-threatening condition that is physically presented to the veterinarian during the veterinarian’s regular business hours. The proposed amendment provides that a veterinarian shall, at a minimum, triage the animal (evaluate the need for immediate treatment in light of the other cases currently requiring treatment by the veterinarian), assess the animal, determine the animal’s prognosis, and provide basic life support or euthanasia. This provision places on veterinarians a minimal duty that will allow an owner to determine whether further treatment should be sought. The amendment recognizes that a sole practitioner who may be in the middle of surgery when an animal is brought into the veterinary facility in a life-threatening condition may not always be able to step away from the surgery to attend to the emergent animal. The proposed language requiring the veterinarian to triage the animal ensures that the animal will be taken care of in the proper order of medical necessity.

The proposed rulemaking permits a veterinarian to provide care to an animal in a life-threatening condition without the owner’s consent if the owner is unknown or cannot be reached for consultation. This provision would allow a veterinarian to provide emergency treatment to, for example, a dog hit by a car that is brought in by a bystander without first having to find the owner. This provision would also allow a veterinarian to euthanize an animal brought to the veterinary facility in a life-threatening condition without the owner’s consent if, in the veterinarian’s professional judgment, euthanasia is the only appropriate option.

The Board proposes to require a veterinarian to give notice to a client if the veterinarian determines that he can no longer provide veterinary services to an animal and to allow the client reasonable time to obtain alternate veterinary care. This provision protects the public by ensuring that the public will have a reasonable time to find another veterinarian.

The Board proposes to amend subsection (b) to make mandatory the veterinarian’s duty with regard to balancing a client’s ability to pay for veterinary services and alleviating or ending an animal’s suffering. The proposed amendments to subsection (b) are related to the proposed amendments to subsection (a), in that, read together, the provisions require a veterinarian to provide limited emergency care or medically appropriate euthanasia without regard to a client’s ability to pay. These provisions do not limit the veterinarian from seeking, after the services have been provided, remuneration for the services through an appropriate judicial forum.

The Board proposes to delete the current text of subsection (d). As with a similar provision that the Board



proposes to delete from subsection (a), the Board believes that the concept is self-evident and does not need to be set forth in regulation.

The Board proposes significant amendments to current subsection (e), which will become subsection (d). An individual approached the Board with the suggestion that the Board mandate that veterinarians inform clients of the contraindications and possible side effects of nonsteroidal anti-inflammatory drugs (NSAIDs). The individual suggested that the Board mandate that veterinarians provide a "client information sheet" whenever the veterinarian dispenses an NSAID. The Board is aware that some drugs of this class have been documented to cause adverse reactions in dogs. In addition, as with all drugs, NSAIDs are not indicated for use in animals with certain health problems or for animals receiving certain other drug therapies.

The Board believes that its regulations should provide broad protection to the public in relation to veterinary medical diagnosis and treatment rather than focusing on one narrow class of drugs. The Board addressed this concern in proposed subsections (d) and (e) and in a separate rulemaking package with proposed amendments to § 31.22(d) (relating to recordkeeping rationale). The Board finds that the public protection will be advanced by requiring veterinarians to be aware of drug contraindications, to inform clients of the benefits, risks and side effects of all recommended treatments, from surgeries to drug therapies, and to document client consent or rejection of treatment, including drug therapy, in the animal's veterinary medical record. The Board proposes the following amendments to ensure that consumers of veterinary medical services are well informed:

(d) Veterinarians shall familiarize themselves with advancements in veterinary medicine, including new techniques, drugs and scientific research that may affect treatment decisions. Veterinarians shall be familiar with the pharmacologic properties and contraindications of drugs and biologics used in their practice.

(e) Veterinarians shall explain the benefits, risks and side effects of treatment alternatives to clients.

In addition, in a separate rulemaking, the Board is proposing the following amendment to § 31.22(d):

The veterinary medical record shall document all communication with the client, including the client's consent to or rejection of recommended diagnostic testing and treatment, including drugs. A veterinarian in production animal practice may document client communication at the veterinarian's discretion.

The Board's proposal, because it also applies to biologics, would require veterinarians to be familiar with and to inform clients of the risks and possible side effects of vaccines. The proposed rulemaking, because it applies to all veterinary medical treatments, would require a veterinarian to explain the pros and cons of all treatments. For example, a veterinarian presented with an animal with a broken limb would be required to explain the benefits, risks and side effects of a range of treatment options, such as surgery and internal reduction and fixation, external reduction and fixation through use of a cast, or, where there is a good potential for a successful outcome, external reduction and fixation through use of some type of splint. Principle 4 (relating to fees) already provides that a veterinarian must clearly explain fees for professional services in advance of billing. This provision, together with the Board's proposed amendments to Prin-

ciple 7 and its recordkeeping regulation, would require a veterinarian to also inform the client of the cost of the various treatment options. The Board finds that this broader regulation provides more protection to the public than the suggestion that veterinarians provide clients with a "client information sheet" when the veterinarian dispenses an NSAID.

Dr. Paul Kneply, chairperson of the Department of Agriculture's Animal Health and Diagnostic Commission, submitted comments to the Board on its draft rulemaking. In his comments, Dr. Kneply asked about the implications of proposed subsection (f) for "normal farming activities and practices used in production animal medicine, such as castration and dehorning." Dr. Kneply noted: "A veterinarian may not normally administer anesthesia for these practices," and asked whether the proposed language would "prohibit 'normal animal agricultural practices' without anesthesia and pain medication." The Board is aware that the acceptable and prevailing standard of veterinary medical practice in production animal medicine does not always include the administration of anesthesia or analgesia for the performance of procedures that, if performed on a companion animal, would require the administration of anesthesia or analgesia, or both. For this reason, the Board has amended the draft language of subsection (f) and now proposes the following: "Veterinarians shall serve as patient advocates especially as regards alleviation of pain and suffering, consistent with the acceptable and prevailing standards of veterinary medical practice. Veterinarians must remain abreast of analgesic drugs, dosages, treatment intervals and combination therapies proven to be safe and effective in different species and in various conditions of age, illness or injury."

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking should not have financial impact on licensees, the Board or any other State entity. The proposed rulemaking will have no fiscal impact on the public. There are no additional paperwork requirements associated with the proposed rulemaking.

#### *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 2007, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this pro-

posed rulemaking to Robert Kline, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us/vet within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

THOMAS J. MCGRATH, D.V.M.,  
*Chairperson*

**Fiscal Note:** 16A-5721. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE**

**PROFESSIONAL CONDUCT**

**§ 31.21. Rules of Professional Conduct for Veterinarians.**

\* \* \* \* \*

**Principle 1. Competency.**

\* \* \* \* \*

(d) Veterinarians shall safeguard the public and the veterinary profession against veterinarians deficient in professional competence or ethical conduct as described in this chapter. When [ **veterinarians know or have** ] a **veterinarian knows or has** reason to believe that a professional colleague's actions [ **reflect** ] **demonstrate** professional incompetence, neglect or animal abuse, [ **veterinarians having first hand knowledge of these activities** ] a veterinarian should [ **attempt to resolve the issue informally by bringing** ] bring the behavior to the attention of the [ **veterinarian** ] colleague and, if the matter is not resolved, should bring the matter to the attention of the Board. [ **When a veterinarian cannot deal with the situation informally, the veterinarian should** ] If the conduct is grossly incompetent, or involves neglect or animal abuse, the veterinarian shall bring the matter to the attention of the Board by [ **writing to the Complaints Office of** ] filing a complaint with the Bureau of Professional and Occupational Affairs, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

\* \* \* \* \*

**Principle 3. [ Professional behavior ] Unprofessional conduct.**

A veterinarian who engages in unprofessional or immoral conduct is subject to disciplinary action under section 21(1) of the act (63 P. S. § 485.21(1)) and may also be subject to discipline under section 21(11) or 21(20) of the act. Unprofessional or immoral conduct includes, but is not limited to:

[ (a) Veterinarians may not place their ] (1) Placing the veterinarian's professional knowledge, attainments or services at the disposal of a lay body, organization or group for the purpose of encouraging unqualified groups or individuals to perform surgery upon animals or to otherwise practice veterinary medicine on animals that they do not own.

[ (b) Veterinarians may not perform or participate ] (2) Performing or participating in a surgical procedure when [ **they know** ] the veterinarian knows that surgery has been requested with intent to deceive a third party.

[ (c) Veterinarians may not perform ] (3) Performing surgical procedures on a species for the purpose of concealing genetic defects in animals to be shown, raced, bred or sold. If the health or welfare of an animal requires correction of a genetic defect, the surgical procedures will be permitted. In these instances, the veterinarian should clearly note the reason for the surgery on the veterinary medical record of the animal.

[ (d) Veterinarians may not engage ] (4) Engaging in merchandising.

(5) Attempting to influence through coercion, undue pressure or intimidation, or attempting to induce an individual to file, not file or withdraw a complaint with the Board.

(6) Abusing a client, former client, colleague, associate or employee, including verbal abuse, harassment or intimidation.

(7) Performing a veterinary medical act incompetently or performing a veterinary medical act that the licensee knows or has reason to know he is not competent to perform.

(8) Making any false, misleading or deceptive statement or claim as defined in Principle 5(a) (relating to advertising).

(9) Delegating a veterinary medical service to a certified veterinary technician or unlicensed person who the licensee knows or should know is not qualified by education, training, experience, license or certification, to perform. The licensee shall perform a reasonable investigation of the delegatee's skills before delegating a veterinary medical service and provide supervision of the service consistent with the acceptable and prevailing standards of veterinary medical practice.

(10) Inhumanely treating or abusing any animal, whether or not the animal is a patient.

(11) Failing to report a matter to the Board as required by Principle 1(d) (relating to competency).

\* \* \* \* \*

Principle 7. Veterinarian/client/patient relationships.

(a) [ Veterinarians ] Except as provided in this section, veterinarians may choose whom they will serve. [ Once they have undertaken the care of an animal, however, they may not neglect the animal. ]

(1) During a veterinarian's regular business hours, a veterinarian may not refuse to treat an animal which is in a life-threatening condition at the time the animal is physically presented to the veterinarian at the veterinarian's facility. The minimum veterinary medical services that shall be provided include triage of the presenting emergency and other patients present at the facility, assessment of the animal's condition, evaluation of the animal's prognosis and provision of basic life support or euthanasia, as medically appropriate. A veterinarian may provide care for an animal under this paragraph notwithstanding the lack of a

veterinarian/client/patient relationship and if the owner is unknown or cannot be reached, without consent of the owner.

(2) If a veterinarian deems it necessary to discontinue the treatment of an animal with which the veterinarian has a veterinarian/client/patient relationship, the veterinarian shall give notice to the client of the intention to withdraw and provide reasonable time to allow the client to obtain necessary veterinary care for the animal.

(b) [ In their relations with clients, veterinarians should ] Veterinarians shall consider first the welfare of the animal for the purpose of relieving suffering and disability while causing a minimum of pain or fright. [ Benefit to the animal should ] Alleviating or ending suffering for the animal shall transcend personal advantage or monetary gain in decisions concerning therapy.

\* \* \* \* \*

(d) [ Veterinarians shall be fully responsible for their actions with respect to an animal from the time they accept the case until the animal is released from their care.

(e) In the choice of drugs, biologics or other treatments, veterinarians should use their professional judgment in the interests of the animal, based upon their knowledge of the condition, the probable effects of the treatment and the available scientific evidence that may affect these decisions. ]

Veterinarians shall familiarize themselves with advancements in veterinary medicine, including new techniques, drugs and scientific research that may affect treatment decisions. Veterinarians shall be familiar with the pharmacologic properties and contraindications of drugs and biologics used in their practice.

(e) Veterinarians shall explain the benefits, risks and side effects of treatment alternatives to clients.

(f) Veterinarians shall serve as patient advocates especially as regards alleviation of pain and suffering, consistent with the acceptable and prevailing standards of veterinary medical practice. Veterinarians shall remain abreast of analgesic drugs, dosages, treatment intervals and combination therapies proven to be safe and effective in different species and in various conditions of age, illness or injury.

(g) If a client desires to consult with another veterinarian about the same case, the first veterinarian shall readily withdraw from the case, indicating the circumstances on the veterinary medical record of the animal, and shall forward copies of the animal's veterinary medical records to other veterinarians who request them.

[ (g) ] (h) \* \* \*

[Pa.B. Doc. No. 07-352. Filed for public inspection March 2, 2007, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 178]

#### Provisions of the Deficit Reduction Act of 2005 on Medicaid Eligibility for Long-Term Care Services

##### *Scope*

This statement of policy applies to applicants and recipients in need of payment for the following long-term care (LTC) services:

- (1) Nursing facility services.
- (2) A level of care in any institution equivalent to that of nursing facility services.
- (3) Home and community-based services furnished under a waiver granted by the Centers for Medicare and Medicaid Services.

##### *Purpose*

The purpose of this statement of policy is to interpret the Department of Public Welfare's (Department) regulations regarding eligibility for payment of LTC services. The Department's regulations can be accessed online at the *Pennsylvania Code* website at [www.pacode.com](http://www.pacode.com).

##### *Background*

The Deficit Reduction Act of 2005 (DRA of 2005), the act of February 8, 2006 (Pub. L. No. 109-171, 120 Stat. 4) became law on February 8, 2006. The DRA of 2005 made a variety of changes in the rules regarding eligibility for services and benefits in the Medicaid Program. In compliance with the DRA of 2005, several cost containment measures are being implemented.

##### *Discussion*

The Department's regulations require that a period of ineligibility for payment of LTC services be imposed on an individual applying for or receiving payment for those services when transfers of assets for less than Fair Market Value (FMV) were made by the individual or the individual's spouse during the look-back period. The DRA of 2005 amended the asset transfer rules regarding eligibility for payment of LTC services under the Medicaid Program. The look-back period has been extended to 60 months for all transfers of assets made on or after the date of enactment. The DRA of 2005 changes the determination of the period of ineligibility to be imposed on an applicant or recipient when the applicant or recipient or the spouse of the applicant transfers assets for less than FMV. Formerly, the beginning date of a period of ineligibility for an applicant who transferred assets for less than FMV was the first day of the month in which assets were transferred. For a recipient, the beginning date of the period of ineligibility was the first day of the month following the month of the transfer. States are now required to impose periods of ineligibility prospectively in those cases where the applicant or recipient or the spouse of the applicant or recipient has transferred assets for less than FMV. The beginning date of a period of ineligibility for payment of LTC services is the date the applicant would be otherwise eligible for Medical Assistance based on an approved application. For a recipient, the beginning date of a period of ineligibility for payment

of LTC services is the first day of a month immediately following proper advance notification provided to the recipient.

The DRA of 2005 mandated new requirements that must be applied in evaluating certain resources to qualify for payment of LTC services. Resources that fail to meet these new requirements will be treated as transfers of assets for less than FMV.

It is a requirement that an applicant or recipient or spouse of an applicant or recipient disclose any ownership interest in an annuity. A nonqualified annuity is one purchased outright by an individual or a couple that is not part of an employer retirement plan or Roth individual retirement plan. The DRA of 2005 mandates that nonqualified annuities name the Department as the beneficiary for at least the total amount of medical services provided by the Department on behalf of the recipient.

States are no longer allowed the option of first looking to the couples' resources to address spousal impoverishment. The DRA of 2005 now requires the allocation of available income from the institutionalized spouse to the community spouse (CS) to meet the Community Spouse Monthly Maintenance Needs Allowance (CSMMNA). If the CS still needs additional income to fully fund the CSMMNA, resources from the nonprotected share of the couples' resources can be allocated to the CS.

The DRA of 2005 also instituted a new eligibility requirement regarding the equity value of the home owned by the applicant or recipient who is in need of LTC services under the Medicaid Program. Individuals with equity value in their home in excess of \$500,000 are not eligible for payment of LTC services except when there is a spouse, a child under 21 years of age or a blind or permanently and totally disabled child residing in the home. The excess equity value in the home disqualifies the applicant or recipient for payment of LTC services.

##### *Effective Date*

This statement of policy is effective March 3, 2007.

##### *Contact Person*

Questions and comments to this statement of policy should be directed to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, (717) 787-4081.

*(Editor's Note: Title 55 of the Pennsylvania Code is amended by adding statements of policy in §§ 178.3a, 178.62a, 178.104a, 178.124a and 178.174a to read as set forth in Annex A.)*

*(Editor's Note: For a document relating to this statement of policy, see 37 Pa.B. 1046 (March 3, 2007).)*

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-BUL-070. No fiscal impact; (8) recommends adoption. Implementation of this statement of policy is expected to generate savings of \$5,020,000 in Fiscal Year 2006-07 and \$12,263,000 in Fiscal Year 2007-08.

## Annex A

## TITLE 55. PUBLIC WELFARE

## PART II. PUBLIC ASSISTANCE MANUAL

## Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

## CHAPTER 178. RESOURCE PROVISIONS FOR CATEGORICALLY NMP-MA AND MNO-MA

## Subchapter A. GENERAL PROVISIONS FOR MA RESOURCES COMMON TO ALL CATEGORIES OF MA

## GENERAL PROVISIONS FOR MA RESOURCES

**§ 178.3a. Clarification of disclosure requirement on ownership of annuities—statement of policy.**

(a) Consistent with section 1917(e) of the Social Security Act (42 U.S.C.A. § 1396p(e)), regarding liens, adjustments and recoveries, and transfers of assets, effective for an application made on or after March 3, 2007, the Department will require as a condition of eligibility for payment for long-term care services that an applicant or recipient or spouse of an applicant or recipient disclose any interest the applicant or recipient or spouse of the applicant or recipient has in an annuity or similar financial instrument.

(b) Consistent with section 1917(e) of the Social Security Act, effective for an application made on or after March 3, 2007, the Department will inform the applicant or recipient or spouse of the applicant or recipient that the Department shall be named as the remainder beneficiary in the first or second position under an annuity or similar financial instrument with a transaction date on or after February 8, 2006.

**Subchapter B. AGED, BLIND AND DISABLED CATEGORIES OF MA****ADDITIONAL RESOURCE REQUIREMENTS FOR THE AGED, BLIND AND DISABLED CATEGORIES OF MA****§ 178.62a. Clarification of disqualification for payment of long-term care services due to substantial home equity—statement of policy.**

(a) Consistent with section 1917(f) of the Social Security Act (42 U.S.C.A. § 1396p(f)), regarding liens, adjustments and recoveries, and transfers of assets, effective for an application made on or after March 3, 2007, an individual with equity value in the home in excess of \$500,000 is ineligible for payment of long-term care services unless one of the following circumstances exist:

(1) The home is the residence of the community spouse.

(2) The home is the residence of a child who is under 21 years of age or a child who is blind or permanently and totally disabled as defined in section 1611(a)(3) of the Social Security Act (42 U.S.C.A. § 1382c(a)(3)), regarding definitions.

(b) Consistent with section 1917(f) of the Social Security Act, an individual determined ineligible for payment of long-term care services due to excess home equity will continue to be reviewed for eligibility for Medicaid.

(c) Consistent with section 1917(f)(4) of the Social Security Act, an individual determined ineligible for payment of long-term care services due to excess home equity and who is unable to access the excess home equity may have the ineligibility period waived in the case of a demonstrated hardship.

**DISPOSITION OF PROPERTY AND FAIR CONSIDERATION PROVISIONS FOR THE AGED, BLIND AND DISABLED CATEGORIES OF MA****§ 178.104a. Clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy.**

(a) Consistent with section 1917(c)(1)(B)(i) of the Social Security Act (42 U.S.C.A. § 1396p(c)(1)(B)(i)), regarding liens, adjustments and recoveries, and transfers of assets, effective for an application made on or after March 3, 2007, the look-back period for assets transferred on or after February 8, 2006, shall be 60 months.

(b) Consistent with section 1917(c)(1)(D) of the Social Security Act, effective for an application made on or after March 3, 2007, in the case of a transfer of assets for less than Fair Market Value (FMV) made on or after February 8, 2006, by an applicant or spouse of an applicant, the penalty period shall commence on the date the applicant would otherwise be eligible for Medicaid based on an approved application for these services.

(c) Consistent with section 1917(c)(1)(D) of the Social Security Act, effective with transfers of assets for less than FMV made on or after March 3, 2007, by a recipient, the beginning date of a period of ineligibility for payment of long-term care services shall commence on the first day of the month following the date specified in the Appeal and Fair Hearing section of the Advance Notice provided to the recipient.

(d) Consistent with section 1917(c)(1)(E)(iv) and (H) of the Social Security Act, effective for an application made on or after March 3, 2007, a period of ineligibility for payment of long-term care services will result when an applicant or spouse of an applicant disposes of assets for less than FMV on or after February 8, 2006. The period of ineligibility shall be determined by dividing the total cumulative uncompensated value of all assets disposed of by the applicant or the applicant's spouse on or after the look-back date, by the average daily private pay rate in effect at the time the application is processed.

(e) Consistent with section 1917(c)(1)(E)(iv) and (H) of the Social Security Act, effective March 3, 2007, a period of ineligibility for payment of long-term care services will result when a recipient disposes of assets for less than FMV on or after March 3, 2007. The period of ineligibility shall be determined by dividing the total cumulative uncompensated value of all assets disposed of by the recipient on or after the look back date, by the average daily private pay rate in effect at the time the period of ineligibility is determined.

(f) Consistent with section 1917(c)(1)(I) of the Social Security Act, effective for an application made on or after March 3, 2007, the outstanding balance due on a promissory note, loan or mortgage purchased on or after February 8, 2006, that does not meet all of the following requirements will be treated as a transfer of assets for less than FMV:

(1) The repayment terms must be actuarially sound.

(2) The terms must provide for payments in equal amounts throughout the term, with no deferral of payments and no balloon payments.

(3) The terms must prohibit cancellation of the balance upon death of the lender.

(g) Consistent with section 1917(c)(1)(J) of the Social Security Act, effective for an application made on or after March 3, 2007, the purchase of a life estate interest in

another individual's home made on or after February 8, 2006, shall be considered a transfer of assets for less than FMV unless the purchaser resided in the home for at least 1 year after the purchase date.

(h) Consistent with section 1917(c)(1)(F) and (G) of the Social Security Act, effective for an application made on or after March 3, 2007, the purchase of an annuity by an applicant or applicant's spouse on or after February 8, 2006, that does not meet all of the following requirements, will be treated as a transfer of assets for less than FMV:

- (1) The annuity must be irrevocable and nonassignable.
- (2) The annuity must be actuarially sound.
- (3) The annuity must provide for payments in equal amounts, with no deferral and no balloon payments made.
- (4) The annuity must name the Department as the remainder beneficiary in the first position for at least the total amount of medical assistance paid by the Department on behalf of the recipient. The annuity must name the Department as beneficiary in the second position when there is a community spouse (CS), minor child, or blind or permanently and totally disabled child for at least the total amount of Medical Assistance paid by the Department on behalf of the recipient and must name the Department in the first position if the CS or a representative of a minor child, or a representative of a permanently and totally disabled child disposes of any remainder for less than FMV.

(i) Consistent with section 1917(c)(1)(F) and (G) of the Social Security Act, effective for an application made on or after March 3, 2007, the purchase of a nonqualified annuity on or after February 8, 2006, by the spouse of an applicant, that does not name the Department as beneficiary in the first position will be treated as a transfer of assets for less than FMV.

(j) The provisions in this statement of policy do not prevent the Department from treating an annuity owned by an applicant or recipient or the spouse of an applicant or recipient that satisfies the requirements in subsection (h) or the requirement in subsection (i), as either income or a resource in the eligibility determination for long-term care services under the Medicaid Program.

(k) The provisions in this statement of policy do not prevent the Department from treating an outstanding balance due on a promissory note, loan or mortgage satisfying the requirements in subsection (f), as either income or a resource in the eligibility determination for long-term care services under the Medicaid Program.

#### **RESOURCE ELIGIBILITY REQUIREMENTS FOR AN INSTITUTIONALIZED SPOUSE WITH A COMMUNITY SPOUSE**

##### **§ 178.124a. Clarification of the "Income-First" rule—statement of policy.**

(a) For the purposes of this statement of policy, the Department will define the Community Spouse Monthly Maintenance Needs Allowance (CSMMNA) as defined in section 1924(d) of the Social Security Act (42 U.S.C.A. § 1396 r-5(d)), regarding the treatment of income and resources for certain institutionalized spouses.

(b) Consistent with section 1924(d)(6) of the Social Security Act, effective for an application made on or after March 3, 2007, the institutionalized spouse's (IS) available income shall be used to fund the CSMMNA. If the community spouse (CS) still needs additional income to fully fund the CSMMNA, resources may be allocated to the CS to provide the difference between the CSMMNA and the gross monthly income available to the CS.

#### **Subchapter C. TANF-RELATED AND GA-RELATED CATEGORIES OF MA**

##### **DISPOSITION OF PROPERTY AND FAIR CONSIDERATION PROVISIONS FOR THE TANF AND GA CATEGORIES OF MA**

##### **§ 178.174a. Clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy.**

(a) Consistent with section 1917(c)(1)(B)(i) of the Social Security Act (42 U.S.C.A. § 1396p(c)(1)(B)(i)), regarding liens, adjustments and recoveries, and transfers of assets, effective for an application made on or after March 3, 2007, the look-back period for assets transferred on or after February 8, 2006, shall be 60 months.

(b) Consistent with section 1917(c)(1)(D) of the Social Security Act, effective for an application made on or after March 3, 2007, in the case of a transfer of assets for less than Fair Market Value (FMV) made on or after February 8, 2006, by an applicant or spouse of an applicant the penalty period shall commence on the date the applicant would otherwise be eligible for Medicaid based on an approved application for these services.

(c) Consistent with section 1917(c)(1)(D) of the Social Security Act, effective with transfers of assets for less than FMV made on or after March 3, 2007, by a recipient, the beginning date of a period of ineligibility for payment of long-term care services shall commence on the first day of the month following the date specified in the Appeal and Fair Hearing section of the Advance Notice provided to the recipient.

(d) Consistent with section 1917(c)(1)(E)(iv) and (H) of the Social Security Act, effective for an application made on or after March 3, 2007, a period of ineligibility for payment of long-term care services will result when an applicant or spouse of an applicant disposes of assets for less than FMV on or after February 8, 2006. The period of ineligibility shall be determined by dividing the total cumulative uncompensated value of all assets disposed of by the applicant or the applicant's spouse on or after the look-back date, by the average daily private pay rate in effect at the time the application is processed.

(e) Consistent with section 1917(c)(1)(E)(iv) and (H) of the Social Security Act, effective March 3, 2007, a period of ineligibility for payment of long-term care services will result when a recipient disposes of assets for less than FMV on or after March 3, 2007. The period of ineligibility shall be determined by dividing the total cumulative uncompensated value of all assets disposed of by the recipient on or after the look-back date, by the average daily private pay rate in effect at the time the period of ineligibility is determined.

(f) Consistent with section 1917(c)(1)(I) of the Social Security Act, effective for an application made on or after March 3, 2007, the outstanding balance due on a promissory note, loan or mortgage purchased on or after February 8, 2006, that does not meet all of the following requirements will be treated as a transfer of assets for less than FMV:

(1) The repayment terms must be actuarially sound.

(2) The terms must provide for payments in equal amounts throughout the term, with no deferral of payments and no balloon payments.

(3) The terms must prohibit cancellation of the balance upon death of the lender.

(g) Consistent with section 1917(c)(1)(J) of the Social Security Act, effective for an application made on or after March 3, 2007, the purchase of a life estate interest in another individual's home made on or after February 8, 2006, shall be considered a transfer of assets for less than FMV unless the purchaser resided in the home for at least 1 year after the purchase date.

(h) Consistent with section 1917(c)(1)(F) and (G) of the Social Security Act, effective for an application made on or after March 3, 2007, the purchase of an annuity by an applicant or applicant's spouse on or after February 8, 2006, that does not meet all of the following requirements, will be treated as a transfer of assets for less than FMV:

(1) The annuity must be irrevocable and nonassignable.

(2) The annuity must be actuarially sound.

(3) The annuity must provide for payments in equal amounts, with no deferral and no balloon payments made.

(4) The annuity must name the Department as the remainder beneficiary in the first position for at least the total amount of medical assistance paid by the Department on behalf of the recipient. The annuity must name the Department as beneficiary in the second position when there is a community spouse (CS), minor child, or blind or permanently and totally disabled child for at least the total amount of Medical Assistance paid by the Department on behalf of the recipient and must name the Department in the first position if the CS or a representative of a minor child, or a representative of a permanently and totally disabled child disposes of any such remainder for less than FMV.

(i) Consistent with section 1917(c)(1)(F) and (G) of the Social Security Act, effective for an application made on or after March 3, 2007, the purchase of a nonqualified annuity on or after February 8, 2006, by the spouse of an applicant, that does not name the Department as beneficiary in the first position will be treated as a transfer of assets for less than FMV.

(j) This statement of policy does not prevent the Department from treating an annuity owned by an applicant or recipient or the spouse of an applicant or recipient that satisfies the requirements in subsection (h) or the requirement in subsection (i), as either income or a resource in the eligibility determination for long-term care services under the Medicaid Program.

(k) This statement of policy does not prevent the Department from treating an outstanding balance due on a promissory note, loan or mortgage satisfying the requirements in subsection (f), as either income or a resource in the eligibility determination for long-term care services under the Medicaid Program.

[Pa.B. Doc. No. 07-353. Filed for public inspection March 2, 2007, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE**  
**[55 PA. CODE CH. 178]**  
**Undue Hardship Waiver Guidelines**

*Scope*

This statement of policy applies to applicants and recipients in need of payment for the following long-term care (LTC) services:

- (1) Nursing facility services.
- (2) A level of care in an institution equivalent to that of nursing facility services.
- (3) Home and community-based services furnished under a waiver granted by the Centers for Medicare and Medicaid Services.

*Purpose*

The purpose of this statement of policy is to provide policy guidelines about the Department of Public Welfare's (Department) regulations regarding undue hardship waiver requests when determining eligibility for payment of LTC services. The Deficit Reduction Act of 2005 (DRA of 2005), the act of February 8, 2006 (Pub. L. No. 109-171, 120 Stat. 4) requires that states provide an undue hardship waiver process in accordance with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C.A. § 1396p(c)(2)(D)). The Department's regulations can be accessed online at the *Pennsylvania Code* website at [www.pacode.com](http://www.pacode.com).

*Background*

The DRA of 2005 became law on February 8, 2006. The DRA of 2005 made a variety of changes in the rules regarding eligibility for services and benefits in the Medicaid Program including the availability of undue hardship waiver requests for individuals who would be denied eligibility for payment of LTC services.

*Discussion*

The DRA of 2005 mandates that the Department shall provide for the availability of an undue hardship waiver process when the application of the transfer of assets penalty would deprive the individual of one of the following:

- (1) Medical care so that the individual's health or life would be endangered.
- (2) Food, clothing, shelter or other necessities of life.

The DRA of 2005 mandates that an individual will not be eligible for payment of LTC services if the individual's equity interest in the individual's home exceeds \$500,000. The DRA of 2005 states that the Secretary of Health and Human Services (HHS) shall establish a process to waive the application of the home equity limit in the case of a demonstrated hardship. Until the Secretary of HHS establishes the demonstrated hardship process, the Department will apply the undue hardship process for an individual whose equity interest in an individual's home exceeds \$500,000.

*Effective Date*

This statement of policy is effective March 3, 2007.

*Contact Person*

Questions and comments to this statement of policy should be directed to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, (717) 787-4081.

*(Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by adding statements of policy in §§ 178.104b and 178.174b to read as set forth in Annex A.)

*(Editor's Note:* For a document relating to this statement of policy, see 37 Pa.B. 1043 (March 3, 2007).)

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-BUL-069. (1) General Fund; (2) Implementing Year 2006-07 is \$1,656,000; (3) 1st Succeeding Year 2007-08 is \$4,999,000; 2nd Succeeding Year 2008-09 is \$5,004,000; 3rd Succeeding Year 2009-10 is \$5,004,000; 4th Succeeding Year 2010-11 is \$5,004,000; 5th Succeeding Year 2011-12 is \$5,004,000; (4) 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,000,000; 2003-04 Program—\$588,528,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds are included in the 2006-07 budget for this purpose.

**Annex A****TITLE 55. PUBLIC WELFARE****PART II. PUBLIC ASSISTANCE MANUAL****Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE****CHAPTER 178. RESOURCE PROVISIONS FOR CATEGORICALLY NMP-MA AND MNO-MA****Subchapter B. AGED, BLIND AND DISABLED CATEGORIES OF MA****DISPOSITION OF PROPERTY AND FAIR CONSIDERATION PROVISIONS FOR THE AGED, BLIND AND DISABLED CATEGORIES OF MA****§ 178.104b. Clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy.**

(a) For the purposes of this statement of policy, an undue hardship exists when application of the transfer of assets penalty provision would deprive the individual of one of the following:

- (1) Medical care so that the individual's health or life would be endangered.
- (2) Food, clothing, shelter or other necessities of life.

(b) Consistent with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C.A. § 1396p(c)(2)(D)), regarding liens, adjustments and recoveries, and transfers of assets, effective with applications made on or after March 3, 2007, the Department will provide undue hardship waiver guidelines to an individual who is determined ineligible for payment of long-term care services due to a transfer of assets for less than fair market value made on or after February 8, 2006. The undue hardship waiver guidelines provide for the following:

- (1) A notice to the individual that an undue hardship waiver exception exists.
- (2) A timely process for determining whether an undue hardship waiver will be granted.
- (3) A process under which an adverse determination can be appealed.

(c) Consistent with section 1917(c)(2)(D) of the Social Security Act, the undue hardship waiver request guidelines will permit the facility in which the institutionalized individual is residing to file an undue hardship waiver application on behalf of the individual with the consent of the individual or the personal representative of the individual.

(d) Until the Secretary of Health and Human Services establishes the demonstrated hardship process, the Department will apply the undue hardship process for an individual whose equity interest in the individual's home exceeds \$500,000.

**Subchapter C. TANF-RELATED AND GA-RELATED CATEGORIES OF MA****DISPOSITION OF PROPERTY AND FAIR CONSIDERATION PROVISIONS FOR THE TANF AND GA CATEGORIES OF MA****§ 178.174b. Clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy.**

(a) For the purposes of this statement of policy, an undue hardship exists when application of the transfer of assets penalty provision would deprive the individual of one of the following:

- (1) Medical care so that the individual's health or life would be endangered.
- (2) Food, clothing, shelter or other necessities of life.

(b) Consistent with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C.A. § 1396p(c)(2)(D)), regarding liens, adjustments and recoveries, and transfers of assets, effective with applications made on or after March 3, 2007, the Department will provide undue hardship waiver guidelines to an individual who is determined ineligible for payment of long-term care services due to a transfer of assets for less than fair market value made on or after February 8, 2006. The undue hardship waiver guidelines provide for the following:

- (1) A notice to the individual that an undue hardship waiver exception exists.
- (2) A timely process for determining whether an undue hardship waiver will be granted.
- (3) A process under which an adverse determination can be appealed.

(c) Consistent with section 1917(c)(2)(D) of the Social Security Act, the undue hardship waiver request guidelines shall permit the facility in which the institutionalized individual is residing to file an undue hardship waiver application on behalf of the individual with the consent of the individual or the personal representative of the individual.

(d) Until the Secretary of Health and Human Services establishes the demonstrated hardship process, the Department will apply the undue hardship process for an individual whose equity interest in the individual's home exceeds \$500,000.

[Pa.B. Doc. No. 07-354. Filed for public inspection March 2, 2007, 9:00 a.m.]



# Title 61—REVENUE

## DEPARTMENT OF REVENUE

[61 PA. CODE CH. 60]

### Computer Software, Hardware and Related Transactions

The Department of Revenue (Department) adopted a statement of policy under § 3.2 (relating to statements of policy). The statement of policy amends and clarifies § 60.19 (relating to computer software, hardware and related transactions) and takes effect upon publication in the *Pennsylvania Bulletin*.

This amended statement of policy is promulgated by the Department to clarify the scope and application of *Graham Packaging Co., LP v. Commonwealth*, 882 A.2d 1076 (Pa. Cmwlth. 2005), which became final on October 15, 2005, as no exceptions were filed to the Court's order. In accordance with the Court's decision in *Graham Packaging*, canned software is considered to be tangible personal property, regardless of its method of delivery.

Specific questions regarding this statement of policy should be directed to the Department of Revenue, Office of Chief Counsel, P. O. Box 1061, Harrisburg, PA 17128-1061.

(*Editor's Note:* Title 61 of the *Pennsylvania Code* is amended by amending a statement of policy in § 60.19 to read as set forth in Annex A, with ellipses referring to the existing text.)

GREGORY C. FAJT,  
*Secretary*

**Fiscal Note:** 15-441. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 61. REVENUE

##### PART I. DEPARTMENT OF REVENUE

##### Subpart B. GENERAL FUND REVENUES

##### ARTICLE II. SALES AND USE TAX

##### CHAPTER 60. SALES AND USE TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

##### § 60.19. Computer software, hardware and related transactions.

\* \* \* \* \*

(c) *Application.*

\* \* \* \* \*

(2) *Computer software.*

(i) *Canned software.* The sale at retail or use of canned software, regardless of the method of delivery, including updates, enhancements and upgrades is subject to tax.

\* \* \* \* \*

[Pa.B. Doc. No. 07-355. Filed for public inspection March 2, 2007, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Amendment of the Plum Pox Virus Voluntary Commercial Orchard Fruit Tree Indemnity Program

The Department of Agriculture (Department) established the Plum Pox Virus (PPV) Voluntary Commercial Fruit Tree Indemnity Program (Program) on April 16, 2004. The order establishing the Program was published at 34 Pa.B. 2470 (May 8, 2004). That order details the eligibility requirements, standards and procedures for Program participation.

The referenced order is hereby amended by redefining the "core area" served by the program to include only those townships, boroughs and parts of townships that currently remain subject to quarantine orders related to the presence of PPV in those areas. These include the following areas in Adams, Cumberland and York Counties:

#### *Adams County:*

That portion of Menallen Township as described at 35 Pa.B. 6543 (December 3, 2005).

That portion of Franklin Township as described at 36 Pa.B. 6108 (October 7, 2006).

That portion of Tyrone Township as described at 36 Pa.B. 7298 (December 2, 2006).

That portion of Butler Township as described at 33 Pa.B. 5087 (October 11, 2003).

#### *Cumberland County*

South Middleton Township.  
Borough of Mount Holly Springs.

#### *York County*

Monaghan Township

Growers with blocks of stone fruit trees in any of the above-designated areas are eligible to participate in the Program for as long as a Department-issued PPV-related quarantine order remains in effect with respect to that area.

Any area that is subsequently made subject to a Department-issued PPV-related quarantine shall also be considered part of the "core area" served by the Program, and growers within such an area shall be eligible to participate in the Program.

The Program remains in full force and effect, amended only to the extent described in this order.

#### *Additional Information/Contact Person*

Applications and further information can be obtained by contacting the Department of Agriculture, Attn: Karl Valley, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5226.

This order is effective as of February 20, 2007.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-356. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Continuation of the Pennsylvania Apple Marketing Program; Referendum Order

I. The Pennsylvania Apple Marketing Program was established under the provisions of the Agricultural Commodities Marketing Act. The Act requires that the Secretary of Agriculture call a referendum of affected producers every 5 years to determine whether or not a majority of those voting still desire the program. The program was last subjected to a review referendum conducted in 2002. It is now time for another review referendum to determine whether a majority of affected Pennsylvania apple producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be March 21, 2007, until 4 p.m. on April 4, 2007. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 4, 2007. Ballots that are mailed must be postmarked no later than April 4, 2007, and received no later than April 9, 2007.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 19, 2007, to all affected producers whose names appear on the list of Pennsylvania apple producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is March 12, 2007. All apple producers who grow 500 or more apple trees are eligible to vote on the referendum.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Thursday, April 12, 2007 in the State Agriculture Building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and *Harrisburg Patriot*, and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than 7 calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot*.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-357. Filed for public inspection March 2, 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 Waived Y/N?</i>
PA0031631 (SEW)	Twin Valley School District 4851 N. Twin Valley Road Elverson, PA 19520-9310	Berks County Caernarvon Township	East Branch Conestoga River 7J	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. P. O. Box 213 Brockway, PA 15824-1644	Brockway Borough Jefferson County	Little Toby Creek 17-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.*

**PA0052515**, Industrial Waste, SIC 4941, **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002-4476. This existing facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge filter backwash from a water supply well. Water supply is treated by an air stripper and dual GAC filters to remove petroleum hydrocarbons. Filter backwash at a rate of 850 gpm for a 15 minute cycle settles in a sedimentation basin and normally infiltrates. Any discharge that may occur is through Outfall 001. Outfall 002 is overflow from air stripper. Outfall 004 is water pumped directly from spring to keep quarry dry.

The receiving stream, Wissahickon Creek, is in the State Water Plan Watershed 3F and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 11.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01275 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	2.63	5.25	30	60	75
Total Aluminum	0.35	0.7	4.0	8.0	
Total Iron	0.18	0.35	2.0	4.0	10.0
Total Manganese	0.09	0.18	1.0	2.0	5.0
Gasoline Range Organics			Monitor	Monitor	
Diesel Range Organics			Monitor	Monitor	
pH (Standard Units)			6.0 (Instantaneous Minimum)		9.0
Total Residual Chlorine			0.5		1.2

The proposed effluent limits for Outfalls 002 and 004 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids				Monitor	
Gasoline Range Organics				Monitor	
Diesel Range Organics				Monitor	
pH (Standard Units)				Monitor	

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

1. Remedial Measures if Public Nuisance.
2. BAT/ELG Reopener.
3. Change of Ownership.
4. Proper Sludge Disposal.
5. Air Stripper Tower Wastewater.
6. Twice per Month Monitoring.

The EPA waiver is in effect.

**PA0051497**, Industrial Waste, SIC 2033, **Lenape Forged Products, Corp.**, 1334 Lenape Road, West Chester, PA 19382-2096. This facility produces heat-treated metal forgings in Pocopson Township, **Chester County**.

Description of Proposed Activity: This application requests approval of a renewal NPDES permit for the discharge of contact cooling water from a quench tank for heat-treated metal forgings.

The receiving stream, Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for WWF-MF, aquatic life, water supply and recreation.

The Christina River Basin total maximum daily load (TMDL) for nutrients and dissolved oxygen for low-flow conditions, issued by the EPA in January 2001, and revised in October 2002 and April 2006, includes the discharge flow from this facility. The parameters CBOD<sub>5</sub>, ammonia, dissolved oxygen, phosphorus and total nitrogen are addressed in the TMDL but none of those parameters are discharged from this facility.

The proposed effluent limits for Outfall 001 are, based on a discharge flow of 0.03 mgd, as follows:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Annual	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30	60	75
Oil and Grease			10		30
Temperature					110° F
pH (Standard Units)			6.0 (Instantaneous Minimum)		9.0

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

1. Notification of Designation of Operator.
2. BAT/ELG Reopener.
3. 2° F Temperature Change in 1-hour.
4. Change in Ownership.
5. No Chemical Additives.
6. Laboratory Certification.

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

**PA0053147**, Sewage, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**. Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Saucon Creek, is in the State Water Plan Watershed 02C and is classified for aquatic life, CWF, water supply and recreation. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River and is 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	10.0	15.0	20.0
(11-1 to 4-30)	20.0	30.0	40.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Phosphorus as "P"	Monitor and Report		
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.27		0.90

In addition to the effluent limits, the permit contains the following major special conditions: WET Testing Requirement.

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

**Application No. PA0259942**, Sewage, **Steven Nye**, 32 Harmon Road, Newburg, PA 17240. This facility is located in Upper Mifflin Township, **Cumberland County**.

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

The receiving stream, Three Square Hollow Run, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 30.8 miles downstream. The discharge is not expected to affect the water supply.

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

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

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

The EPA waiver is in effect.

**Application No. PA0260134**, Sewage, **Lancaster Family YMCA**, 572 North Queen Street, Lancaster, PA 17603. This facility is located in Cornwall Borough, **Lebanon County**.

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

The receiving stream, UNT of Shearers Creek, is in Watershed 7-G and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Borough Water Authority is located on the Susquehanna River, approximately 34 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.004 mgd between May 1 and September 30 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>	10		20
Total Suspended Solids	20		40
NH <sub>3</sub> -N	5.0		10.0
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	

No discharge is permitted the remainder of the year.

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

The EPA waiver is not in effect.

**Application No. PA0260282**, Sewage, **Glenn Sandritter**, 161 Heckman Road, Temple, PA 19560-9708. This facility is located in Earl Township, **Berks County**.

Description of activity: The application is for an NPDES permit to discharge wastewater from a single-family home.

The receiving stream, UNT to Ironstone Creek, is in Watershed 3-D, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 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>	10		20
Total Suspended Solids	20		40
Total Residual Chlorine		Monitor and Report	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is not in effect.

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

**PA0001228**, Industrial Waste, SIC 3621, **Curtiss-Wright Corporation**, 1000 Cheswick Avenue, Cheswick, PA 15024. This application is for renewal of an NPDES permit to discharge untreated cooling water, untreated test loop water, deionized water and stormwater from the Curtiss-Wright Electro-Mechanical Corporation in Harmar Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, dry drainage swale to a UNT—Allegheny River and dry drainage swale to the Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Oakmont, located approximately, 2.0 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.25 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)	110				
Manganese	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.249 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)	110				
pH	not less than 6.0 nor greater than 9.0				

Outfall 101, 201, 301, 401, 501, 601, 701, 801, 103, 203, 303, 403, 503, 603, 703 and 803: new discharges, design flow NA.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30		60
Iron			Monitor and Report		7.0
Oil and Grease			15		30
Dissolved Oxygen	Minimum of 5.0				
pH	Monitor and Report				

Outfalls 002 and 004: existing discharge, design flow of NA.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	Discharge shall consist solely of uncontaminated stormwater runoff.				

The EPA waiver is in effect.

**PA0002879**, Industrial Waste, SIC, 3312, **Union Electric Steel Corporation**, P. O. Box 465, Carnegie, PA 15106. This application is for renewal of an NPDES permit to discharge treated sewage, water, noncontact cooling water and stormwater from Harmon Creek Plant in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Burgetts Fork, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough Municipal Authority, located at Midland, Beaver County 44 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0044 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Residual Chlorine			0.5		1.25
Temperature (°F)					
1st month through 36th month					110
37th month through expiration					
January 1 to 31					45.7
February 1 to 29					46.2
March 1 to 31					60.9
April 1 to 15					68.5
April 16 to 30					74.5
May 1 to 15					74.8
May 16 to 31					90.1
June 1 to 15					93.8

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
June 16 to 30				97.8	
July 1 to 31				94.2	
August 1 to 31				93.4	
September 1 to 15				89.1	
September 16 to 30				83.1	
October 1 to 15				77.1	
October 16 to 31				71.1	
November 1 to 15				63.7	
November 16 to 30				54.5	
December 1 to 31				46.3	
Dissolved Iron				7.0	
Bromide				Monitor and Report	
Sulfates				Monitor and Report	
Iron, Total				Monitor and Report	
Magnesium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 102: existing discharge, design flow of 0.015 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	0.0035				
CBOD <sub>5</sub>			25		50
TSS			30		60
Ammonia Nitrogen					
(5-1 to 10-31)			2.5		5.0
(11-1 to 4-30) (1st month through 36th month)			7.5		15
(11-1 to April) (37th month through expiration)			6.0		12
Total Residual Chlorine			1.4		3.3
Dissolved Oxygen			5.0 mg/l minimum		
Fecal Coliform					
(5-1 to 9-30)	200/100 ml (as a monthly geometric mean)				
(10-1 to 4-30)	2,000/100 ml (as a monthly geometric mean)				
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron, Total					
Magnesium					
				Monitor and Report	
				Monitor and Report	

Discharges from Internal Monitoring Point 102.

Outfall 003: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Magnesium					
				Monitor and Report	

Internal Monitoring Point 103: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Fluoride					
				Monitor and Report	



## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Magnesium	not less than 6.0 nor greater than 9.0				
pH					

Outfalls 004 and 005: new stormwater discharges

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Iron, Total	Monitor and Report				
Total Suspended Solids	Monitor and Report				
Total Aluminum	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0025984**, Sewage, **Allegheny County Sanitary Authority**, 3300 Preble Avenue, Pittsburgh, PA 15233. This application is for renewal of an NPDES permit to discharge treated sewage from ALCOSAN Wastewater Treatment Plant in the City of Pittsburgh, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 200 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(6-1 to 10-31)	15	22.5		30
(11-1 to 5-31)	25	37.5		50
Fecal Coliform	Monitor and Report			
(5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	minimum daily average 5 mg/l, minimum 4 mg/l at any one time			
pH	not less than 6.0 nor greater than 9.0			

The following effluent limitations are proposed for a discharge of 250 mgd to the Ohio River.

Outfall 001: expanded discharge, proposed design flow of 250 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(6-1 to 10-31)	9	13.5		18
(11-1 to 5-31)	25	37.5		50
Fecal Coliform	Monitor and Report			
(5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			
Dissolved Oxygen	minimum daily average 5 mg/l, minimum 4 mg/l at any one time			
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:* The permittee is authorized to discharge from Combined Sewer Outfalls to the Allegheny River, the Monongahela River, the Ohio River, Saw Mill Run, Chartiers Creek, Turtle Creek, Brush Creek and Thompson Run.

The EPA waiver is not in effect.

**PA0255244**, Sewage, **Amy C. Smeltzer**, 297 Ford City Road, Freeport, PA 16229. This application is for renewal of an NPDES permit to discharge treated sewage from Smeltzer Single-Residence STP in South Buffalo Township, **Armstrong County**.

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

*Outfall 001*: existing discharge, design flow of 0.0004 mgd.

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

The EPA waiver is in effect.

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

**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.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
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 times				

The EPA waiver is in effect.

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

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

**WQM Permit No. 1507402**, Sewerage, **Pennsylvania American Water Company**, 4 Wellington Boulevard, Wyomissing, PA 19610. This proposed facility is located in Coatesville City, **Chester County**.

Description of Action/Activity: Replacement of a 8" sewer main on 4th Avenue and Fleetwood Street to a 12" SDR 35 PVC sewer main.

**WQM Permit No. 1507401**, Sewerage, **West Brandywine Township Municipal Authority**, 198 Lafayette Road, Coatesville, PA 19320. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Action/Activity: Construction and operation of two new pumping stations and sewer conveyance systems.

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

**WQM Permit No. 4507401**, Sewerage, **Chestnut Hill Manor Senior Apartments, LP**, 21 Sagewood Drive, Malvern, PA 19355. This proposed facility is located in Chestnut Hill Township, **Monroe County**, PA.

Description of Proposed Action/Activity: This project is for 50 new senior residential housing units to expand at the existing Chestnut Hill Manor Senior Apartments. Sewage will be treated with a denitrification system and ultimate disposal will be to community onlot sewage disposal beds. Sewage flows will be 6,250 gpd.

**WQM Permit No. 6407401**, Sewerage, **Camp Lohikan**, 24 Wallerville Road, Lake Como, PA 18437. This proposed facility is located in Buckingham Township, **Wayne County**, PA.

Description of Proposed Action/Activity: This project is for the installation of a spray irrigation wastewater treatment facility. Sewage flows will be 30,000 gpd during summer to 400 gpd during winter.

**WQM Permit No. 4807402**, **Northampton Borough**, 1401 Laubach Avenue, Northampton, PA 18067-0070. This proposed facility is located in Northampton Borough, **Northampton County**, PA.

Description of Proposed Action/Activity: This project consists of upgrade to pumping station to include modifications to wet well and dry well, ventilation and electrical upgrades and installation of two larger capacity suction lift pumps. Also the existing force main will be replaced with a larger size main.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807002	CA Lessig P. O. Box 158 Wind Gap, PA 18091	Northampton	Wind Gap Borough and Plainfield Township	Bushkill Creek HQ-CWF

*Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI203507005	David Kaufman PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055	Lackawanna	Spring Brook Township	Spring Brook HQ-CWF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407003	Ed Walker Walker Land Development/Laurel Ridge Lot 26 1008 Stratford Court State College, PA 16801	Centre	Harris Township	Spring Creek HQ-CWF
PAI041407004	Ralph Stewart Bellefonte Borough Spring Creek Relief Interceptor 236 W. Lamb Street Bellefonte, PA 16823	Centre	Bellefonte Borough	Spring Creek HQ-CWF

*Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044106002	Department of Transportation P. O. Box 218 715 Jordan Avenue Montoursville, PA 17754-0218	Lycoming	Cogan House, Jackson and Lewis Townships	Packhorse Creek, Steam Valley Run North and South and Trout Run CWF-PC/SVRN HQ-CWF-SVRS/TR

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI051107001	Krayn Wind, LLC 75 9th Avenue #3G New York, NY 10011	Cambria	Adams Township	South Fork Little Conemaugh EV Bottle Run HQ-CWF Sulphur Creek CWF Paint Creek CWF

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

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 5407501, Public Water Supply.**

Applicant	<b>Lake Wynonah Municipal Authority</b> Wayne Township <b>Schuylkill County</b>
Responsible Official	Joseph Chicora, Co-Chairperson Lake Wynonah Municipal Authority 686 Berne Road Auburn, PA 17922
Type of Facility	Public Water System
Consulting Engineer	Spots Stevens & McCoy 1047 N. Park Road P. O. Box 6307 Reading PA 19610
Application Received Date	2/6/07
Description of Action	The addition of a new source, well 8 and a building housing equipment for disinfection and the treatment of iron and manganese.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

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

Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**James Freeman Property**, Delaware Township, **Pike County**. Salvatore Sciascia, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 has submitted a Notice of Intent to Remediate (on behalf of his client, James Freeman, P. O. Box 207, Dingmans Ferry, PA 18328) concerning the remediation of soils found to have been impacted by No. 2 heating oil as a result of an accidental release. The applicant proposes to meet the Residential Statewide Health Standard. The future use of the property will remain residential. A summary of the Notice of Intent to Remediate was published in the Pike County Dispatch on December 21, 2006.

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

**Pennington Farm Property**, Upper Allen Township, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Pennington Estate, Fred A. Pennington, Jr., Executor, 29 Forest Drive, Mechanicsburg, PA 17055-4706, submitted a Notice of Intent to Remediate soils

contaminated with No. 2 heating oil from a removed underground storage tank. The property is and will remain residential. The applicant is seeking to remediate to the Residential Statewide Health standard.

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

**Sallach Residence**, Old Lycoming Township, **Lycoming County**, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19488 on behalf of Picklener Fuel Company, 210 Locust Street, Williamsport, PA 17701 has submitted a Notice of Intent to Remediate Soil contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

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

**Eichelberger & Sons Heating and Air Conditioning (Irwin Penn Manor LLC)**, Hempfield Township, **Westmoreland County**. William A. McGill, The GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238 on behalf of Paul and Steve Eichelberger, (Irwin Penn Manor LLC), Eichelberger & Sons, Heating and Air Conditioning, 10321 Center Highway, Irwin, PA 15642 has submitted a Notice of Intent to Remediate. Soil contamination occurred after a home heating oil AST released 60–140 gallons within a residential property. Initial cleanup activities included removal of items having come in contact with the fuel oil spill, including paneling, carpet, linoleum, cardboard boxes, blankets and household fabric items. Remediation measures, performed prior to submission of the NIR, were scrubbing the basement floor, patching potential vapor pathways with silicone, installation of ventilation fans, soil sampling below the concrete floor, vapor readings and removal of the AST's. Statewide Health Standard confirmatory soil samples were taken. Additional assessments were conducted to evaluate soil gas, indoor air quality, soil quality and groundwater. The site is to remain residential.

**Majestic Star Casino Site**, City of Pittsburgh, **Allegheny County**. Lawrence A. Drane III, P. G., Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of James Napoli, MAXT Associates, LP, 350 W. Station Square Drive, Pittsburgh, PA 15219, and James LeFresne, PITG Gaming, LLC, 163 Madison Street, Suite 2000, Detroit, Michigan, 48226 has submitted a Notice of Intent to Remediate. Historic use of the site included a coal gasification plant and steel mills. Previous investigations on the properties indicated the presence of historic fill materials, some of which were contaminated with SVOCs and metals. Groundwater at the site was found to contain elevated levels of one VOC, metals and cyanide. This site is in the north side enterprise zone and is available for a Special Industrial Area Designation. Engineered and institutional controls will be used as remediation measures for the nonresidential site. The Majestic Star Casino will be constructed over a majority of the site. Other portions of the site may be developed at a later time or will be used as parking.

**Kovalchick Salvage Yard—Wayne Avenue Properties**, White Township, **Indiana County**. Joseph D'Andrea, L. Robert Kimball & Associates, Inc., 615 West Highland Avenue, P. O. Box 1000, Ebensburg, PA 15931 on behalf of Gary Taylor, Department of General Services, Bureau of Engineering and Architecture, Room 201, 18th

and Herr Streets, Harrisburg, PA 17120, and Victor Piro, Department of General Services, Bureau of Real Estate, Room 500, North Office Building, Harrisburg, PA 17125 has submitted a Notice of Intent to Remediate. The Department of General Services (DGS) acquired approximately 33 acres of land along Wayne Avenue within Indiana County for use by the Indiana University of Pennsylvania (IUP). The land formerly was owned by the Kovalchick Salvage Company, which used the land for storage and recycling of rail ties and steel, steel pipe and structural members, stainless steel scrap, and various cast iron, lead acid battery and metal items from mine and industrial plant demolition projects. Various inspections phases I and II assessments have been done on the property since 1991. Soil samples, sediment samples, surface water samples and groundwater samples for VOCs, PCBs, SVOCs and metals have been analyzed from six areas of concern. DGS will use a combination of Nonresidential Statewide Health Standard and Site-Specific Standard to develop and implement its cleanup plan. The sites intended use is a new convocation center and related support facilities for the use of IUP.

### RESIDUAL WASTE GENERAL PERMITS

**Application received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Permit Application No. WMGR038-NWD02. Allegany Tire Chipping Corporation,** 175 Crestview Drive Extension, Greenville, PA 16125, Pymatuning Township, Mercer County. The application is for determination of applicability for processing, reuse and beneficial use of Waste Tires, Tire Derived Material and Tire Derived Fuel for use as Fuel in boilers or other combustion units, civil engineering practices, recapping and as an ingredient in or as a commercial product. The application was found to be administratively complete on February 13, 2007. The application was received by the Northwest Regional Office on January 29, 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.*

**36-05014H: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17604) for installation of a hot rolling mill strip cooling bar at the secondary aluminum processing plant in Manheim Township, Lancaster County. The plant is subject to: 40 CFR Part 63, Subpart GGGGG—National Emissions Standards for Hazardous Air Pollutants for Site Remediation; Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Plants; Subpart SSSS—National Emission Standards for Hazardous Air Pollutants—Surface Coating of Metal Coils and 40 CFR Part 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating.

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

**24-162A: Rebco, Inc.** (650 Brandy Camp Road, Kersey, PA 15846) for the postconstruction approval of a surface coating process in Fox Township, Elk County. This is a State-only facility.

**10-062E: Slippery Rock University** (1 Marow Way, Slippery Rock, PA 16057) for modification of a 39.5 mmBtu/hr coal-fired boiler to a natural gas/coal co-fired

boiler at Slippery Rock University, in the Borough of Slippery Rock, **Butler County**. Slippery Rock University is a Title V facility.

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

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

**15-0128: Pet Memorial Services Corp.** (126 Turner Lane, Unite No. 2, West Chester, PA 19380) for installation of four identical Crawford animal crematoriums, rated for 600 lbs/hr each, and one Mathews animal crematorium, rated for 150 lbs/hr in West Goshen Township, **Chester County**. This facility will be a non-Title V facility. All five crematoriums will utilize afterburners to minimize emissions. The facility will have the following potential emission: 39.1 tpy of PM and PM10, 14.0 tpy of SO<sub>x</sub>, 55.9 tpy of CO, 16.8 tpy of NO<sub>x</sub>, 16.8 tpy of VOCs and 6.2 tpy of HCl. Emissions of PM are expected to be less than 0.08 grain per dry standard cubic feet, corrected to 7% O<sub>2</sub>. Emissions of SO<sub>x</sub> are expected to be less than 500 ppmv. The Plan Approval will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**46-0029C: Glasgow, Inc.** (Route 309 and Hartman Road, Montgomeryville, PA 18936) for replacement of a primary crusher, of equivalent size, at their existing quarry in Montgomery Township, **Montgomery County**. This facility is a non-Title V facility. The PM emissions from primary crusher will be controlled by the existing water suppressions system. The Plan Approval will also contain monitoring, recordkeeping and work practice standard conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

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

**66-315-048: The Procter and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 19629) for modification of the 2M Paper Machine production area (additional burner in hot air system utilizing low NO<sub>x</sub> technology) and associated air cleaning device (venturi-scrubber), at the facility along Route 87, Washington Township, **Wyoming County**. Particulate emissions from the drying operation will be controlled by the venturi-scrubber. The expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the process and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions, that are designed to keep the process operating within all applicable air quality requirements. The facility has a valid Title V Operating Permit (66-00001). Once the equipment is operational and in compliance with all requirements, this plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit.

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

**05-05022C: Bedford Reinforced Plastics, Inc.** (264 Reynoldsdale Road, Bedford, PA 15522-7401) for installation of three new fiberglass reinforced plastic pultrusion production lines at their facility in East Saint Clair Township, **Bedford County**. Operation of these pultrusion lines will increase potential HAPs by 9.76 tpy. The plan approval and subsequent Title V operating permit amendment will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. This project is subject to 40 CFR Part 63, Subpart WWWW-National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.

**06-03078B: Brush Wellman, Inc.** (P. O. Box 973, Reading, PA 19603) for construction of a beryllium alloy metal strip cleaning line to be controlled by four scrubbers at their Shoemakersville Plant in Perry Township, **Berks County**. The percentage of beryllium in the alloys processed will be limited to less than 5%. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**67-05004M: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-0500) for production of new products on the facility's paper machines in Spring Grove Borough, **York County**. The Plan Approval will limit the increase of VOCs from new products to 25 tons. Additionally, the Plan Approval will limit the furnished VOC content of new products to 14.0 lbs per ton of paper produced. The Plan Approval will include monitoring, recordkeeping, reporting and work practice standards 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.*

**08-00003E: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Towanda, PA 18848) for installation of a regenerative thermal oxidizer (RTO) on the existing Die Form Kiln to reduce HAP emissions as part of the demonstration to United States EPA that the Towanda plant in Wysox Township, **Bradford County** is part of the low-risk subcategory of plywood and composite wood products manufacturing affected sources as specified in Appendix B of 40 CFR Part 63, Subpart DDDD (National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products). The respective facility is a major facility for which a Title V operating permit (08-00003) has been issued. Potential emissions of NO<sub>x</sub> and CO are as specified in the conditions below; potential increases in SO<sub>x</sub> and PM will be insignificant. VOC emission will decrease as a result of this installation.

The Department of Environmental Protection's review of the information contained in the application indicates that the proposed RTO will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available control technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 25 Pa. Code §§ 123.13, 123.21, 123.31 and 123.41. Based on this finding, the Department intends to issue a plan approval for the proposed installation. Additionally, if the Department determines that the source and the air cleaning device is operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. Source ID 193P is as described in Title V operating permit 08-00003. Control Device ID C193 consists of an 8' x 8' x 8' water dropout box followed by a Durr model RL-15-V2-95 rotary RTO. The RTO is equipped with a Maxon Kinedizer high velocity type low-NOx natural gas/propane fired burner with a rated heat input of 2.5 mmBtu/hr. The RTO is also equipped with a natural gas injection system for NOx emissions reduction and lowered fuel consumption. The RTO is designed for a maximum inlet volume of 15,000 scfm.

2. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the NOx and CO emissions from the die form kiln and associated RTO shall not exceed the following:

a) For NOx; 1.29 lbs/hr and 1.9 tons in any 12-consecutive month period.

b) For CO; 3.17 lbs/hr and 9.7 tons in any 12-consecutive month period.

3. Under the emission reduction provisions of 25 Pa. Code § 127.207, the VOC emissions from the die form kiln and associated RTO shall not exceed 2.1 tons in any 12-consecutive month period (as propane by Method 25A). This limit may be revised based on the results of the stack testing required in this plan approval.

4. Under 25 Pa. Code § 123.13, no person may permit the emission into the outdoor atmosphere of PM from the exhaust of the RTO associated with the die form kiln in a manner that the concentration of particulate matter in the effluent gas exceeds 0.04 grain per dry standard cubic foot.

5. Under 25 Pa. Code § 123.21, no person may permit the emission into the outdoor atmosphere of SOx, expressed as SO<sub>2</sub>, from the exhaust of the RTO associated with the die form kiln in a manner that the concentration of the SOx in the effluent gas exceeds 500 parts per million, by volume, dry basis.

6. The RTO shall only be fired on natural gas and/or propane/air mix.

7. Under 25 Pa. Code § 127.12(a)(3), the permittee shall install, operate and maintain a pressure monitoring device that shall accurately measure and record the pressure drop across the RTO media at least once every 15 minutes. The information shall be used to monitor material buildup and to take appropriate corrective action to prevent excessive material buildup on the RTO media. The records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

8. Under 40 CFR 63.2269 and 25 Pa. Code § 127.12(a)(3), the permittee shall install, operate and maintain a temperature monitoring device that shall accurately measure and record the RTO's combustion chamber temperature at least once every 15-minutes. The permittee shall comply with the installation, accuracy, inspection, maintenance, calibration and recordkeeping requirements specified in 40 CFR 63.2269(a) and (b) and the data availability requirements of 40 CFR 63.2270. All records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

9. Under 40 CFR 63.2262(k) and 25 Pa. Code § 127.12(a)(3), the permittee shall monitor the RTO's combustion chamber temperature during the stack testing required in this plan approval. The permittee shall

establish a minimum combustion chamber temperature as the average of the three minimum 15-minute combustion chamber temperatures monitored during the three test runs. Additionally, the established minimum combustion chamber temperature shall assure compliance with the NOx and CO emission limits contained in this plan approval. The permittee shall maintain the 3-hour block average combustion chamber temperature above the minimum combustion chamber temperature established during stack testing.

10. Within 180 days of start-up of the RTO, the permittee shall perform stack testing on the die form kiln and associated RTO to demonstrate compliance with the NOx, CO and VOC emission limitations contained in this plan approval. The permittee shall also perform stack testing to determine the following HAP emissions from the die form kiln and associated RTO: acetaldehyde, benzene, formaldehyde, acrolein and phenol. Stack testing shall be performed in accordance with the applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) and Appendix B to 40 CFR Part 63, Subpart DDDD (low-risk subcategory provisions) using test methods and procedures approved by the Department. Testing must be performed under worst-case operating conditions as defined in Appendix B to 40 CFR Part 63, Subpart DDDD.

At least 60 days prior to the stack testing required in this plan approval, the permittee shall submit two copies of a test protocol to the Department's Northcentral Region for review and approval. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process parameters, which will be monitored and recorded during testing to verify worst-case operating conditions and to verify that the kiln is operating at maximum routine operating conditions.

At least 14 days prior to stack testing, the permittee shall notify the Department (Northcentral Regional Office and Central Office, Source Testing Section) of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of the testing without having been given proper notification.

Within 60 days following the completion of the stack testing, the permittee shall submit two copies of a test report to the Department's Northcentral Region for review and approval. The test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing, including, combustion chamber temperatures and the established minimum combustion chamber temperature as required in this plan approval. The results of the testing shall be expressed in units identical to the units of the limitations identified in this plan approval and expressed in units used in the low-risk demonstration model.

11. The permittee shall keep accurate records of the amounts of CO, NOx and VOCs emitted each month from the die form kiln and associated RTO to verify compliance with the annual CO, NOx and VOC emission limitations. The records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

12. All conditions contained in Title V operating permit 08-00003 remain in effect unless superseded or amended



by conditions contained in this plan approval. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in Title V operating permit 08-00003, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in Title V operating permit 08-00003.

13. Issuance of an operating permit is contingent upon all air cleaning devices being installed and all sources and air cleaning devices being maintained and operated as described in the plan approval application and supplemental materials submitted with the application, and in accordance with all conditions contained in this plan approval, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified herein, as well as in compliance with the requirements specified in, or established under, any other applicable rules and regulations contained in 40 CFR and Article III of the Rules and Regulations of the Department.

Copies of the application and the Department's review of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

**08-399-049: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for installation of a new Bionomic Industries model ScrubPac VentClean packed bed scrubber to control the air contaminant emissions from the Tungsten Washing Process at their facility in North Towanda Township, **Bradford County**. The proposed scrubber will control previously uncontrolled sources.

The Department's review of the information contained in the application submitted by OSRAM indicates that the sources and the air-cleaning device will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated in an operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the installation of a Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245). The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Source ID P245 is the Tungsten Powder Washing Process consisting of the following sources:

- a. One 600 gallon Tungsten Powder Wash Tank.
- b. One 13 gallon Acid Charge Tank.

c. One wash sink.

The air contaminant emissions from Source ID P245 shall be controlled by a Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245).

2. Under 25 Pa. Code § 123.13, the particulate matter emissions in the exhaust of the Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245) associated with Source ID P245 shall not exceed 0.04 grain per dry standard cubic foot.

3. The wash sink of Source ID P245 shall be equipped with a hood to direct the exhaust from the wash sink to the Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245) to control emissions from the wash sink.

4. The Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245) associated with Source ID P245 shall achieve at least a 99% removal efficiency for hydrofluoric acid (HF) and hydrochloric acid (HCl).

5. The Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245) shall be equipped with instrumentation to continuously monitor the pH of the scrubbing solution, the pressure drop across the scrubber and the flow rate through the scrubber.

6. The scrubbing solution used in the Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245) shall only be a sodium hydroxide/water mixture.

7. The permittee shall record the scrubber flow rate, pH level and pressure drop across the packed bed at least once per day. These records shall be kept on site for a minimum of 5 years and shall be presented to the Department upon request.

8. Source ID P245 and the Bionomic Industries model ScrubPac VentClean packed bed scrubber (ID C245) associated with Source ID P245 shall be operated according to good air pollution control practices.

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

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

**43-348A: American Cap Co. LLC** (15 Church Street, Wheatland, PA 16161) for construction of an activated carbon monolithic adsorbent process for the semiconductor manufacturing sector in Wheatland Borough, **Mercer County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of particulate matter in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

- HCl emissions shall not exceed the following:
  - 0.05 #/hr.
  - 0.20 tpy based on a consecutive 12-month period.
- CO emissions shall not exceed the following:
  - 0.1 #/hr.
  - 0.45 tpy based on a consecutive 12-month period.
- The permittee shall stack test to show compliance with the PM, HCl and CO emission limitations.
- The permittee shall record the following from the daily operational inspection:
  - Scrubber gas flow rate.
  - Liquid pressure and flow rate.
  - Scrubbing liquid pH.
  - Pressure drop.
  - Outlet gas temperature.
- The permittee shall maintain records of the following:
  - Monthly discs production levels.
- Shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**10-281K: II VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) Notice is hereby given, under 25 Pa. Code §§ 127.44(a) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the Township of Clinton, **Butler County**. This plan approval will authorize the installation of a vapor deposition furnace with appropriate emission control equipment.

Based on the information provided by the applicant and Department's own analysis, the process will emit 36.7 #/yr of PM.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-10-281K.
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.

**20-123A: Lord Corporation** (601 South Street, Saegertown, PA 16433-1050) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a plan approval for installation of a thermal oxidizer and dust collector to control emissions from miscellaneous coating manufacturing operations at the Saegertown facility, in municipality of Saegertown, **Crawford County**. The facility currently has a Title V Permit #20-00123 that was issued 1/12/2004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to:

1. No person may permit the emission into the outdoor atmosphere of PM from this source in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

2. The total VOC emissions from the Adhesive Dip Line (I.D. 102), the 14' Hand Spray Booth (I.D. 103), the No. 3 Binks Spray Line (I.D. 104), No. 4 Binks Spray Line (I.D. 105), Semi-auto Spray Line (I.D. 107) and the PATS Spray Line (I.D. 119) shall not exceed 127 tons in any consecutive 12-month period or 32 tons in any consecutive 3-month period.

3. (a) To assure compliance with the emission limitations for this source, the permittee shall maintain and operate the coating operation in accordance with the manufacturer's specifications and in a manner consistent with good air pollution control practices.

- (b) The permittee shall install, operate and maintain the dry filters to control the emissions of particulate from this source. This source shall only operate when the control device is operating.

- (c) The manometer or equivalent, measuring pressure drop across the dry filter bank shall be maintained in working, readable condition at all times. The pressure drop across the filters shall be maintained in the appropriate pressure drop range, as dictated by the filter manufacturer. A copy of the manufacturer's specifications for the filters shall be kept on site and made available to the Department upon request.

4. All spray booths at this facility shall utilize HVLP guns or equivalent in all spray applications.

5. The permittee shall perform monthly maintenance inspections of the control device associated with this source.

6. Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale.

7. Filters that remove particulate from the spray booth exhaust shall be inspected daily, or before each use of the booth, and shall be replaced as necessary to ensure their efficiency in removing overspray from the booth exhaust.

8. Applicable monitoring and recordkeeping conditions to indicate compliance with the previously listed requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

1. Name, address and telephone number of the person submitting the comments.
2. Identification of the proposed permit (No. 20-123A).

A concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification is sufficient. Written comments or requests for a public hearing should be directed to Cary Cooper, P. E., New Source Review, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Cary Cooper, P. E., or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for State-only operating permits or 25 Pa. Code §§ 127.521 to 127.524 for Title V operating permits.

### 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.*

**54-00003: Schuylkill Energy Resources, Inc.** (P. O. Box 112, Shenandoah, PA 17976) for operation of a CFB Boiler Cogeneration Plant, which primarily emits NO<sub>x</sub> and SO<sub>2</sub> in Mahanoy Township, **Schuylkill County**.

**48-00076: Conective Bethlehem, LLC** (P. O. Box 6066, Newark, DE 19714-6066) for operation of a combustion turbine utility plant, which primarily emits NO<sub>x</sub> in Lower Saucon Township, **Northampton County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**49-00007: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) for a renewal of the Title V Operating Permit for the Cherokee facility in Riverside Borough, **Northumberland County**. The initial operating permit was issued on July 10, 2001.

Under 25 Pa. Code § 127.541, the renewal Title V operating permit will include revised Reasonably Available Control Technology (RACT) determinations made by the Department for bulk storage tanks at the Merck facility. In addition, the renewal Title V operating permit will include the terms and conditions of plan approval 49-331-001 for the hazardous waste incinerator. The proposed renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department of Environmental Protection has made a preliminary determination to approve an amendment of a RACT plan and an amendment to the State Implementation Plan (SIP) for a pharmaceuticals manufacturing facility owned and operated by Merck & Co., Inc. in Riverside Borough, Northumberland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility, which are intended to comply with current regulations.

The preliminary RACT revision, if approved, will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Commonwealth's SIP. The revised RACT requirements are included in the proposed renewal Title V operating permit.

The following is a summary of the preliminary RACT revision, which the Department proposes to incorporate into Title V operating permit 49-00007, as a revision to that permit, for bulk storage tanks with capacities between 2,000 gallons and 40,000 gallons:

1. Under the RACT provisions of 25 Pa. Code §§ 129.91—129.95, each of the nonfuel storage tanks of Source ID 160, except TA-119, containing VOCs shall have a pressure relief valve which is maintained in good operating condition and which is set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum or the highest possible pressure and vacuum in accordance with State or local fire codes or the National Fire Prevention Association guidelines or other national consensus standards acceptable to the Department.

2. Under the RACT provisions of 25 Pa. Code §§ 129.57 and 129.91—129.95, each tank of Source ID 161 containing VOCs shall have a pressure relief valve which is maintained in good operating condition and which is set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum or the highest possible pressure and vacuum in accordance with state or local fire codes or the National Fire Prevention Association guidelines or other National consensus standards acceptable to the Department.

3. Under the RACT provisions of 25 Pa. Code §§ 129.9—129.95, a leak detection and repair program, as described in Section 6.3.2 of the VOC RACT application, shall be applied to the sources of fugitive VOC emissions of Source ID 161. The program shall include annual component monitoring using Method 21 of 40 CFR Part 60, Appendix A with a leak definition of 10,000 ppm for all components. The permittee shall keep records of component monitoring, inspections and repairs (that is, readings, dates, work performed and the like) the records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit revision and the proposed SIP revision. The hearing will

be held on March 27, 2007, at 1 p.m. at the Department Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Those unable to attend the hearing but wishing to comment should provide written comments to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by April 10, 2007.

Copies of the applications and proposed permit are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

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

**65-00137: ATI Allegheny Ludlum** (100 River Road, Brackenridge, PA 15014) for operation of anneal and pickle lines, various rolling mills, boilers and other supporting equipment at their Vandergrift facility in the Borough of Vandergrift located in **Westmoreland County**. This is a Title V Operating Permit Renewal.

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

**V05-010: Philadelphia Gas Works—Richmond Plant** (3100 East Venango Street, Philadelphia, PA 19134) for operation of a natural gas utility in the City of Philadelphia, **Philadelphia County**. Activities include liquefied natural gas (LNG) storage and distribution of natural gas to the City of Philadelphia. The facility's air emission sources include three gas fired LNG compressors (2,350 HP each = 20 mmBtu/hr), ten heaters (six are between 94.1 and 105.0 mmBtu/hr, four are 11 mmBtu/hr or less), three turbines 13.7 mmBtu/hr or less three, two 170 HP emergency generators, two boilers less than 10 mmBtu/hr and three 295 HP engines

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00232: Bostik, Inc.** (1740 County Line Road, Huntingdon Valley, PA 19006) for a Non-Title V Facility, State-only, Synthetic Minor Operating Permit in Upper Moreland Township, **Montgomery County**. Bostik, Inc. is a manufacturer of caulking, adhesives and sealants. The main sources of emissions are the facility's cleaning operations and seven mixers, used to make product. The facility also has numerous combustion sources that result in very little emissions. The Department of Environmental Protection has determined these to be insignificant sources. The facility also has various storage tanks that result in less than 1 pound of emissions a year. The facility has a potential to emit more than 25 tons a year of VOCs. However, the facility has adopted an emission limit of 24.9 tpy for VOCs for the entire facility. The facility has a potential to emit of 6.13 tpy for HAPs, 0.62 tpy for PM, and 1.32 tpy for NOx. Emissions of SOx and CO from the facility are expected to be insignificant. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**35-00029: Mercy Hospital** (746 Jefferson Avenue, Scranton, PA 18510) for operation of boiler operations in City of Scranton, **Lackawanna County**.

**40-00037: T. P. Corp.** (620 Foote Avenue, P. O. Box 97, Duryea, PA 18642) for operation of textile flocking and printing operations in Duryea, **Luzerne County**.

**40-00103: Harman Funeral Home and Crematory, Inc.** (P. O. Box 429, Drums, PA 18222) for operation of a crematory in Butler Township, **Luzerne County**.

**54-00025: Leiby's Restaurant, Inc.** (275 East Liberty Street, Lancaster, PA 17602) for operation of an incinerator in West Penn Township, **Schuylkill County**.

**54-00071: Van Hoekelen Greenhouses, Inc.** (P. O. Box 88, McAdoo, PA 18237-0088) for operation of a coal fired boiler in Kline Township, **Schuylkill County**.

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

**06-03043: Wolf Technologies, LLC** (551 Old Swede Road, Douglassville, PA 19518) for operation of an investment castings facility in Amity Township, **Berks County**. This action is a renewal of the State-only Operation Permit issued in 2002.

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

**12-00005: Department of Transportation** (P. O. Box 342, 1924-30 Daisy Street, Clearfield, PA 16830-0342) for operation of their regional repair facility in Lumber Township, **Cameron County**. The facility's main sources include a sandblasting operation with the air contaminants controlled by a cartridge collector and a surface coating operation with the air contaminants controlled by filters. This facility has the potential to emit SOx, NOx,

CO, VOCs, HAPs and PM10 below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

**60-000021: Iddings Quarry, Inc.** (900 Chestnut Street, Mifflinburg, PA 17844) for operation of a stone crushing and screening facility in Limestone Township, Union County.

The facility incorporates various pieces of stone crushing, screening and conveying equipment and five associated stationary diesel engines and generators, ranging in size from 240 horsepower to 320 horsepower. The fugitive PM emissions from the stone crushing, screening and conveying equipment are controlled by a water spray dust suppression system and those from plant roadways are controlled by a water truck.

The air contaminant emissions from the facility are not expected to exceed 3.83 tons of PM including PM10, 6.26 tons of NOx, .41 ton of SOx, 1.35 tons of CO and .51 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 Operating Permit 60-310-007, issued on February 26, 2002.

The conditions previously contained in Operating Permit 60-310-007 include:

1. A condition requiring water spray dust suppression system spray nozzles to be in specific locations.
2. Conditions requiring the water spray dust suppression system to be connected to an on-demand water source and prohibiting the operation of the crushing, screening and conveying equipment if the water spray dust suppression system is inoperable.
3. A condition allowing pieces of crushing, screening and conveying equipment to be replaced without plan approval provided the replacement equipment is of equal or smaller size and of equivalent design and function to the equipment being replaced.
4. A condition limiting the fuel used in the diesel engines and generators to diesel fuel to which no reclaimed or waste oil or other waste materials have been added.
5. A condition limiting the combined amount of diesel fuel used in the engines and generators to no more than 20,000 gallons in any 12-consecutive month period.
6. A condition requiring the maintenance of records of the amount of diesel fuel used in the engines and generators each month.
7. A condition requiring an operable water truck equipped with a pressurized spray bar to be kept onsite and filled with water at all times for the prevention and control of fugitive dust from plant roadways.

The Department additionally proposes to incorporate a new condition into the operating permit to be issued which requires the diesel fuel usage records to be reported to the Department on an annual basis.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

### *Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 14831301 and NPDES Permit No. PA008966. Pennsylvania Mine, LLC** (P. O. Box 367, Ebensburg, PA 15931). To renew the permit for the Rushon Deep Mine in Rush Township, **Centre County** and related NPDES permit for reclamation and water treatment only. No additional discharges. Application received: January 22, 2007.

**Permit No. 26961601 and NPDES Permit No. PA0214779. Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012-0234). To renew the permit for the LaBelle Site in Luzern Township, **Fayette County** and East Bethlehem Township, Washington and related NPDES permit. No additional discharges. Application received: December 26, 2006.

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

**32990109 and NPDES No. PA0235148. Bedrock Mines LP** (111 Freeport Road, Pittsburgh, PA 152150). Transfer of an existing bituminous surface mine from Walter L. Houser Coal Co. Inc., (12968 US 422, Kittanning, PA 16201), located in Washington Township, **Indiana County**, affecting 56.9 acres. Receiving streams: UNTs to/and Sugarcamp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 7, 2007.

**Permit No. 56860105 and NPDES No. 0597686. Croner Inc.** (P. O. Box 260, Friedens, PA 15541). Permit renewal for reclamation only of a bituminous surface auger mine in Brothersvalley Township, **Somerset County**, affecting 184.2 acres. Receiving streams: UNTs Blue Lick Creek and Swamp Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2007.

**56070102 and NPDES No. PA0262307. Godin Brothers, Inc.** (128 Colton Drive, Stoystown, PA 15563). Commencement, operation and restoration of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 24.8 acres. Receiving streams: Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. This permit application includes a stream variance on Quemahoning Creek. The variance is for pond construction within 100 feet of Quemahoning Creek. Application received: February 8, 2007.

**32040106 and NPDES No. PA0249653. Ridge Limestone, Inc.** (1094 Lantz Road, Avonmore, PA 15618). Transfer of an existing bituminous surface, auger, noncoal mining and blasting mine from KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, located in Young Township, **Indiana County**, affecting 351.4 acres. Receiving streams: UNTs to Whisky Run and Whisky Run to Blacklegs Creek classified for the following use: CWF. The application includes a request to delete 12.4 acres from the original permit area of 351.4 acres. A variance is being requested for the purpose of conducting mining activities consisting of construction of erosion and sedimentation controls, as well as overburden, coal and limestone removal including blasting, within the 100' barriers of SR 3019 and SR 3023. The variance area begins at the intersection of these roads and continues west along the north side of SR 3019 a distance of approximately 800 feet. An additional variance is being requested for the purposes of conducting mining activities consisting of construction of erosion and sedimentation controls, overburden, coal and limestone removal including blasting, and wetland mitigation within the 100' barrier of Nesbit Run. The variance area begins at the point where the stream crosses under SR 3023 and continues upstream a distance of approximately 500 feet. There are no potable water supply intakes within 10 miles downstream. Application received: February 12, 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.*

**03020402 and NPDES Permit No. PA0250406. Allegheny Mineral Corp.** (P. O. Box 1022, Kittanning, PA 16022). NPDES renewal application for a noncoal surface mine, located in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving streams: Buffalo Creek and UNT to Buffalo Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Creekside Mushrooms, Limited. Renewal application received: February 12, 2007.

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

**10010309. Annandale Sandstone** (219 Goff Station Road, Boyers, PA 16020). Renewal of NPDES Permit No. PA0241938, Venango Township, **Butler County**. Receiving streams: UNT to Seaton Creek and Seaton Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: February 12, 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 accommoda-

tion to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received Under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification Under Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**EA09-9007. Matrix Realty Associates, Inc.**, CN 4000 Forsgate Drive, Cranberry, NJ 08512, Lower Makefield and Middletown Townships, **Bucks County**, ACOE Philadelphia District.

To restore, maintain and remove fill previously authorized under permit E09-830, associated with the proposed Octagon Center Matrix Development. The site is located between Oxford Valley Road to the east, Interstate 95 to the west, US Route 1 to the south and Dobry Road to the north (Trenton West, NJ-PA Quadrangle N: 13.5 inches; W: 0.5 inch).

**E15-768. Heritage Building Group, Inc.**, 2500 York Road, Furlong, PA 18929, South Coventry Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachments activities associated with the proposed Symons Farm Subdivision and Land Development, a combination commercial and residential development. The project is located on the west side of PA Route 100 approximately 1,900 feet south of PA Route 23 (Pottstown, PA Quadrangle N: 5.6 inches W: 8.1 inches).

1. To relocate 306 linear feet of a UNT of French Creek (EV) and to place fill within the abandoned channel to facilitate construction of Road A, an access to the proposed development from SR 0100.
2. To construct and maintain a 30-foot span bridge across the relocated channel noted previously.
3. To install and maintain utility line crossings; 12-inch diameter water line, an 8-inch diameter sanitary sewer lines and 2-inch diameter sanitary force main, within the footprint of the bridge
4. To install and maintain outfalls EW5, EW8 and EW9 along the relocated channel.

The project will also include the extension of the existing box culvert under SR 0100 by the Department of Transportation.

**E23-465. RiteAid of PA, Inc.** 11750 Bustleton Avenue, Philadelphia, PA 19116, Prospect Park Borough, **Delaware County**, ACOE Philadelphia District, Prospect Park Rite Aid Pharmacy Store No. 856. To modify, operate and maintain an enclosure of a tributary to Darby Creek (WWF-MF), by constructing a 42-foot extension to the downstream end of the existing 72" HCMP stream enclosure placing associated fill, approximately 475 cubic yards, endwalls and stormwater outfalls. The enclosure extension is associated with the construction of an 11,000 square foot Pharmacy and Retail Store. The site is located at Southeast Corner of the intersection of SR 420 and Chester Pike (Lansdowne, PA Quadrangle N: 7.81 inch; W: 1.34 inches).

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

**E35-400. K-Mar Properties**, 2432 Emrick Boulevard, Bethlehem, PA 18020, in Covington Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To place fill in 0.19 acre of wetlands within the Spring Brook watershed for the purpose of constructing a gas station and retail store. The project is located on the west side of SR 0307 approximately 0.3 mile northwest of the Interstate 380 underpass (Moscow, PA Quadrangle N: 12 inches; W: 7 inches).

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

**E60-181. Arthur Keister**, 150 Silvermoon Lane, Lewisburg, PA 17837. Silvermoon Plaza Development Phase II, in Kelly Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 21 inches; W: 1.5 inches).

To construct and maintain the infrastructure, utilities and stormwater facilities associated with subdivision and development of a 30-acre site. This site includes wetland encroachment and impacts and a mitigation plan. The receiving watercourse is the Susquehanna River, a CWF. This permit was issued under 25 Pa. Code § 105.13(e) "Small Projects."

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

**E61-278, Richland Township Supervisors**, 1740 Rockland Nickelville Road, Emlenton, PA 16373. Geiring Road Bridge, in Richland Township, **Venango County**, ACOE Pittsburgh District (Emlenton, PA Quadrangle N: 41° 14' 48.5", W: 79° 41' 24.5").

The applicant proposes to remove the existing structure and to construct and maintain a prestressed spread box beam bridge having a clear span of 41.5 feet and an underclearance of 6.9 feet on a 90° skew across Mill Creek on T-552 (Geiring Road), approximately 0.6 mile west of the intersection of SR 38 and T-357. Project includes a temporary ford crossing, Mill Creek a perennial stream classified as a CWF. The project proposes to impact approximately 200 linear feet of stream.

## 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

*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
PA0205664 Sewage	David J. D'Atri 320 Sunset Drive Baden, PA 15005	Beaver County New Sewickley Township	Pine Run	Y

*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 ?
PA0101079	Oak Tree Country Club STP 60 Clubhouse Drive West Middlesex, PA 16159	Shenango Township Mercer County	UNT to Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0058939 Amendment No. 2**, Industrial Waste, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to include additional outfall the discharge will be to a UNT to French Creek in Watershed 3D.

**NPDES Permit No. PA0244228**, Sewage, **Rahns Construction Material Company**, 430 Bridge Road, Rahns, PA 19426-4195. This proposed facility is located in Perkiomen Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for a new IW permit to discharge process wastewater and stormwater runoff from the Rahns Concrete Batch Plant and Precast Facility into the Perkiomen Creek in Watershed 3E.

**NPDES Permit No. PA0020460**, Sewage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

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

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

**NPDES Permit No. PA0247618, Amendment No. 1**, Sewage, **Delaware Township**, (East Salem STP), R. R. 1, Box 410, Thompsettown, PA 17094. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to Delaware Creek in Watershed 12-B.

**NPDES Permit No. PA0248070**, Sewage, **Mifflintown Municipal Authority**, Route 333 West, P. O. Box 36, Mifflintown, PA 17059-0036. This proposed facility is located in Milford Township, **Juniata County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to dry swale to Juniata River in Watershed 12-A.

**NPDES Permit No. PA0036269**, Sewage, **Stewartstown Borough Authority, Stewartstown WWTP**, Six North Main Street, Stewartstown, PA 17363. This proposed facility is located in Hopewell Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Ebaughs Creek in Watershed 7-I.

**NPDES Permit No. PA0087581**, Sewage, **Centre Township Municipal Authority, Jordan Crossing**, 449 Bucks Hill Road, Mohrsville, PA 19541. This proposed facility is located in Centre Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to a UNT to Irish Creek in Watershed 3-B.

**NPDES Permit No. PA0248061**, Sewage, **Jefferson Codorus Joint Sewer Authority**, 48 Baltimore Street, P. O. Box 146, Codorus, PA 17311. This proposed facility is located in Codorus Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to a UNT of Codorus Creek in Watershed 7-H.

**NPDES Permit No. PA0259951**, Sewage, **Jody Bradley**, R. D. 1, Box 948, Claysburg, PA 16625. This proposed facility is located in Greenfield Township, **Blair County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to UNT Smokey Run in Watershed 11-A.

**NPDES Permit No. PA0259934**, Sewage, **Frederick Soliday**, 429 Camp Strausse Road, Fredericksburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Bear Hole Run in Watershed 7-D.

**NPDES Permit No. PA0008541**, Industrial Waste, **York International Corporation**, P. O. Box 1592-082K, York, PA 17405. This proposed facility is located in Spring Garden Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to the Codorus Creek in Watershed 7-H.

**NPDES Permit No. PA0010367**, Industrial Waste, **Norfolk Southern Corporation**, 110 Franklin Road, S.E., Roanoke, VA 24042-0013. This proposed facility is located in Hollidaysburg Borough, **Blair County**.

Description of Proposed Action/Activity: Termination of Permit.

**NPDES Permit No. PAS703501**, Industrial Waste, **Semmaterials, LP, Reading Asphalt Plant**, 6502 South Yale Street, Tulsa, OK 74136. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to the receiving waters of Laurel Run in Watershed 3-C.

**NPDES Permit No. PA0086916**, Industrial Waste, **Wolfe's Auto Service**, 3063 Lebanon Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Shearer's Creek in Watershed 7-G.

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

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

**WQM Permit No. 4698420**, Sewerage, Transfer, **Sterling and Amanda Fitser**, 2144 Old Skippack Pike, Harleysville, PA 19438. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Action/Activity: Jet Model J-353 aerobic treatment unit, a dosing tank with intermittent sand filter and a chlorine contact tank.

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

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

Description of Proposed Action/Activity: Approval of the operation of sewage facilities consisting of a partially mixed aerated lagoon treatment system designed to treat 4,590 gpd from the school. The lagoon will have two cells and floating aerators. Disinfection will be done with liquid chlorine prior to spray irrigation on a 1.5-acre open field. The discharge limitations and conditions of this permit must be reevaluated every 5 years after the date of issuance as per Special Condition A.7 contained herein.

**WQM Permit No. 6776406, Amendment 06-1**, Sewerage, **Manchester Township Municipal Authority**, 3200 Farmtrail Road, York, PA 17402. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Approval of the modification of sewerage facilities consisting of replacement of 8-inch pipe with 10-inch pipe between Manholes 23 and 29. Replacement of the Lewisberry Road Relief Interceptor.

**WQM Permit No. WQG010501, Transfer 1**, Sewerage, **Emmett C. Burnes**, 250 Old Mill Road, New Oxford, PA 17350. This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Transfer of Ownership.

**WQM Permit No. 0696412**, Sewerage, **Centre Township Municipal Authority**, 449 Bucks Hill Road, Mohrsville, PA 19541. This proposed facility is located in Centre Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Ownership.

**WQM Permit No. 6706406**, Sewerage, **Jefferson Codorus Joint Sewer Authority**, P. O. Box 223, Codorus, PA 17311. This proposed facility is located in Codorus Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a SBR wastewater treatment plant and collection system.

**WQM Permit No. 0706405**, Sewerage, **Jody Bradley**, R. D. 1, Box 948, Claysburg, PA 16625. This proposed facility is located in Greenfield Township, **Blair County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a single-family residence sewage treatment facility with one 1,250-gallon dual compartment septic tank with solids retainer, a gravity dosed 768 feet, 2 sand filter, tablet chlorinator and chlorine contact tank to serve their single-family residence.

**WQM Permit No. 3806407**, Sewerage, **Frederick Soliday**, 429 Camp Strausse Road, Fredericksburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a single-family residence sewage treatment facility with one 1,000 gallon dual compartment septic tank with solids retainer, a gravity dosed peat filter, tablet chlorinator and chlorine contact tank to serve their single-family residence.

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

**WQM Permit No. 4906402**, Sewerage SIC 4952, **Mount Carmel Municipal Authority**, Fifth and Oak Streets, P. O. Box 365, Mount Carmel, PA 17851-0365. These proposed facilities will be located in Mount Carmel Township and the Borough of Mount Carmel, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of the second phase of a 3 phase sewer separation project, consistent with the approved Act 537 Plan Update. The second phase will include the separation of storm and sanitary sewers in sub-basin E, south of Shamokin Creek, with 9,500 lineal feet of new lines and the replacement of 9,000 lineal feet of interceptor in drainage basins D, E and F.

**WQM Permit No. WQM5906403**, Sewerage 4952, **Elkland Borough Authority**, 105 Parkhurst Street, Elkland, PA 16920. This facility is located in Elkland Borough, **Tioga County**.

Description of Action/Activity: The applicant is approved to upgrade the existing sewage treatment plant to address the Chesapeake Bay Strategy and to relocate their discharge so they can eliminate 9 miles of their existing discharge for certain that has been problematic. The plant upgrade will include Biological Nutrient Removal consisting of two new lagoons, four new clarifiers, two filters and a chlorination contact tank. Sludge will be stored in an existing lagoon, while other existing lagoons will be converted for use as wet weather storage.

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

**WQM Permit No. 0206405**, Sewerage, **Findlay Township Municipal Authority**, 1271 Route 30, P. O. Box 409, Clinton, PA 15026. This proposed facility is located in Findlay Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of interceptor sewer extension and two submain collectors to serve future development.

**WQM Permit No. 6506404**, Sewerage, **Powdermill Nature Reserve Center**, 1847 Route 381, Rector, PA 16777-9605. This proposed facility is located in Cook Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of experimental small flow treatment system.

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

**WQM Permit No. 1006409**, Sewerage, **Slippery Rock Municipal Authority**, P. O. Box 57, 633 Kelly Boulevard, Slippery Rock, PA 16057. This proposed facility is located in Slippery Rock Borough, **Butler County**.

Description of Proposed Action/Activity: This project is for a septage receiving station to provide preliminary treatment to protect the existing sewage treatment units and will include a flow meter and card reader to efficiently monitor the septage received.

**WQM Permit No. 4306404**, Sewerage, **Borough of Stoneboro**, 59 Lake Street, P. O. Box 337, Stoneboro, PA 16153. This proposed facility is located in Borough of Stoneboro, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction of small pressure sewers with individual grinder pumps in four separate areas than cannot be serviced by the existing gravity collection system in the Borough.

**WQM Permit No. WQG018520**, Sewerage, **Roberta Jo DeCrapio**, 22429 SR 27, Meadville, PA 16335. This proposed facility is located in West Mead Township, **Crawford County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

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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>
PAI024805025	Fretz Simonds Partnership 188 Jefferson Street Emmaus, PA 18049	Northampton	City of Bethlehem	Saucon Creek HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR10F105R-1	Jack Norris—Innovation Capital Partners U. S. Steel Tower 14th Floor 600 Grant Street Pittsburgh, PA 15219	Centre	College Township	Big Hollow Run CWF

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

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

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### General Permit Type—PAG-02

##### Facility Location:

<i>Municipality &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>
Portland Borough Northampton County	PAG2004807002	Jack Abell B. J. Alan Company 555 MLK Jr. Boulevard Youngstown, OH 44502	Jacoby Creek CWF	Northampton County Cons. Dist. (610) 746-1971
City of Bethlehem Northampton County	PAG2004806046	Dr. Joseph A. Lewis Bethlehem Area Sch. Dist. 1516 Sycamore Street Bethlehem, PA 18017	Lehigh River WWF	Northampton County Cons. Dist. (610) 746-1971
Meshoppen Borough Wyoming County	PAG2006607001	Meshoppen Borough P. O. Box 237 Meshoppen, PA 18630	Meshoppen Creek CWF Susquehanna River WWF	Wyoming County Cons. Dist. (570) 836-2589
Washington Township Wyoming County	PAG2006607001	Stephen Borel R. R. 2, Box 269 Meshoppen, PA 18630	Taques Creek CWF	Wyoming County Cons. Dist. (570) 836-2589

<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>
Borough of Chambersburg Franklin County	PAR10M259R	Enclave Holdings 911 Leidig Drive Chambersburg, PA 17201	Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Greene Township Franklin County	PAG2002805049	Greene Township Park Greene Township P. O. Box 215 Scotland, PA 17254	Mountain Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
SR 35 and Musser Road Fayette Township Juniata County	PAG2033406004	Don Haubert 15 Central Boulevard Camp Hill, PA 17011	Little Lost Creek TSF	Juniata County Conservation District R. R. 5 Box 35 Stoney Creek Drive Mifflintown, PA 17059 (717) 436-8953 Ext. 5
Windsor Township Berks County	PAG2000606101	Gary Kuehner Salem E.C. Church 2150 Old Route 22 Lenhartsville, PA 19534	UNT to Schuylkill River WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Bern Township Berks County	PAG2000606087	Neil Dreslin P. O. Box 53 Limekiln, PA 19535-0053	UNT to Plum Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Hamburg Borough Berks County	PAG2000606094	Steven Jackson Balfour Beatty Construction, Inc. 601 Mountain Road Hamburg, PA 19526	Mill Creek TSF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Wyomissing Borough Berks County	PAG2000607012	Jeffrey D. Hettinger JMH, Inc. 200 North Park Place Wyomissing, PA 19610-2908	Wyomissing Creek Schuylkill River Watershed CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Exeter Township Berks County	PAG2000606081	Terry Manmiller Maidencreek Plaza Co. 1161 Park Road c/o Georgio Foods, Inc. Reading, PA 19605	Owatin Creek Trib. To Monocacy Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201

NOTICES

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<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>
Douglass Township Berks County	PAG2000606089	H. Edward Foreman 32 Woodside Drive Boyertown, PA 19512	Ironstone Creek TSF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
City of Reading Berks County	PAG2000606097	David Wolf Carpenter Technology Corp. P. O. Box 14662 Reading, PA 19612-4662	Bernhart's Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Penn Township Huntingdon County	PAG2003106005	Richard Keller 335 Seestown Road Sidman, PA 15955	Raystown Lake-Juniata River WWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Strasburg Borough Lancaster County	PAG2003606091	Charter Homes At Strasburg, Inc. 114 Foxshire Drive Lancaster, PA 17601	UNT Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
East Donegal Township Lancaster County	PAG2003606108	Robert L. Gruber 48 S. Market Street Elizabethtown, PA 17022	Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Penn Township Lancaster County	PAG2003606119	Troy Hurst 698 Stiegel Valley Road Manheim, PA 17545	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Millersville Borough Lancaster County	PAG2003606125	Millersville University P. O. Box 1002 Millersville, PA 17551	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
East Hempfield Township Lancaster County	PAG2003606127	Brent O. Stoltzfus 474 Mt. Sidney Road Lancaster, PA 17602	Swarr Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Donegal Township Lancaster County	PAG2003606128	Donegal Mutual Ins. Co. 1195 River Road Box 302 Marietta, PA 17547	UNT Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
West Cocalico Township Lancaster County	PAG2003606135	John F. Martin & Sons Inc. 55 Lower Hillside Road Box 137 Stevens, PA 17578	Indian Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Elizabeth Township Lancaster County	PAG2003606136	Bbm Properties 836 W. Brubaker Valley Road Lititz, PA 17543	Hammer Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
West Hempfield Township Lancaster County	PAG2003606138	City of Lancaster 120 N. Duke Street Lancaster, PA 17603	Stricklers Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Ephrata Borough Lancaster County	PAG2003607001	Pine View Meadows 160 Mountain Road Denver, PA 17517	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003607002	Hoover Family Partnership 173 Nolt Road New Holland, PA 17557	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
East Hempfield Township Lancaster County	PAG2003607004	Longleaf Corporation 1821 Oregon Pike Suite 6 Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Providence Township Lancaster County	PAG2003607007	Sterjes Enterprises, LLC 645 Lancaster Pike New Providence, PA 17560	Huber Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Paradise Township Lancaster County	PAG2003607008	Eli S. Esh 853 Strasburg Road Paradise, PA 17562	Eshleman Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Sadsbury Township Lancaster County	PAG2003607009	Department of Transportation, District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Pine Creek TSF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Silver Spring Township Cumberland County	PAG2002106001	Hills at Silver Spring Toll Brothers Kevin Devine 325 Fellowship Road Chester Springs, PA 19425	Conodoguinet Creek WWF	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 Benner Township	PAG2001405003	Carl Bankert Eagle Point Commercial Fill Site Fisherman's Paradise, LLC 2121 Old Gatesburg Road Suite 200 State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Benner Township and Spring Township	PAG2001406027	Stan Serafin Restek Corporation 110 Benner Circle Bellefonte, PA 16823	Logan Branch CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Northumberland County Mount Carmel Borough Mount Carmel Township	PAG2004907004	Mount Carmel Borough/Township Mount Carmel, PA 17851	Shamokin Creek WWF	Northumberland County Conservation District R. R. 3, Box 238-C Sunbury, PA 17801 (570) 286-7114 Ext. 4
Tioga County Mansfield Borough	PAG2005906014	Thomas Freeman B.O.O.M. Betterment Organization of Mansfield c/o Blue Ridge Communications 46 North Academy Street Mansfield, PA 16933	Ellen Run and Tioga River CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 Ext. 3
Tioga County Elkland Borough	PAG2005907002	Elkland Borough Authority 105 Parkhurst Street Elkland, PA 16920	Camp Brook Creek Cowanessque River WWF	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>
Armstrong County East Franklin Township Applewold Borough West Kittanning Borough	PAG2000306006	Department of Transportation 2550 Oakland Avenue Indiana, PA 15701-0429	Allegheny River WWF	Armstrong County CD (724) 548-3425
Armstrong County South Bethlehem Borough Mahoning Township	PAG2000307001	Redbank Valley Municipal Authority 243 Broad Street New Bethlehem, PA 16242	Redbank Creek TSF	Armstrong County CD (724) 548-3425
Erie County Millcreek Township	PAR10K193R	Erie Christian Fellowship Church	Walnut Creek CWF, MF	Erie Conservation District (814) 825-6403
Mercer County City of Hermitage	PAG2004306022	Hermitage Development Corp.	UNT Pine Hollow Run WWF	Mercer Conservation District (724) 662-2242

*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>
City of Erie Erie County	PAR118313	Smith Meter, Inc. P. O. Box 10428 Erie, PA 16514-0428	Municipal stormwater sewers to Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<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>
East Mead Township Crawford County	PAG049314	Roberta Jo DeCrapio 22429 SR 27 Meadville, PA 16335	UNT to Little Sugar Creek 16D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Mercer County	PAG048448	Melvin E. Webb 227 Oak Hill Road West Middlesex, PA 16159-2725	UNT to Turkey Run 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Otter Creek Township Mercer County	PAG048453	John A. Reimold, Jr. 10 Callahan Road Greenville, PA 16125	Mathay Run 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenfield Township Erie County	PAG048818	Hope A. and Michael J. Andersen 10302 Station Road North East, PA 16428	Towney Run 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

LeBoeuf Township  
Erie County

PAG048803

Donna R. and Peter J.  
Vuksta  
P. O. Box 303  
Glenham, NY 12527

UNT to the South  
Branch of French Creek  
16-A

DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

Washington  
Township  
Clarion County

PAG048440

Jeffrey L. Groft  
1616 County Line Road  
P. O. Box 45  
Venus, PA 16364-0045

UNT to East Sandy  
Creek  
20-A

DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

East Fairfield  
Township  
Crawford County

PAG048825

Julianne and Todd A.  
Sommers  
22700 Creveling Road  
Cochranton, PA 16314

UNT to French Creek  
16-D

DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

Jefferson Township  
Mercer County

PAG048494

Jon S. and Patricia M.  
Cook  
206 McCullough Road  
Sharpsville, PA 16150

UNT to the Shenango  
River/Reservoir  
20-A

DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0906513**, Public Water Supply.  
Applicant **Telford Borough Authority**  
122 Penn Avenue  
Telford, PA 18969  
Townships Hilltown and West Rockhill  
County **Bucks**  
Type of Facility PWS  
Consulting Engineer CKS Engineers, Inc.  
88 South Main Street  
Doylestown, PA 18901  
Permit to Construct Issued February 12, 2007

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

**Operations Permit** issued to: **The York Water Company**, 7670100, Spring Garden Township, **York County** on 2/13/2007 for the operation of facilities approved under Construction Permit No. 6706505.

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

**Permit No. 1405502—Operation, Public Water Supply.**

Applicant **Penn Township Public Water System**  
 Township or Borough Penn Township  
 County **Centre**  
 Responsible Official Warren Sasserma  
 Penn Township Supervisors  
 P. O. Box 125  
 Coburn, PA 16832-0125  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Eric Lundy, P. E.  
 Nittany Engineering &  
 Associates, LLC  
 136 West Main Street  
 P. O. Box 700  
 Millheim, PA 16854  
 Permit Issued Date February 15, 2007  
 Description of Action Operation of Well No. 2.

**Permit No. 4496231A5—Operation, Public Water Supply.**

Applicant **Dutch Valley Food Company, Inc.**  
 Township or Borough City of Sunbury  
 County **Northumberland**  
 Responsible Official John T. Lerch  
 Manufacturing and Technical  
 Projects Manager  
 Dutch Valley Food Company, Inc.  
 P. O. Box 471  
 Sunbury, PA 17801-0471  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date February 15, 2007  
 Description of Action Operation of pumps and filters,  
 use of Eagle Springs as a source  
 of supply and transportation of  
 Augusta Spring Water as raw  
 water.

**Permit No. M. A.—Operation, Public Water Supply.**

Applicant **Muncy Borough Authority**  
 Township or Borough Muncy Creek Township  
 County **Lycoming**  
 Responsible Official Edward A. Coup, Borough  
 Manager  
 Muncy Borough Authority  
 14 North Washington Street  
 Muncy, PA 17756-1111  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date February 15, 2007  
 Description of Action Operation of the finished water  
 storage reservoir. The project is  
 located in Muncy Creek  
 Township, Lycoming County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**James Freeman Property, Delaware Township, Pike County.** Salvatore Sciascia, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 has submitted a Final Report (on behalf of his client James Freeman, P. O. Box 207, Dingmans Ferry, PA 18328) concerning the remediation of soils found to have been impacted by No. 2 heating oil as a result of an accidental release. The report was submitted in order to document attainment of the residential Statewide Health Standard. A Public Notice was published in the *Pike County Dispatch* on December 21, 2006.

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

**Pennington Farm Property**, Upper Allen Township, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Pennington Estate, Fred A. Pennington, Jr., Executor, 29 Forest Drive, Mechanicsburg, PA 17055-4706, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil from a removed underground storage tank. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

**Nello Tire**, Springettsbury Township, **York County**. Environmental Resources Management, 200 Harry S. Truman Parkway, Suite 400, Annapolis, MD 21401, on behalf of 2618 Inc., 474 West Market Street, York, PA 17401, has submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with BTEX and PHs. The report is intended to document remediation of the site to a combination of the Nonresidential Statewide Health and Site-Specific Standards.

**Culbertson Agway Crop Center**, Greene Township, **Franklin County**. Groundwater Sciences Corporation, 2602 Market Place Street, Suite 310, Harrisburg, PA 17110-9304 on behalf of Agway Liquidating Trust, LLC, 5790 Widewaters Parkway, DeWitt, NY 13214, submitted a Final Report concerning remediation of site soils and groundwater contaminated with PHs, herbicides, pesticides and fertilizers. The report is intended to document remediation of the site to the Nonresidential Statewide Health Standard.

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

**Eichelberger & Sons Heating and Air Conditioning (Irwin Penn Manor, LLC)**, Hempfield Township, **Westmoreland County**. William A. McGill, The GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238 (on behalf of Paul and Steve Eichelberger, Eichelberger and Sons, Heating and Air Conditioning, 10321 Center Highway, Irwin, PA 15642) has submitted a Final Report concerning remediation of site soil contaminated with fuel oil No. 1. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dravo Barge Facility (Former)**, Neville Township, **Allegheny County**. Mark L. Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of John Matig, Frontier Steel, P. O. Box 268, Canonsburg, PA 15317 and John Biseda, Neville Development Company, 104 Broadway Avenue, Carnegie, PA 15106) has submitted a Final Report concerning remediation of site soil contaminated with lead, PCBs and chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Hopewell Shopping Center**, Hopewell Township, **Beaver County**. Mark L. Orzechowski Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Marvin Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15235 and Doug Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15235) has submitted a Remedial Investigation Report, Risk Evaluation Report and a Final Report concerning remediation of site soil contaminated with tetrachloethene and vinyl chloride in site groundwa-

ter. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

**Morgan AM & T**, (PF-625444 Emsource Street Marys Hall Ave), St. Mary's, **Elk County**. Hydrosystems Management Inc., P. O. Box 789, Washington, PA 15301 has completed a Remedial Investigation Report and Final Report for Groundwater contaminated with Chlorinated Solvents and Soil contaminated with PCE. The report was submitted February 13, 2007, by Emsource St. Mary's LLC, 111 Commercial Street S. 400, Portland, ME 04101. The report is intended to document remediation Soils to the Statewide Health Nonresidential Standard and Groundwater to the Site Specific Nonresidential Standard.

**Paul's Chrome Plating Mars** (646477), Adams Township, **Butler County**. Core Compliance Group Inc., 131 Glenbrook Drive, Cranberry Township, PA 16066 on behalf of Paul's Chrome Plating Inc., 90 Pattison Street, Evans City, PA 16033 has submitted a Remedial Investigation and Final Report concerning remediation of Site Groundwater contaminated with nickel. The report is intended to document remediation of the site to meet the Site Specific Standards and was submitted to the Department on February 9, 2007.

## 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.*

**Easton Industrial Affiliates**, Palmer Township, **Northampton County**. Jennifer O'Keefe, Sadat Associates, Inc., 1545 Lamberton Road, Trenton, NJ 08610 has submitted a Final Report (on behalf of her client, Easton Industrial Affiliates, 215 Nassau Street, Princeton, NJ 08542) concerning the remediation of soils impacted by a release of electrical transformer oil. The report demonstrated attainment of the Statewide Health Standard and was approved on February 13, 2007.

**Trexler Plaza, Inc.**, Upper Macungie Township, **Lehigh County**. Michael P. Raffoni, GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384 submitted a Final Report (on behalf of his client, Bud Thind, Trexler Plaza, Inc., P. O. Box 307, Fogelsville, PA 18051) concerning the remediation of soils found to be impacted by No. 2 fuel oil as a result of several holes observed along the tank's invert during the removal process. This tank was used to heat an onsite building at this facility. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on February 4, 2007.

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

**Mutual Benefit Group—Huntingdon**, Huntingdon Borough, **Huntingdon County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Mutual Benefit Group, 409 Penn Street, Huntingdon, PA 16652, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with gasoline and heating oil from removed underground storage tanks. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 13, 2007.

**Flextronic Enclosures Site**, Chambersburg Borough, **Franklin County**. Cardinal Resources, LLC, 4326 Northern Pike, Monroeville, PA 15642 and Shield Environmental Associates, Inc., 948 Floyd Drive, Lexington, KY 40505, on behalf of Castle Farms, LLC, 6 Riverside Industrial Park, Rome, GA 30161, submitted a combined Remedial Investigation and Final Report concerning the remediation of site groundwater contaminated with TCE. The final report demonstrated attainment of the site-specific standard and was approved by the Department

on February 15, 2007. Soils obtained a Nonresidential Statewide Health release of liability in November 2003.

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

**Amberleigh Development**, Benner and Spring Townships, **Centre County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Jeff Yager, GOH, 1952 Waddle Road, State College, PA 16804 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 15, 2007

**Butter Krust Baking Co.**, Upper Augusta Township, **Northumberland County**. Chambers Environmental Group, 629 East Rolling Ridge Drive, 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 Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 9, 2007.

**Weis Market Inc., Milton Warehouse Stormwater Detention Basin**, Milton Borough, **Northumberland County**. Whittemore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543 on behalf of Weis Markets, Inc., P. O. Box 471, Sunbury, PA 17801-0471 has submitted a Final Report concerning remediation of site soil and surface water contaminated with fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 17, 2007.

**Royal Galla Transport Rt. 15 Accident Site**, Liberty Township, **Tioga County**. Environmental Solutions, 67 Frid Street, Unit 5, Hamilton, Ontario, L8P 4M3, Canada on behalf of Royal Galla Transport, 3615 Laird Drive, Mississauga, ON L5L 5Z8, Canada has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 12, 2007.

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

**Edgewater Steel Ltd. Property (Former)**, Borough of Oakmont, **Allegheny County**. Frank W. Benacquista, P.G., KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Regional Industrial Development Corporation, 425 Sixth Avenue, Suite 500, Pittsburgh, PA 15219) has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, solvents and SVOC's. The Remedial Investigation Report was approved by the Department on December 15, 2006.

**Ampco-Pittsburgh Corp./Colona Division Plant (Former)**, Borough of Monaca, **Beaver County**. Scott Whipkey, R.A.R. Engineering Group Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of James Mansell, Route 51, Fallston, PA 15061 has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with cutting oils that apparently leaked from two 10,000 gallon UST's that were once located at the site. The Baseline Environmental Report was approved by the Department on December 7, 2006. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area

shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

**Cooper Standard Automotive Property (Former), Kittanning Borough Armstrong County.** Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Nick Caruso, Armstrong County Dept. of Planning and Development, 402 Market Street, Kittanning, PA 16201 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 5, 2007.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

**PAD096837356. The Boeing Company,** P. O. Box 16858, Philadelphia, PA 19142, Ridley Township, **Delaware County.** The RCRA Part B permit was terminated on May 3, 2005. The 1-year liability period ended May 3, 2006, and Boeing has now requested that the bond be released. Public comment period ends 45 days after date of this publication. Written comments may be sent to the Southeast Regional Office at the previous address. Notice of intent to release the bond issued on February 13, 2007.

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit Application No. PAD990753089. Exide Technologies,** Exide Technologies Reading Smelter, Spring Valley Road and Nolan Streets, Reading, PA 19605, Laureldale Borough and Muhlenberg Township, **Berks County.** On June 29, 2001, the Department received a revised permit application for renewal of a commercial hazardous waste permit from Exide Corporation. The name of the permittee was subsequently changed to Exide Technologies, which is reflected in this draft permit. The Department has completed its review of the permit application and has issued a draft permit. As required by 25 Pa. Code Chapter 270a.80(d)(2), the Department is providing this public notice.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southcentral Regional Office within 60 days from the date of this public notice. Comments received within this 60-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 60-day comment period and/or public hearing, the Department will make a final determination

regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

#### RESIDUAL WASTE GENERAL PERMITS

##### **Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Permit Application No. WMGR038-NWD01. Lion Enterprises #7/11 Inc.,** 911 Industrial Street, Suite 2, New Castle, PA 16102, New Castle, **Lawrence County.** The application was for determination of applicability for processing, reuse and beneficial use of Waste Tires, Tire Derived Material and Tire Derived Fuel for use as Fuel in boilers or other combustion units, civil engineering practices, recapping and as an ingredient in or as a commercial product. The permit was issued by the Northwest Regional Office on February 9, 2007.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

##### **Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 101687. FMRA Inc.,** United States Army COE Fort Mifflin Confined Dspl. Fac., Philadelphia, PA 19153, City of Philadelphia. This permit is for the operation of a construction and demolition waste transfer facility. The permit was issued by SERO on February 15, 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.*

**09-312-038GP: CRC Industries, Inc.** (885 Louis Drive, Warminster, PA 18974) on February 13, 2007, to operate a storage tank (No. 32) in Warminster Township, **Bucks County.**

**09-312-040GP: CRC Industries, Inc.** (885 Louis Drive, Warminster, PA 18974) on February 13, 2007, to operate a storage tank (No. 30) in Warminster Township, **Bucks County.**

**09-312-041GP: CRC Industries, Inc.** (885 Louis Drive, Warminster, PA 18974) on February 13, 2007, to operate a storage tank (No. 26) in Warminster Township, **Bucks County.**

**09-312-042GP: CRC Industries, Inc.** (885 Louis Drive, Warminster, PA 18974) on February 13, 2007, to operate a storage tank (No. 15) in Warminster Township, **Bucks County**.

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

**GP-62-172: Glenn O. Hawbaker—Brokenstraw** (Route 6 West, Warren, PA 16365) on February 28, 2007, for a nonroad engine in Pittsfield Township, **Warren County**.

**GP-62-172: Glenn O. Hawbaker—Brokenstraw** (Route 6 West, Warren, PA 16365) on February 28, 2007, for a portable mineral processing unit in Pittsfield Township, **Warren 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.*

**46-0261A: US Tape** (2452 Quakertown Road, Pennsburg, PA 18073) on February 15, 2007, to operate a nickel plating operation in Upper Hanover Township, **Montgomery County**.

**46-0260: Durapax, LLC** (400 Old Reading Pike, Suite 304, Pottstown, PA 19464) on February 16, 2007, to operate a coal tar roofing material process in West Pottsgrove Township, **Montgomery County**.

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

**39-309-067: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) on February 5, 2007, to modify Kiln No. 2 and associated air cleaning device in Whitehall Township, **Lehigh County**.

**45-313-014: Biospectra, Inc.** (R. R. No. 2, Box 2129C, Stroudsburg, PA 18360) on January 31, 2007, to construct a pharmaceutical manufacturing process and associated air cleaning device at the facility in Stroud Township, **Monroe County**.

**64-303-011: Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044) on February 6, 2007, to modify a batch asphalt plant to utilize recycled asphalt pavement in the product mix and to install an air cleaning device at the Lake Township Asphalt Plant in Lake Township, **Wayne County**.

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

**67-05001D: LWB Refractories Co.** (320 Baker Road, P. O. Box 1189, York, PA 17405) on February 13, 2007, to increase allowable hours of RTO downtime and limiting Tunnel Kilns Nos. 5 and 6 SO<sub>x</sub> emissions in West Manchester Township, **York County**.

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

**20-296A: HomerWood Hardwood Flooring** (1026 Industrial Drive, Titusville, PA 16354) on February 9,

2007, to construct a surface coating operation in the City of Titusville, **Crawford County**.

**20-130B: Meadville Forging Co.** (15309 Baldwin Street Ext., Meadville, PA 16335) on February 7, 2007, for sand blasting sources in Meadville, **Crawford 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.*

**23-0051: Riddle Memorial Hospital** (1068 West Baltimore Pike, Media, PA 19063) on February 14, 2007, to operate a waste heat boiler and wet scrubber in Middletown Township, **Delaware County**.

**09-0186: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on February 15, 2007, to operate a bulk product handling in Falls Township, **Bucks County**.

**46-0005Z: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on February 15, 2007, to operate a stream injection on boiler No. 10 in Upper Gwynedd Township, **Montgomery County**.

**46-0013A: Hatfield Quality Meats, Inc.—sub Clemens** (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440) on February 15, 2007, to operate a 49 mmBtu/hr heat input boiler in Hatfield Township, **Montgomery County**.

**46-0025C: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on February 15, 2007, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

**46-0027A: Johnson & Johnson Pharmaceutical Research and Development, LLC** (Welsh and McKean Roads, Spring House, PA 19477) on February 15, 2007, to operate a selective catalytic reduction in Lower Gwynedd Township, **Montgomery County**.

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

**36-05117A: Dart Container Corp. of PA** (110 Pitney Road, Lancaster, PA 17602-2616) on February 12, 2007, to use No. 4 and No. 6 fuel oil in the facility's two (2) existing boilers in East Lampeter Township, **Lancaster 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.*

**53-00009A: Morgan Advanced Materials and Technology, Inc.** (441 Hall Avenue, St. Mary's, PA 15857) on February 1, 2007, to construct three electric powered heat treat ovens (Source IDs 107-109) at their Coudersport facility in Eulalia Township, **Potter County**, each to be equipped with a natural gas fired thermal oxidizer to control air contaminant emissions from the respective oven until May 31, 2007. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**65-00966A: Greensburg Thermal, LLC** (755 Oposum Lake Road, Carlisle, PA 17013) on February 12, 2007, to allow completion of stack testing at their facility in Hempfield Township, **Westmoreland County**. This plan approval was extended.

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

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

**56-00166: PBS Coals, Inc.** (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541) on February 13, 2007, to renew their Title V Operating Permit for the Shade Creek Coal Preparation Plant in Shade Township, **Somerset County**. The facility has emissions from coal breaking, screening, handling, drying, transfer and storage. The primary source of emissions is the thermal dryer. The facility is subject to Title V requirements because of its potential to emit NO<sub>x</sub>, SO<sub>x</sub>, CO, PM and volatile organic carbons exceeds Title V thresholds.

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

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

**22-03046: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) on February 13, 2007, to operate a crushing operation in Lower Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**36-03042: Haines and Kibblehouse, Inc.** (303 Quarry Road, Peach Bottom, PA 17563-9739) on February 13, 2007, to operate a crushing operation in Fulton Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-03169: Marbleon, Inc.** (121 Ashmore Drive, Leola, PA 17540-2007) on February 15, 2007, to operate their cast polymer manufacturing plant in Upper Leacock Township, **Lancaster County**.

**38-03029: Elk Corp. of Texas** (401 Weavertown Road, P. O. Box 228, Myerstown, PA 17067) on February 12, 2007, to operate an asphalt shingle manufacturing facility at their Myerstown Facility in Jackson Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

**65-00781: Kennametal Inc.** (1600 Technology Way, Latrobe, PA 15650) on February 12, 2007, for their Research and Development Facility at their Corporate Campus in Unity Township, **Westmoreland County**. This site supports the global production needs of Kennametal Inc. This site does not generate significant emissions of any of the criteria pollutants.

**11-00497: Gautier Steel Ltd:** (80 Clinton Street, Johnstown, PA 1590) on February 7, 2007, to operate rolling mills at their Johnstown Plant in Johnstown, **Cambria County**.

**11-00510: Amfire Mining Co., LLC** (One Energy Place, Latrobe, PA 15650) on February 13, 2007, to operate their Madison Deep Mine Coal Preparation Plant in Jackson Township, **Cambria County**.

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

**10-00305: Recmix of PA, Inc.** (359 North Pike Road, Sarver, PA 16055-8633) on February 13, 2007, to operate a stainless steel screening process from slag and synthetic cement manufacturing facility in Windfield Township, **Butler County**. The major sources included: Hy-Way Thermal fluid treatment system, Truck travel, Materials handling, front end loaders travel, slag crushing, wind erosion from storage piles, slag skull screening and Holo-flight aggregate dryer.

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

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

**01-03017: Premier Chemicals, LLC** (300 Barr Harbor Drive, Suite 250, West Conshohocken, PA 19428-2998) on February 16, 2007, for their milling facility in Menallen Township, **Adams County**. This operating permit was administratively amended due to a change of ownership. This is revision No. 1.

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

**S04-022: E.I. Dupont de Nemours—Marshall Laboratory in Philadelphia** (3401 Grays Ferry Avenue, Philadelphia, PA 19146) on February 15, 2007, administratively amended to correct typographic errors and remove a reactor and two Air Handling Units. The Synthetic Minor Operating Permit was originally issued November 29, 2006.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00025: Delbar Products, Inc.** (7th and Spruce Streets, Perkaise, PA 18944) on January 1, 2006, to operate a meal mirror shaping and coating facility in Perkaise Borough, **Bucks County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.



## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**Permit No. 30841313 and NPDES Permit No. PA0022594. Consolidation Coal Company**, (1800 Washington Road, Pittsburgh, PA 15241). To renew the permit for the Dilworth Mine in Cumberland Township, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received: June 22, 2006. Permit issued: February 13, 2007.

**Permit No. 30841601 and NPDES Permit No. NA. Consolidation Coal Company**, (1800 Washington Road, Pittsburgh, PA 15241). To revise the permit for the Robena Preparation Plant in Monongahela Township, **Greene County**. No additional discharges. Application received: August 18, 2006. Permit issued: February 13, 2007.

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

**17000107 and NPDES No. PA0242951. Shud's Coal Hounds, Inc.** (5757 Green Acre Road, Houtzdale, PA 16651). Permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Woodward and Bigler Townships, **Clearfield County**, affecting 167.8 acres. Receiving streams: UNTs to Upper Morgan Run and Goss Run. Application received: June 9, 2006. Permit issued: February 9, 2007.

**17860146 and NPDES No. PA0115738. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7960). Permit renewal for reclamation only of a bituminous surface mine in Chest Township, **Clearfield County**, affecting 214.8 acres. Receiving streams: UNT to Wilson Run, to Wilson Run, to Chest Creek, to West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received: January 18, 2007. Permit renewed: February 13, 2007.

**17940103 and NPDES No. PA0219762. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Permit renewal for reclamation only of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 50.0 acres. Receiving streams: Shimel Run, Moshannon Creek, West Branch of the Susquehanna River. There are

no potable water supply intakes within 10 miles downstream. Application received: January 18, 2007. Permit renewed: February 14, 2007.

### Noncoal Permits Actions

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

**Permit No. 28012802. William Mac Smith, Jr.**, (11665 Cool Hollow Road, Greencastle, PA 17225). Bond release on a small noncoal (industrial minerals) operation in Montgomery Township, **Franklin County**, affecting 4.0 acres. Receiving streams: West Branch Conococheague Creek. Application issued: February 14, 2007.

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

**10060807. Bernard J. McCrea Excavating** (100 Pine Haven Drive, Fenelton, PA 16034). Commencement, operation and restoration of a small noncoal shale operation in Clearfield Township, **Butler County** affecting 1.0 acre. Receiving streams: UNT to Little Buffalo Run. Application received: November 29, 2006. Permit issued: February 12, 2007.

**43060302. Terra Resources, Inc.** (222 South Main Street, Butler, PA 16001). Commencement, operation and restoration of a sand and gravel operation in Jefferson Township, **Mercer County** affecting 61.0 acres. Receiving streams: Lackawannock Creek and UNT to Shenango River. Application received: June 16, 2006. Permit issued: February 12, 2007.

**18119-43060302-E-1. Terra Resources, Inc.** (222 South Main Street, Butler, PA 16001). Application for a stream encroachment to conduct mining activities no closer than 50 feet of Lackawannock Creek in Jefferson Township, **Mercer County**. Receiving streams: Lackawannock Creek and UNT to Shenango River. Application received: June 16, 2006. Permit issued: February 12, 2007.

**18119-43060302-E-2. Terra Resources, Inc.** (222 South Main Street, Butler, PA 16001). Application for a stream encroachment to conduct mining activities no closer than 50 feet of UNT No. 1 to Lackawannock Creek in Jefferson Township, **Mercer County**. Receiving streams: Lackawannock Creek and UNT to Shenango River. Application received: June 16, 2006. Permit issued: February 12, 2007.

**10060306 and NPDES Permit No. PA0258211. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225). Commencement, operation and restoration of a limestone operation in Marion Township, **Butler County** affecting 54.5 acres. Receiving streams: 5 UNTs to Blacks Creek and Blacks Creek; 1 UNT to North Branch Slippery Rock Creek. Application received: September 8, 2006. Permit issued: February 15, 2007.

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

**4775SM18 and NPDES No. PA0116459. Hanson Aggregates Pennsylvania, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Renewal of NPDES Permit in Marion Township, **Centre County**. Receiving streams: Nittany Creek to Bald Eagle Creek to West Branch Susquehanna River to Susquehanna River. There are no potable water supply intakes within 10 miles downstream. NPDES Renewal application received: December 14, 2006. Permit renewal issued: February 7, 2007.

**53040802. James M. Kiefer** (5021 Kenerson Drive, Fairfax, VA 22032). Transfer of small noncoal surface

mine (flagstone) from John A. Miller (586 Sands Road, Pearisburg, VA), in Bingham Township, **Potter County**, affecting 3.0 acres. There are no potable water supply intakes within 10 miles downstream. Application received: December 7, 2006. Permit issued: February 9, 2007.

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

**06010301C4 and NPDES Permit No. PA0224146. Berks Products Corporation**, (P. O. Box 421, Reading, PA 19603), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Maxatawny Township, **Berks County**, receiving stream: Maiden Creek. Application received: December 26, 2006. Renewal issued: February 16, 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.*

**01074012. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033). Blasting activity permit issued for residential development in Berwick Township, **Adams County**. Blasting activity permit end date is February 28, 2008. Permit issued: February 7, 2007.

**21074108. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033). Blasting activity permit issued for residential development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is February 28, 2008. Permit issued: February 7, 2007.

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

**14074003. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for a house foundation at Qpequon Hills subdivision located in Benner Township, **Centre County**. Permit expires on May 20, 2007. Blasting activity permit issued February 15, 2007.

**17-04-05. Bell Resources**, (1340 Hoxt. Road, Curwensville, PA 16866). Blasting activity permit issued for GFCC permit No. 17-04-05 located in Pike Township, **Clearfield County**. Blasting activity permit end date is December 31, 2008. Permit issued: February 8, 2007.

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

**36074111. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for CNH America, LLC in Warwick Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued: February 12, 2007.

**36074112. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for Lititz Area Mennonite School in Earl Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued: February 12, 2007.

**36074113. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344). Construction

blasting for Bent Creek in Manheim Township, **Lancaster County** with an expiration date of February 8, 2008. Permit issued: February 15, 2007.

**36074114. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for a single dwelling in Paradise Township, **Lancaster County** with an expiration date of April 30, 2007. Permit issued: February 15, 2007.

**36074115. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344). Construction blasting for Millcreek in West Lampeter Township, **Lancaster County** with an expiration date of February 15, 2008. Permit issued: February 15, 2007.

**36074116. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344). Construction blasting for The Lakes at Donegal Springs in Mt. Joy Borough, **Lancaster County** with an expiration date of February 15, 2008. Permit issued: February 15, 2007.

**38074102. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344). Construction blasting for utility work on Wilhelm Avenue in South Lebanon Township, **Lebanon County** with an expiration date of February 9, 2008. Permit issued: February 15, 2007.

**39074104. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Emergency Center Allentown in Hanover Township, **Lehigh County** with an expiration date of December 31, 2007. Permit issued: February 15, 2007.

**39074105. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507). Construction blasting for Boulder West in Upper Macungie Township, **Lehigh County** with an expiration date of December 31, 2007. Permit issued: February 15, 2007.

**45074108. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431). Construction blasting for Section 1 Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of February 13, 2008. Permit issued: February 15, 2007.

**48074102. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344). Construction blasting for Willow Green in Allen Township, **Northampton County** with an expiration date of February 9, 2008. Permit issued: February 15, 2007.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E35-395. Pennsylvania Department of Transportation, Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512. Newton 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 Falls Creek (CWF) consisting of a 15-foot by 6-foot concrete box culvert with fish baffles, depressed 1-foot below streambed elevation; and to construct and maintain a temporary road crossing of Falls Creek consisting of two, 42-inch diameter HDPE pipes; and place fill within a deminimis area of wetlands

equal to 0.02 acre of wetlands and to temporary impact 0.04 acre of wetlands. The project is located on SR 0307 (Winola Road) immediately west of its intersection with Gravel Pond Road (Ransom, PA Quadrangle N: 20.0 inches; W: 17.0 inches).

**E58-270. Robert Baehler**, P. O. Box 212, Harford, PA 18823. Silver Lake Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To authorize fill that was previously placed in 0.2 acre of PEM, FO wetlands for the purpose of creating buildable area for the construction of a driveway, house and garage. The permittee is required to provide for 0.4 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the southeastern side of Lake Sophia, just north of the intersection of SR 4002 (Murphy Corners Road) and Sophia Lake Road (Laurel Lake, PA Quadrangle N: 17.4 inches; W: 13.5 inches). (Subbasin: 4E)

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

**E02-1356. Municipal Authority of the Township of**

**Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. To replace a box culvert and fill wetlands in Robinson Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 15.40 inches; W: 15.90 inches and Latitude: 40° 27' 31"—Longitude: 80° 06' 49"). Amended to place and maintain fill in an additional 0.008 acre of wetlands to temporarily impact and restore 0.0629 acre of wetlands and to construct and maintain 0.0058 acre of replacement wetlands in and along the left bank of Moon Run for the purpose of upgrading the existing Moon Run STP facility.

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

**E61-276, Ryan C. Moncheck**, 206 Morewood Road, Glenshaw, PA 15116-2047. Yost Drive River Access, in Scrubgrass Township, **Venango County**, ACOE Pittsburgh District (Eau Claire, PA Quadrangle N: 20.7 inches; W: 4.6 inches).

The applicant proposes to construct and maintain a private boat access involving the removal approximately 306 cubic feet (17-foot long by 6-foot wide by 3-foot deep) of sediment from the Allegheny River within the Federal Scenic River Corridor approximately 2.1 miles NE of the intersection of SR 208 and SR 3007. The Allegheny River is a perennial stream classified as a WWF. The project proposes to directly impact approximately 100 square feet of stream.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-10-005	PPC Lubricants, Inc. 305 Micro Drive Jonestown, PA 17038 Attn: David H. Klinger	Butler	Butler and Summit Townships	88 ASTs storing petroleum products	971,000 gallons total

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-61-006	Heath Oil, Inc. P. O. Box 1128 Oil City, PA 16301 Attn: Richard H. Fisher	Venango	Barkeyville Borough	1 AST storing diesel fuel	320,250 gallons

**SPECIAL NOTICES**

**Individual CAFO NPDES Permit**

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

**Application No. PA 0260177, David E. Gemmill (Belview Valley Farms), 458 Gemmill Road, Delta, PA 17314.**

David E. Gemmill has submitted an application for an NPDES permit for a proposed concentrated animal feeding operation (CAFO) known as Belview Valley Farms, located at 458 Gemmill Road, Peach Bottom, PA 17563 in Peach Bottom Township, York County. The CAFO will be situated near a UNT of Neil Run, which is classified as a TSF. The CAFO will be designed to maintain an animal population of approximately 525 animal equivalent units (AEUs) consisting of 4,400 finishing swine and 8 beef cows.

The Department has scheduled a public hearing to receive testimony and comments on the proposed CAFO NPDES permit. The hearing will be held on Thursday, April 5, 2007, beginning at 7 p.m. at the Peach Bottom Township Recreation Center, 5 Pendency Street, Delta, PA 17314.

Persons intending to testify at the hearing should register by 4 p.m. Monday, April 2, by calling Vicki Welte at (717) 705-4729. If no person registers to present oral comments by this deadline, the hearing will not be held. Anyone who cannot attend the hearing may submit written testimony. Written comments should be sent to Sean Furjanic, Watershed Management Program, Department Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

The permit application and proposed draft permit are on file at the Southcentral Regional Office in Harrisburg. An appointment to review the files may be scheduled by calling Jennifer Troutman at (717) 705-4732 between the hours of 8 a.m. and 4 p.m., Monday through Friday.

All comments received will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

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

**Categorical Exclusion**

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

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Scranton Sewer Authority	307 North Washington Avenue Scranton, PA 18503	Scranton City	Lackawanna

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Scranton Sewer Authority proposes to construct improvements at its existing wastewater treatment facility. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this project. The Department hereby categorically excludes this project from the State Environmental Review Process.

The Department of Environmental Protection is holding a public meeting on Wednesday, March 7 beginning at 1 p.m. in the Cambria District Mining Office, 286 Industrial Park Road, in Ebensburg, PA to discuss and accept comments on the proposed TMDL as referenced previously, which was established in accordance with the requirements of Section 303(d) of The Clean Water Act. Reeds Run 43950 Watershed has been identified as impaired on 1996, 1998 and 2004 lists due to metals. The 1996 listed segment and miles degraded are shown in the following table:

**Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for the Reeds Run 43950 Watershed**

<i>Stream Code</i>	<i>Stream Name</i>	<i>Year Listed</i>	<i>Miles Degraded</i>
43950	Reeds Run 43950 Watershed	1996	3.42

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

The primary pollutant source for the watersheds is abandoned mine workings. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Jeff Miller at (814) 472-1900 between 8 a.m. and 4 p.m., Monday through Friday at Cambria Office, Department, 286 Industrial Park Road, Ebensburg, PA 15931 or email at jeffreymil@state.pa.us. Directions to the meeting place can be received through this contact. The TMDL can be viewed and printed by accessing the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be post-marked by March 26. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

**Public Notice of Proposed Settlement—Delaware River Ash Spill Between the Pennsylvania Department of Environmental Protection, PPL Generation, LLC and PPL Martins Creek, LLC Lower Mount Bethel Township, Northampton County**

Under section 616 of the Solid Waste Management Act (35 P. S. § 6018.616) and section 1113 of the Pennsylvania Hazardous Sites Cleanup Act (35 P. S. § 6020.1113)), the Department of Environmental Protection (Department) hereby publishes Notice of a Proposed Settlement with PPL Generation, LLC and PPL Martins Creek, LLC ("Settlors") concerning ongoing corrective action, civil penalty liability and cost recovery associated with the ash spill from Ash Basin No. 4 at the PPL Martins Creek Steam Electric Station that began on August 23, 2005.

PPL Martins Creek owns and operates the Martins Creek Seam Electric Station located in Lower Mount Bethel Township, Northampton County, PA ("Facility"). The Facility is an electric generating station, or power plant, located in rolling rural farm country in eastern Pennsylvania approximately 15 miles north of the city of Easton. Warren County, New Jersey is just across the Delaware River to the east of the Facility.

PPL Martins Creek, LLC generates power at the Facility from different units, including two coal fired units ("Units 1 and 2"). As a result of the combustion of coal in Units 1 and 2, the Settlers generate both bottom ash and fly ash. Ash generated from coal combustion is pumped to a lagoon, or impoundment, known as Ash Basin No. 4, for disposal.

Ash Basin No. 4 is approximately 40 acres in size and was constructed by PPL in or around 1989. PPL is permitted by the Department to dispose of fly ash, as well as other types of waste from the Facility, including bottom ash, sediment from the Facility's Industrial Waste Treatment Basin and iron sludge from boiler cleaning activities in Ash Basin No. 4. Ash Basin No. 4 is equipped with a discharge structure at one end that controls the flow of material from the Ash Basin and prevents the discharge of fly ash to the Delaware River.

On August 23, 2005, a stop log in the discharge structure failed and a large amount of ash was discharged to surrounding fields, the Oughoughton Creek

and the Delaware River. The Settlers estimated that approximately 100,000,000 gallons of material was discharged from Ash Basin No. 4.

A major cleanup operation was instituted by PPL Martins Creek which ended on March 11, 2006. The Department has played an active role in the work done to repair the discharge structure, clean up the spill and assess damage from the spill. On November 18, 2005, the Department filed a lawsuit against the Settlers in the Commonwealth Court of Pennsylvania. It has now calculated a civil penalty and its costs and determined generally what additional tasks the Settlers need to perform to address the spill. Discussions were held with the Settlers regarding these issues and an agreement in principle has been reached.

The agreement in principle calls for the following:

1. Payment of a Civil Penalty of \$1,500,000 within 30 days of the date of entry a Consent Decree by Commonwealth Court. Payment of the Civil Penalty will address penalty liability and reimburse the Department for costs attributable to its work on the response to the ash discharge. \$1,000,000 is to be paid to the Commonwealth of Pennsylvania Clean Water Fund, \$475,000 to the Commonwealth of Pennsylvania Solid Waste Abatement Fund and \$25,000 to the Commonwealth of Pennsylvania Dam Safety and Encroachments Fund.

2. Ongoing implementation of the Phase IV Work Plan and submission of the Phase IV Work Plan report to the Department on or before May 18, 2007, provided, however, if comments on the draft Phase IV report are not received from the Academy of Natural Sciences on or before April 18, 2007 and PPL has submitted the draft report to the Academy on or before March 16, 2007, then PPL will receive an extension of time to submit the Phase IV report equal to the number of business days beyond April 18, 2007 that the Academy's comments are received.

3. Continued removal of any remaining fly ash from the Delaware River, the surface of the ground or the Oughoughton Creek should any remaining deposits be located and should the Department determine that such removal is necessary. Records are to be kept of any such removal and they must specify the amount of material removed, date and location of collection and removal, name of the contractor or entity performing the removal and disposal receipts or records evidencing proper disposal of the material. Any necessary permits shall be obtained prior to commencing cleanup.

4. Dismissal of the Department's lawsuit without prejudice to the Department to bring a claim for Natural Resource Damages should that be necessary once Phase IV of the cleanup has been completed and the Phase IV report has been submitted and reviewed by the Department.

The proposed previous settlement would resolve the allegations set forth in the Department's Complaint filed in Commonwealth Court on November 18, 2005. As noted previously, the Department and the Settlers are proposing to incorporate these terms in a Consent Decree for submission to and approval by the Commonwealth Court.

Copies of the proposed Consent Decree are available for review at the following locations:

Dept. of Environmental Protection  
Northeast Regional Office  
2 Public Square  
Wilkes-Barre, PA 18711-0790  
(570) 826-2511

Dept. of Environmental Protection  
Bethlehem District Office  
4530 Bath Pike  
Bethlehem, PA 18017  
(610) 861-2070

Lower Mt. Bethel Township  
P. O. Box 257  
Martins Creek, PA 18063  
(610) 252-507

Harmony Township Municipal Building  
3003 Belvidere Road  
Phillipsburg, NJ 08865  
(908) 213-1600

Appointments to review the document should be made by calling the phone numbers at the respective locations.

The Department will receive and consider comments relating to the Proposed Settlement for 60 days from the date of this Public Notice and may propose changes or choose not to agree to the proposed settlement if the comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or not in the public interest. After the public comment period, the Department shall file a response to significant written comments received or indicate that no such comments were received.

Comments may be submitted in writing to Mark Carmon, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711. TDD users should contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

#### **Request for Comments For the Proposed Total Maximum Daily Load (TMDL) for the White Clay Creek Watershed**

The Pennsylvania Department of Environmental Protection (Department) is accepting comments on the proposed TMDL for White Clay Creek Watershed. In accordance with the requirements of section 303(d) of the Clean Water Act, stream segments in White Clay Creek watershed have been identified as impaired because excessive levels of pesticides (DDT). The proposed plan provides calculations of the stream's total capacity to absorb DDT without violating the chronic water quality criterion of 0.001 micrograms per liter. The maximum amount of DDT that can be safely absorbed by White Clay Creek under design conditions is 0.00000976 lbs/day.

The data and all supporting documentation used to develop the proposed TMDLs are available from the PADEP. The proposed TMDL and information on the TMDL program can be viewed on Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, Department of Environmental Protection, Watershed Protection Division, 400 Market Street, P. O. Box 8555, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the previous address and must be postmarked no later than 30 days from the date of this bulletin notice. The Department will

consider all comments in developing the final TMDL, which will be submitted to United States Environmental Protection Agency for approval.

[Pa.B. Doc. No. 07-358. Filed for public inspection March 2, 2007, 9:00 a.m.]

#### **Calculation of Land Reclamation Bonds on Coal Mining Operations; Notice of Bond Rate Guidelines**

The Department of Environmental Protection (Department) announces the 2007 bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 1, 2007. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66) and the regulations promulgated thereunder at 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations. The procedures for calculating land reclamation bonds are described in technical guidance 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Department's website [www.depweb.state.pa.us](http://www.depweb.state.pa.us), at the Public Participation Center page.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the mid-term of a permit and before approving a permit revision.

The bond rate guidelines do not apply to bonds assuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1391.3a(c)) or to bonds ensuring compliance with the requirements of the Bituminous Mine Subsidence and Land Conservation Act (see 37 Pa.B. 1097 (March 3, 2007)) for rates to be used for calculating Long-Term Operation and Maintenance Cost Bonds for Water Supply Replacement—Mining Operations.

#### *General Methodology*

The Department developed the bond rate guidelines for 2007 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998-2006. For most categories, the Department used a 3-year (2004-2006) average to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2004 or 2005 that included R3 rock used for channel lining. Therefore, the Department used a four-year average for R3 Rock Lining.

In general, the bond rate for a given unit operation is the weighted average of the three lowest total bids for each contract. However, grading costs were calculated using the number of bids at a cost per cubic yard frequency distribution and a weighted total number of

yards at a cost per cubic yard frequency distribution, in combination with the averages and a cost trend analysis.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Tables 1 or 2, then any additional cost information available will be used. If enough data is still not available, the rate will be set from a standard reference such as “*Means Building Construction Cost Data*” or “*Walker’s Building Estimator’s Reference Book*.”

#### *MRAB Recommendations*

On the suggestion of the Mining and Reclamation Advisory Board (MRAB), the Department also calculated actual costs to the Commonwealth for grading using the winning bid (lowest total bid) costs averaged for the past 3 years. The calculated costs for the less than 500 foot push (\$0.65) and the greater than 500 foot push/haul (\$0.95) are consistent with the most recent bond rate guidelines for these unit operations.

The MRAB endorsed the 2007 Bond Rate Guidelines with the understanding that the Department would work with the MRAB to ensure the 2008 Bond Rate Guidelines are reflective of conventionally bonded mine sites. There is some concern that reclamation costs for long-abandoned mine sites are not always representative of conventionally bonded mine sites. The Department will meet with the MRAB periodically to review the current

reclamation cost data. The Department will also strive to alert coal mine operators in advance whenever bond rate guidelines are projected to increase.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2007.

The bond rate guidelines are available electronically at [www.dep.state.pa.us/dep/deputate/minres/bmr/programs/bonding.htm](http://www.dep.state.pa.us/dep/deputate/minres/bmr/programs/bonding.htm). For background information and supporting documentation regarding bonding rate guidelines, contact Bruce Carl, Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103, [brcarl@state.pa.us](mailto:brcarl@state.pa.us).

#### *Mine Sealing Costs*

The mine sealing bond rate guidelines are presented in Table 2. These guidelines remain the same as in previous years. Review of the contract data for mine sealing projects reveals that they are designed and bid on a volume and material basis. The Department is re-evaluating these bond rate guidelines and expects to publish revised mine sealing bond rate guidelines later in 2007. The Department anticipates developing bond rate guidelines for boreholes.

#### *Effective Date*

The bond rate guidelines in this notice become effective April 1, 2007.

**TABLE 1**  
**Standard Bond Rate Guidelines**  
**For Year 2007**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mobilization/demobilization	Job	4% of direct costs or \$40,000, whichever is less
Grading (< 500-foot push)	cubic yard	0.75
Grading (≥ 500-foot push/haul)	cubic yard	1.10
Selective Grading	Acre	1,600.00
Revegetation	Acre	1,480.00
Tree Planting	Tree	0.15
Ditch Excavation	cubic yard	5.00
Jute Matting	square yard	3.00
High Velocity Erosion Control	square yard	2.80
R3 Rock Lining	square yard	18.00
R4 Rock Lining	square yard	23.75
R5 Rock Lining	square yard	19.00
Geotextile/Filter Fabric	square yard	2.00
PVC Lining <sup>1</sup>	square yard	10.00
Subsurface Drain	lineal foot	12.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)
Pond Removal Active Phase <sup>2</sup>	Pond	3,800.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)
Stage 3 Maintenance Bond Non-Cropland Areas (Land uses where crop yields are not required)	Acre	100.00

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Stage 3 Maintenance Bond Cropland (not row crops) Pastureland or Land occasional cut for hay (excludes seed cost)	Acre	575.00
Stage 3 Maintenance Bond Cropland Area-Row Crops (includes seed cost)	Acre	800.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal-Stage 3	Cubic yards (Embankment volume) Plus Topsoiling and Revegetation Cost	Use <500 grading for pond embankment volume plus Topsoiling and Revegetation cost for the area disturbed
Ditch Removal-Stage 3	Lineal Foot	0.75
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition	Costs will be calculated using costs listed in the construction industry's latest annual cost publications, such as "Means Building Construction Cost Data."	

TABLE 2

**Mine Sealing Bond Rate Guidelines  
For Year 2007**

Mine Sealing <sup>3</sup> Nonhydraulic shaft seal—inert fill	shaft (10 ft. or less diameter)	1,400.00
	shaft (11 to 15 ft. diameter)	3,000.00
	shaft (16 to 20 ft. diameter)	4,500.00
	shaft (21 to 25 ft. diameter)	8,000.00
Mine Sealing <sup>3</sup> Hydraulic shaft seal w/bulkhead	shaft (10 ft. or less diameter)	7,600.00
	shaft (11 to 15 ft. diameter)	9,200.00
	shaft (16 to 20 ft. diameter)	10,700.00
	shaft (21 to 25 ft. diameter)	14,200.00
Mine Sealing <sup>3</sup> Non-hydraulic drift/slope seal	drift/slope	3,900.00
Mine Sealing <sup>3</sup> Hydraulic drift/slope seal w/bulkhead	drift/slope	6,200.00

<sup>1</sup> Typically used for lining of ponds or ditches crossing fill material.

<sup>2</sup> Unit cost not from BAMR bids, includes dewatering, grading, topsoil placement and revegetation.

<sup>3</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment, and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, such as, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

TABLE 3

**Land Maintenance Financial Guarantee Fees  
For Year 2007**

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	\$1,000.00
Administrative	\$300.00

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-359. Filed for public inspection March 2, 2007, 9:00 a.m.]



### Laboratory Accreditation Advisory Committee Meeting Cancellation

The Laboratory Accreditation Advisory Committee meeting scheduled for Tuesday, March 13, 2007, has been cancelled.

The next regularly scheduled meeting will be held on June 12, 2007, in Room 206 of the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17105-1467. The agenda and meeting materials for the June 12, 2007, meeting will be available through the Public Participation Center on the Department of Environmental Protection's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation, Participate").

Questions concerning the cancellation of the March 13, 2007, meeting, or the June 12, 2007, meeting can be directed to Aaren Shaffer Alger at (717) 346-8212 or Richard Sheibley at (717) 346-8215, [aaalger@state.pa.us](mailto:aaalger@state.pa.us) or [rsheibley@state.pa.us](mailto:rsheibley@state.pa.us), respectively.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-360. Filed for public inspection March 2, 2007, 9:00 a.m.]

### State Board for Certification of Sewage Enforcement Officers 2007 Pre-Certification Academy and Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled dates for the 2007 Sewage Enforcement Officers (SEO) Pre-Certification Academy and examinations. To qualify to sit for the certification examination, all SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. SEO Certification examinations will be administered the Friday following completion of the Precertification Academy. Examination applications must be received by the Board, complete and correct by close of business on the deadlines indicated below. The 2007 Precertification Academy and examination schedules are as follows:

April 3-5 and April 10-12, 2007

Nittany Lion Inn  
Route 322 Business—Atherton Street  
200 West Park Avenue  
State College, PA 16803-3598  
Examination Date: April 13, 2007 (8:30 a.m.—12:30 p.m.)  
\*Examination Application Deadline: March 16, 2007

June 12-14 and June 19-21, 2007

One Source Training Center  
Pennsylvania Association of Township Supervisors  
4855 Woodland Drive  
Enola, PA 17025  
Examination Date: June 22, 2007 (8:30 a.m.—12:30 p.m.)  
\*Examination Application Deadline: May 25, 2007

July 10-12 and July 17-19, 2007

Nittany Lion Inn  
Route 322 Business—Atherton Street  
State College, PA 16803-3598  
Examination Date: July 20, 2007 (8:30 a.m.—12:30 p.m.)  
\*Examination Application Deadline: June 22, 2007

August 21-23 and August 28-30, 2007

One Source Training Center  
Pennsylvania Association of Township Supervisors  
4855 Woodland Drive  
Enola, PA 17025  
Examination Date: August 31, 2007 (8:30 a.m.—12:30 p.m.)  
\*Examination Application Deadline: August 3, 2007

The SEO written examination contains 80 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination, however, SEO candidates are not permitted to bring their own materials. All necessary reference materials will be provided at the test site. At least 25 days prior to an examination, applicants will receive an admittance letter from the Board.

To receive an SEO examination application/information package, contact the Department of Environmental Protection, Certification and Licensing Section, P. O. Box 8454, 400 Market Street, Harrisburg, PA, 17105-8454, (717) 787-6045. SEO certification information is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Sewage). For information on SEO training courses, contact the Pennsylvania State Association of Township Supervisors at (717) 763-0930 or at the address provided previously.

Persons with a disability who require accommodation to participate in the SEO Precertification Academy or to take the SEO examination should contact the Board at

(717) 787-6045 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-361. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Water Supply Replacement-Mining Operations; Notice of Rates to be Used for Calculating Long-Term Operation and Maintenance Cost Bonds

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act of 1968 (52 P. S. §§ 3051—30.66), the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21), the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326) and the regulation promulgated thereunder at 25 Pa. Code chapters 77 and 86 (relating to noncoal mining and surface and underground coal mining general).

The rates are used in calculating the water supply operation and maintenance bond amounts for replacement water supplies affected by activities at mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating water supply operation and maintenance bonds are described in technical guidance 562-4000-102, "Increased Operation and Maintenance Costs of Replacement Water Supplies," which is available on the Department's website ([www.depweb.state.pa.us](http://www.depweb.state.pa.us)), at the Public Participation Center page. These calculations are based, in part, on the five-year average rate of inflation and the 5-year average rate of 20-year Treasury bills. The guidance document requires these figures to be updated and published each year in the *Pennsylvania Bulletin*.

#### Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Eastern Urban) was averaged for the calendar years 2002 through 2006, resulting in a rate of 3.12%. The interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2002 through 2006 resulting in a rate of 5.01%.

For background information and supporting documentation regarding the rates, contact William Allen, Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103, [wallen@state.pa.us](mailto:wallen@state.pa.us).

#### Effective Date

The rates in this notice become effective April 1, 2007. They will remain in effect until new rates are published. The Department may review the adequacy of bonds on existing permits at any time. The Department will con-

duct these reviews before issuing permit renewals. The Department may conduct similar reviews at the mid-term of a permit and before approving a permit revision. The Department anticipates that new rates will be published in February 2008 to be effective April 1, 2008.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-362. Filed for public inspection March 2, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Governor's Advisory Council on Physical Fitness and Sports Committee Meeting

The Governor's Advisory Council on Physical Fitness and Sports Committee will hold a public meeting on Thursday, March 22, 2007, from 10 a.m. to 3 p.m. The meeting will be held at the Bennett Pierce Living Center, 110 Henderson Building, Penn State, University Park, PA 16802-6501.

For additional information, contact Cyndi Malinen, Physical Activity Program Consultant, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, at (717) 346-3975.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Cyndi Malinen, Physical Activity Program Consultant at (717) 346-3975. Speech and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-363. Filed for public inspection March 2, 2007, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Liquefied Petroleum Gas Facility; Notice of Application

The Department of Labor and Industry (Department) publishes this notice of application under section 10 of the Propane and Liquefied Petroleum Gas Act (35 P. S. § 1329.10). The Department received an application for plan approval and permit from the following Liquefied Petroleum Gas (LPG) facility: UGI Energy Services, Inc., Hunlock Terminal, SR 11, Hunlock, PA 18621.

The application is for a new LPG facility that is used to store propane for supplementing natural gas supplies during the winter; receiving LPG by transport. The facility will have 15 90,000 gallon tanks used for storing 1,150,000 gallons of propane. According to the application, the facility will have one truck unloading station. The facility will be available for unloading 24 hours a day.

The due date for protests or comments concerning this application is 45 days after the date of this published

notice. A party that fails to file a timely protest will be barred from any participation in the application process. However, a municipality or county may submit written comments within 45 days after the date of publication of this notice.

Written protests or written comments may be sent to Charles J. Sludden, Jr., Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, Room 1613, Labor and Industry Building, Harrisburg, PA 17121.

STEPHEN M. SCMERIN,  
Secretary

[Pa.B. Doc. No. 07-364. Filed for public inspection March 2, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Mother's Day Bouquet '07 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 Mother's Day Bouquet '07.

2. *Price:* The price of a Pennsylvania Mother's Day Bouquet '07 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Mother's Day Bouquet '07 instant lottery game ticket will contain one play area featuring a "MOM'S NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "MOM'S NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), Rose symbol (ROSE) and a Gift symbol (GIFT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$5, \$10, \$20, \$50, \$100, \$500, \$1,000 and \$50,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,840,000 tickets will be printed for the Pennsylvania Mother's Day Bouquet '07 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT), and a prize symbol of \$500 (FIV HUN) appears under the Gift symbol (GIFT) on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$500 (FIV HUN) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT), and a prize symbol of \$100 (ONE HUN) appears under the Gift symbol (GIFT) on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$100 (ONE HUN) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT), and a prize symbol of \$50\$ (FIFTY) appears under the Gift symbol (GIFT) on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$50\$ (FIFTY) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT), and a

prize symbol of \$20\$ (TWENTY) appears under the Gift symbol (GIFT) on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$20\$ (TWENTY) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Gift symbol (GIFT) on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Gift symbol (GIFT) on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rose symbol (ROSE), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Rose symbol (ROSE) on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MOM'S NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Mother's Day Bouquet '07 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of Mom's Numbers, Win With Prize(s) Of:*

<i>Prize(s)</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,840,000 Tickets</i>
FREE TICKET	TICKET	30	128,000
\$5 w/ROSE	\$5	30	128,000
\$5	\$5	30	128,000
\$5 × 2	\$10	60	64,000
\$5 w/GIFT	\$10	40	96,000
\$10 w/ROSE	\$10	40	96,000
\$10	\$10	60	64,000
\$10 w/GIFT	\$20	120	32,000
\$20 w/ROSE	\$20	120	32,000
\$20	\$20	60	64,000
\$5 × 10	\$50	300	12,800
\$10 × 5	\$50	300	12,800
(\$20 w/GIFT) + (\$5 × 2)	\$50	300	12,800
\$50 w/ROSE	\$50	600	6,400
\$50	\$50	200	19,200
\$10 × 10	\$100	1,200	3,200
\$20 × 5	\$100	1,200	3,200
\$50 × 2	\$100	1,200	3,200
\$50 w/GIFT	\$100	2,400	1,600
\$100 w/ROSE	\$100	2,400	1,600
\$100	\$100	1,200	3,200
\$50 × 10	\$500	17,143	224
\$100 × 5	\$500	30,000	128
(\$100 w/GIFT) + (\$100 × 3)	\$500	17,143	224
\$500 w/ROSE	\$500	40,000	96
\$500	\$500	17,143	224
\$500 w/GIFT	\$1,000	40,000	96
\$1,000	\$1,000	40,000	96
\$50,000	\$50,000	384,000	10

"ROSE" (ROSE) = Win prize shown under it automatically.  
 "GIFT" (GIFT) = Win double the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mother's Day Bouquet '07 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mother's Day Bouquet '07, prize money from winning Pennsylvania Mother's Day Bouquet '07 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 Mother's Day Bouquet '07 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Mother's Day Bouquet '07 or through normal communications methods.

GREGORY C. FAJT,  
*Secretary of Revenue*

[Pa.B. Doc. No. 07-365. Filed for public inspection March 2, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Northampton County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Chief Engineer for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the Main Street Bridge (SR 1002, Section 01B) in Tatamy Borough, Northampton County. The project will require the use of land from Braden Park, which is a section 2002 resource within the project limits.

Mitigation measures will be taken to minimize harm to Braden Park including constructing an ADA compliant sidewalk adjacent to the bridge that connects Tatamy Borough to Braden Park. In addition, the Department will transfer ownership of the portion of the sidewalk within Braden Park to the Borough.

The Chief Engineer for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and have concluded that there is no feasible and prudent alterna-

tive to the project as designed and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from this project.

M. G. PATEL, P. E.,  
*Chief Engineer*

[Pa.B. Doc. No. 07-366. Filed for public inspection March 2, 2007, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings: Wednesday, March 7, 2007, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m.; Thursday, March 8, 2007, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 07-367. Filed for public inspection March 2, 2007, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on March 13, 2007, at 9:45 a.m. in Room 125C, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

### Great Valley and Piedmont Region

1. *Guthriesville Historic District*, 1160-1193 Horseshoe Pike, East Brandywine Township, Chester County.

2. *Chester Waterside Station of the Philadelphia Electric Company*, 2501 Seaport Drive, Chester City, Delaware County.

3. *Horner House and Barn*, 20 Horner Road (corner Mason-Dixon and Horner Roads), Cumberland Township, Adams County.

4. *Mylin House and Barn*, Peach Bottom Road, West Lampeter Township, Lancaster County.

5. *Wrightstown Octagonal School*, 2091 Second Street Pike, Wrightstown Township, Bucks County.

**Southwestern Pennsylvania**

6. *Turtle Creek High School*, 126 Monroeville Avenue, Turtle Creek Borough, Allegheny County.

7. *Wright, Enoch, House*, 815 Venetia Road, Peters Township, Washington County.

**Ridge and Valley**

8. *Houseknecht Farm*, 812 J Houseknecht Road,

Moreland Township, Lycoming County and Multiple Property Documentation Form: *Historic Agricultural Resources of Pennsylvania, c1700-1960*.

**Allegheny Plateau**

No nominations

**Anthracite Region and Poconos**

No nominations

BARBARA FRANCO,  
*Executive Director*

[Pa.B. Doc. No. 07-368. Filed for public inspection March 2, 2007, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-406	Environmental Quality Board Notification of Proximity to Airports  36 Pa.B. 7867 (December 23, 2006)	1/22/07	2/21/07

**Environmental Quality Board  
Regulation #7-406  
(IRRC #2587)**

**Notification of Proximity to Airports  
February 21, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the December 23, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

**1. Section 271.1. Definitions.—Reasonableness; Fiscal impact.**

This section adds “military airport” to the definition of “airport.” When describing this amendment in the Preamble, the Board states “By including ‘military airport’ in the definition of ‘airport,’ regulatory requirements that relate to airports, *current* and proposed, will apply to military airports” (Emphasis added).

The Pennsylvania Waste Industries Association (PWIA) raised objections and stated that the “Inclusion of military airports within the definition of airport retroactively imposes . . . setback restrictions on existing, permitted facilities, and raises the potential for a confiscatory scenario.” Specifically, PWIA pointed to 25 Pa. Code § 273.202(a)(14)—(16), relating to the areas where municipal waste landfills are prohibited.

Will this notification requirement for existing facilities result in setback restrictions or “confiscatory scenarios” on those facilities? Will existing, permitted municipal waste landfills be grandfathered from these requirements? These questions also apply to Section 287.1.

**2. Section 279.112. Notification of proximity to airport.—Reasonableness; Clarity.**

We have two concerns with this section. They also apply to proposed Section 293.112.

First, the proposed language in this section does not adequately guide waste transfer facilities. It imposes notification requirements for new proposed waste transfer facilities or for existing facilities that wish to expand their operation. The facility is required to notify the Bureau of Aviation of the Department of Transportation, the Federal Aviation Administration (FAA) and the airport if the facility is, or will be, within six miles of an airport. However, the section fails to set forth the required method of notification, the timeframe under which this notification must be delivered or how long the notified parties have to respond. These provisions should be added to the final-form regulation.

Second, PWIA stated that FAA studies have shown that birds are not attracted to facilities that do not accept “putrescible waste.” The Board should consider adding an exemption for these facilities.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-369. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

#### Final Form

Reg. No.	Agency/Title	Received	Public Meeting
4-85	Department of Community and Economic Development Industrial Housing and Components	2/15/07	3/15/07
14-490	Department of Public Welfare Special MA Eligibility Provisions	2/16/07	3/15/07
14-491	Department of Public Welfare Home Health Agency Services	2/16/07	3/15/07

ARTHUR COCCODRILI,  
*Chairperson*

[Pa.B. Doc. No. 07-370. Filed for public inspection March 2, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Highmark Inc.; Filing No. 1-RXPRICING (CHRONIC)-07-HI; Rate Filing

On February 5, 2007, Highmark Inc., d/b/a Highmark Blue Cross Blue Shield and Highmark Blue Shield, submitted a filing for approval of a methodology to adjust benefit changes for group prescription drug programs in the Western and Central Pennsylvania Plan Areas. The benefit changes would include the option to add or remove coverage of prescription drugs for certain chronic conditions or change the cost sharing that would apply to certain categories of prescription drugs. The filing identifies the following eight chronic conditions: asthma, chronic obstructive pulmonary disease, congestive heart disease, coronary artery disease, depression, diabetes therapy, high cholesterol and hypertension. An effective date of April 1, 2007, is requested for new business quotes.

A copy of the filing is available on the Insurance Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Insurance Department's Harrisburg office in Harrisburg.

All interested parties are invited to submit written comment's, suggestions or objections to Rashmi Mathur,

Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-371. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Nationwide Mutual Fire Insurance Company; Homeowners Rate and Rule Revision; Rate Filing

On February 8, 2007, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 1.3% increase amounting to \$2,765,100 annually, to be effective July 28, 2007.

Unless formal administrative action is taken prior to March 10, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under Quick Links click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Pennsylvania Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-372. Filed for public inspection March 2, 2007, 9:00 a.m.]

### QCC Insurance Company (a subsidiary of Independence Blue Cross) QCC-10-06 Nongroup Personal Choice; Rate Filing

On February 12, 2007, the Insurance Department (Department) received from QCC Insurance Company (a subsidiary of Independence Blue Cross) a filing for a rate increase for its nongroup personal choice product.

The company requests the following rate increases by benefit plan option: Prime 31.26%, High 26.12% and Standard 15.16%.

Unless formal administrative action is taken prior to May 9, 2007 the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-373. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Teachers Protective Mutual Insurance Company; 15% Rate Increase Filing for Several LTC Policy Forms; Rate Filing

Teachers Protective is requesting approval to increase the premium 15% on 2,570 long-term care policy forms issued in this Commonwealth. The company is requesting a 15% increase on the following forms: TNQ-NHO-2004(PA), TQ-NHO-2004(PA), H8800-LTC, H8810-HC, QH-9606-HCP and QH-9606-LTC-APC.

Unless formal administrative action is taken prior to May 9, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Pennsylvania Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-374. Filed for public inspection March 2, 2007, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

A meeting of a subcommittee of the Lobbying Disclosure Regulation Committee established under the act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective

January 1, 2007, will be held on Wednesday, March 7, 2007 at 2 p.m. in Room 8A of the East Wing of the Capitol, Harrisburg, PA.

The purpose of the meeting will be for the subcommittee to review the obligations of the Committee with respect to the preparation of a manual setting forth guidelines for accounting and reporting and thereafter make recommendations to the full Committee 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. 07-375. Filed for public inspection March 2, 2007, 9:00 a.m.]

### 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 134) effective January 1, 2007, will be held on Thursday, March 8, 2007, at 9 a.m. in Room 8A of the East Wing of the Capitol, 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. 07-376. Filed for public inspection March 2, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Order

Public Meeting held  
February 8, 2007

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff; Doc. No. C-20066112;*

v.

*Covista, Inc.; Doc. No.; A-310640; 2006.0116.*

### Order

*By the Commission*

On April 6, 2006, Law Bureau Prosecutory Staff filed a Formal Complaint against Covista, Inc. (Covista), a non-facilities based CLEC certificated at A-310640. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to Covista that its 2004 Annual Report was due. The Complaint charged that Covista violated 66 Pa.C.S. § 504 by failing to file its 2004 Annual Report. The Complaint requested that the Commission issue an order canceling Covista's certificate of public convenience for failure to file its 2004 Annual Report.



Service of the Complaint was perfected on April 12, 2006. However, Covista failed to file an answer or file its 2004 annual report within the 20-day time period specified in the Complaint. Consequently, on November 15, 2006, the Commission entered a Default Order that sustained the complaint and cancelled Covista's certificate of public convenience. Notice of the Default Order was published on December 2, 2006 at 36 Pa.B. 7377 with a 20-day comment period.

Commission records show that on December 28, 2006, Covista paid the \$250 late-filing fee specified in the Formal Complaint. On January 10, Covista filed its 2004 delinquent Annual Report along with its 2005 Annual Report, which was also delinquent but not yet the subject of any Commission enforcement proceeding. On January 17, Covista filed a letter requesting rescission of the Default Order and reinstatement of its certificate. With its request, Covista filed an additional \$250 late-filing fee for the 2005 delinquent Annual Report filing. In its petition, Covista stated that it has taken steps to ensure that it timely complies with future filing deadlines. Because the request for rescission was filed beyond the 20-day comment period, we will treat this letter as a Petition to Reinstatement.

It is well-settled that decisions such as whether to grant a petition for reinstatement are left to the Commission's discretion. *Hoskins Taxi Service v. Pa. P.U.C.*, 486 A.2d 1030 (Pa. Comwlth. 1985). In ruling upon a reinstatement petition, it is incumbent upon this Commission to examine all relevant factors in order to reach an equitable result. *Medical Transportation, Inc.*, 57 Pa. P.U.C. 79 (1983).

The Commission has identified five factors that are particularly relevant to the adjudication of a petition to reinstate: 1) the amount of time that elapsed between the cancellation of the certificate of public convenience and the filing of the petition, 2) whether the petitioner has a record of habitually violating the Public Utility Code, 3) the reasonableness of the excuse given for the violation that caused the certificate to be cancelled, 4) whether the petitioner has implemented procedures to prevent a recurrence of the circumstances giving rise to the cancellation, and 5) whether the petitioner is current in the payment of all Commission fines and assessments. *Re: M.S. Carriers, Inc.*, Docket No. A-00110601 (May 4, 1999).

In considering the first factor, we note that only 26 days elapsed between the effective date of the cancellation on December 22, 2006 and Covista's request for reinstatement on January 17, 2006. This short period of time supports reinstatement.

In regard to the second factor, Covista does not have a record of habitually violating the Public Utility Code. Within the last three years, the Commission has instituted only one additional Formal Complaint against Covista. That Complaint was issued at C-20044061, for Covista's failure to file the paper copy of its 2003 Annual Report. That complaint was dismissed as satisfied when Covista filed the paper copy. Thus, Covista's record also supports reinstatement.

In considering the third and fourth factors, Covista is appropriately apologetic in its petition for the delinquency in filing its 2004 Annual Report. Specifically, Covista states that it has experienced a tremendous amount of change within the last few years. During this time period, Covista has moved its headquarters from New Jersey to Tennessee and suffered from extensive employee turnover. In an effort to ensure timely filings of all financial

reports, Covista is currently undergoing a major shift in process improvements which include hiring a third-party tax firm to prepare all future reports in a timely manner. Moreover, Covista has noted its compliance requirements on its in-house financial compliance matrix. As stated earlier, Covista has also filed its 2005 Annual Report with an accompanying \$250 late-filing fee. The fact that Covista has now complied with our reporting requirements and has taken steps to ensure future compliance militates toward reinstatement.

The fifth factor requires that all outstanding fines and/or assessments be paid prior to reinstatement. A review of Commission records shows that Covista has no unpaid fines or assessments.

Based upon the foregoing, we will grant Covista's petition for reinstatement. However, we caution Covista that in the future annual reports must be timely filed. We also emphasize that all Commission correspondence must be answered in a timely manner. The Commission hereby puts Covista and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore,*

*It is Ordered That:*

1. The Default Order entered November 15, 2006 against Covista, Inc. at this docket is hereby rescinded.
2. The certificate of public convenience held by Covista, Inc. at A-310640 is hereby reinstated.
3. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-377. Filed for public inspection March 2, 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 26, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-00123480. Wissinoming Volunteer First Aid Corps., Inc. t/d/b/a Wissinoming Volunteer Ambulance** (6179 Hegerman Street, Philadelphia, PA 19135), a corporation of the Commonwealth, common carrier—ambulatory and nonambulatory persons, in paratransit service, from points in the City and County of Philadel-

phia and the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-00123483. CFT Ambulance, Inc.** (242 North James Street, #200, Newport, DE 19804), a corporation of the State of Delaware—contract carrier of persons who are Medicare and Medicaid recipients, for the Department of Public Welfare, Logisticare Solutions, LLC, and HGS Administrators, from points in the City and County of Philadelphia and the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-00108299, F5001. J.E.T. Enterprises, Inc., t/d/b/a Londonderry Limousines, Ltd.** (320 Plaza Drive, Palmyra, Lebanon County, PA 17078), a corporation of the Commonwealth—for the approval of the transfer of 130 shares of issued and outstanding shares held by John J. Gross, to the following: 104 shares to Peter R. Parpagene, Jr. and 26 shares to Jason Eisenhauer. *Attorney:* Thomas Long, 315 S. 8th St., Lebanon, PA 17042.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Smith, Don & Sons Moving, Inc., Doc. No. A-00098962C0601*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Smith, Don & Sons Moving, Inc. respondent, is under suspension effective October 30, 2006 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at Smith, Don & Sons Moving, Inc., 49 Black Walnut Road, Levittown, PA 19057.

3. That respondent was issued a certificate of public convenience by this Commission on November 13, 1989 at Application Docket No. A-00098962.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within 20 days of the date of service of this complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00098962 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Com-

mission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

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 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 of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation  
and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. Acord

Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

D. If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. David George Fay, 134 Middle Street, Pleasant Gap, PA 16832; Doc. No. C-20077328*

#### 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 David George Fay, respondent, maintains its principal place of business at 134 Middle Street, Pleasant Gap, PA 16823.

2. That on the date of the violation alleged in this complaint, respondent did not hold a certificate of public convenience issued by this Commission.

3. That respondent, on September 2, 2006, provided transportation between points in State College, PA. Officer Brauser and Officer Paul, of the State College Police Department, observed a vehicle bearing Pennsylvania License No. ERK-8341 pick up four people at the Sports Café in State College, Pennsylvania to the Sleep Inn in State College, PA. The vehicle is a 1987 Toyota sedan registered to David G. Fay. One of the people in the vehicle advised the officers that the driver, identified as David George Fay, held up a yellow taxi sign and quoted a charge of \$4.50 for the ride. The driver was given \$10.00 and advised to keep the change. The laminated yellow sign said "TAXI by Handy Delivery PUC A107326" was seized by Mr. Fay. Mr. Fay admitted to the officers that he was providing transportation on football nights.

4. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondent provided transportation of persons for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000. Future violations may result in possible criminal prosecution with penalties up to \$10,000 and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine David George Fay, the sum of \$1,000.00 for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, 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 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 a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an application for authority with the Secretary of the Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. If no application is received within the twenty day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

D. If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-378. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Telecommunications

**A-310489F7003. Commonwealth Telephone Company and Cellco Partnership d/b/a Verizon Wireless, Northeast Pennsylvania SMSA Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner, Pennsylvania No. 3 Sector 2 Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner, Pennsylvania No. 4, Section 2 Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner and Allentown SMSA Limited Partnership, d/b/a Verizon Wireless By Bell Atlantic Mobile Systems of Allentown, Inc.** Joint petition of Commonwealth Telephone Company and Cellco Partnership d/b/a Verizon Wireless, Northeast Pennsylvania SMSA Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner, Pennsylvania No. 3 Sector 2 Limited Partnership d/b/a Verizon Wireless By Cellco Partnership, its General Partner, Pennsylvania No. 4 Section 2 Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner and Allentown SMSA Limited Partnership, d/b/a Verizon Wireless By Bell Atlantic Mobile Systems of Allentown, Inc., its General Partner for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Cellco Partnership d/b/a Verizon Wireless, Northeast Pennsylvania SMSA Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner, Pennsylvania No. 3 Sector 2 Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner, Pennsylvania No. 4 Section 2 Limited Partnership d/b/a Verizon Wireless by Cellco Partnership, its General Partner, and Allentown SMSA Limited Partnership, d/b/a Verizon Wireless by Bell Atlantic Mobile Systems of Allentown, Inc., its General Partner, by its counsel, filed on February 12, 2007, at the Public Utility Commission (Commission) a joint petition for approval of a negotiated 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 Commonwealth Telephone Company and 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. 07-379. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Telecommunications

**A-311149F7003. Commonwealth Telephone Company and NPCR, Inc. d/b/a Nextel Partners.** Joint petition of Commonwealth Telephone Company and NPCR, Inc. d/b/a Nextel Partners for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and NPCR, Inc. d/b/a Nextel Partners, by its counsel, filed on February 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated 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 Commonwealth Telephone Company and NPCR, Inc. d/b/a Nextel Partners 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. 07-380. Filed for public inspection March 2, 2007, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project 07-023.S, Military and Homeland Security Requirements (Identify Requirements For High Speed Vessel Terminal) until 2 p.m. on Tuesday, March 22, 2007. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on March 6, 2007. The cost of the proposal document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Offerors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 07-381. Filed for public inspection March 2, 2007, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project 07-023.S, Military and Homeland Security Requirement Assessment for a Fast Ship Capable Marine Terminal until 2 p.m. on Thursday, March 22, 2007. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on March 6, 2007. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the proposal document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Offerors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 07-382. Filed for public inspection March 2, 2007, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing and Meeting

Under its authority under the Susquehanna River Basin Compact (Compact), Pub. L. No. 91-575, 84 Stat. 1509 et seq. and its Regulations for Review of Projects, 18 CFR Parts 803—805, the Susquehanna River Basin Commission (Commission) will hold a public hearing to consider approval of certain water resources projects listed as follows as part of its regular business meeting to be held on March 14, 2007, at the Ramada Conference Center Altoona, 1 Sheraton Drive, Altoona, PA beginning

at 1 p.m. At the public hearing, the Commission will also consider the rescission of three docket approvals and an enforcement action involving one project, all of which are listed as follows. Also on the agenda for the business meeting will be: 1) a panel session on water resources management issues in the Morrison Cove Watershed, Juniata Subbasin, of the Susquehanna River Basin; 2) a report on hydrologic conditions in the basin; 3) adoption of the 2007 Water Resources Program; 4) revisions to the Fiscal Year 2008 budget; 5) approval/ratification of grants and contracts; 6) presentation of the Commission's Frederick Zimmerman and William Jeannes Awards; and 7) recognition of former Maryland Member Kendl Philbrick.

Interested parties may appear at the hearing to offer written or oral comments to the Commission on the listed projects, or the other matters scheduled for consideration at the business meeting. Written comments may also be submitted to the electronic and regular mail addresses listed as follows. The Chair of the Commission reserves the right to limit oral statements at the hearing in the interest of time and to otherwise control the course of the hearing.

The contact person is Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436; [rcairo@src.net](mailto:rcairo@src.net) or Deborah J. Dickey, Secretary to the Commission, (717) 238-0423, Ext. 301, fax (717) 238-2436, [ddickey@srbc.net](mailto:ddickey@srbc.net). Regular mail may also be sent to the Commission's offices at 1721 North Front Street, Harrisburg, PA 17102-2391. More information is also available for inspection at the Commission's offices or on the Commission's website at [www.srbc.net](http://www.srbc.net).

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 07-383. Filed for public inspection March 2, 2007, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

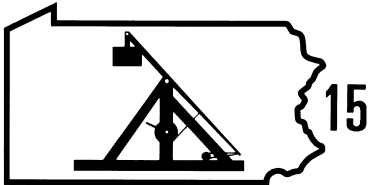
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.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



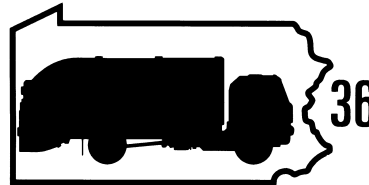
### Environmental Maintenance Service

**OSM 40(3217)101.1.** Abandoned Mine Reclamation Project, Drifton. The principal items of work and approximate quantities include 90,200 cubic yards of Grading and 13 acres of Seeding. This project issues on March 2, 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. This project is financed by the Federal Government under the authority given it by P. L. 95-87 dated August 3, 1977, "The Surface Mining Control Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

**Department:** Environmental Protection  
**Location:** Foster and Hazle Townships, Luzerne County  
**Duration:** 120 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820

**CN00024916.** Meat contract for April, May, June 2007. If you are interested in placing a bid, please fax your request to 570-587-7108 on your company letterhead that includes your name, address, telephone and fax numbers, federal ID number and PA state vendor number. If you do not have a PA state vendor number, one can be obtained by calling the central vendor master unit at: 877-775-2868 or by registering online at: <http://www.vendorregistration.state.pa.us/> Bid packages cannot be faxed.

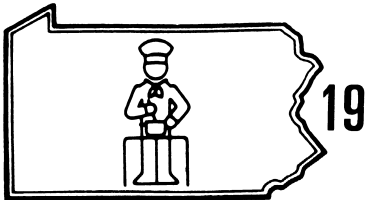
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** April 1 - June 30, 2007  
**Contact:** Stanley Rygelski, PA, 570-587-7291



### Sanitation

**CN00024963/GARBAGE REMOVAL SERVICES-LH.** The State Correctional Institution at Laurel Highlands will be soliciting bids for garbage removal. Interested vendors must be registered with the Commonwealth to receive bids and purchase orders and should contact the institution directly for a bid package. Bidding vendors must be located in a proximity that will allow for multiple weekly pick-ups and must use one of the landfills designated by Somerset County. Tentative bid due date will be 3/23/07 @ 1 PM.

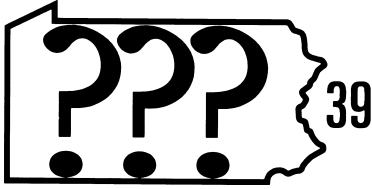
**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/07 through 6/30/10  
**Contact:** Theresa Solarczyk, Purchasing Agent II, 814-445-6501 x1232



### Food

**CN00024913.** Frozen Miscellaneous Food contract for April, May and June 2007. If you are interested in placing a bid, please fax your request to 570-587-7108 on your company letterhead that includes your name, address, telephone and fax numbers, federal ID Number and PA State Vendor number. If you do not have a PA state vendor number, one can be obtained by calling the central vendor master unit at: 877-775-2868 or by registering online at: <http://www.vendorregistration.state.pa.us/> Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** April 1 - Jun 30, 2007  
**Contact:** Stanley Rygelski, PA, 570-587-7291



## Miscellaneous

**CN00024972.** Contractor will provide onsite dental services for residents of the Youth Forestry Camp #2, Hickory Run State Park, White Haven, PA and the North Central Secure Treatment Unit, Danville, PA.

**Department:** Public Welfare  
**Location:** Youth Forestry Camp #2, White Haven, PA and North Central Secure Treatment Unit, Danville, PA  
**Duration:** 7/1/07 - 6/30/2010  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

**CN00024970.** Contractor will supply various pieces of weight equipment. Manufacturer will be Hammer Strength. No exceptions.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, 8 Opportunity Drive, Loysville, PA 17047  
**Duration:** Unknown  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

**KURFP-0113.** Lease of Modular Trailers, KURFP-0113: Kutztown University is seeking qualified vendors who are interested in submitting proposals for the lease of two (2) modular classroom trailers at Kutztown University. The vendor selection process will be via sealed competitive proposals. RFP packages are available for a non-refundable fee of \$15.00 from: Craig Kleinsmith, Contract Specialist, Kutztown University, Facilities Project Services, P. O. Box 730, 15200 Kutztown Road, Kutztown, PA 19530. RFP packages are available March 5, 2007 through March 23, 2007. All questions must be submitted in writing to Kutztown University by 4:00 PM on March 19, 2007 to the attention of Craig Kleinsmith fax: (610) 683-1553 or email to kleinsmi@kutztown.edu. Proposals are to be received no later than 3:00 PM, March 28, 2007 in Room 229, Facilities Project Services, Kutztown University. Persons with a disability, and who require accommodation, should notify the Disability Services Office two weeks prior to the pre-bid/proposal meeting, or bid/proposal due date, at 610-683-4108 or email accommodation@kutztown.edu, TDD number: 610-683-4499, in order to discuss accommodations. Every effort will be made to provide reasonable accommodations. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One year lease after Notice to Proceed.  
**Contact:** Craig Kleinsmith, 610-683-4602

**SSHE 401-BL-859 Centennial Roof Replacement.** Work consist of the removal of existing single-ply roofing system and insulation down to the existing concrete roof deck and provide new single-ply EPDM roof membrane with roof insulation, vapor barrier and cover board. Roof edge drainage system consists of roof gutters and downspouts to grade. Roof area is approximately 5,700 square feet, in three separate single storm roof areas. To obtain a copy of the bid documents submit a \$50.00 (nonrefundable) check to Burkavage Design Associates, 200 Abington Executive Park, Clarks Summit, PA 18411-2260, ATTN: Paul Degillio, phone #570-586-0719, fax #570-586-6549. This is will a one prime contract (General—\$115,000 to \$130,000). The pre-bid conference will be held on March 13, 2007, 10:00 am, Bloomsburg University with bids due March 27, 2007 at 1:00 pm, Bloomsburg University.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815  
**Duration:** 100 calendar days  
**Contact:** Paul S. Degillio, 570-586-0719

**75 6106 1313.** Modifications to existing facility to support the expansion of the Equine Laboratory. Work to be accomplished by separate prime contractors: HVAC, Plumbing and Electric. Work to include laboratory casework, fume hoods, partitions, acoustical ceiling, HVAC system, ductwork, sanitary vent, drain lines, new H/C water piping, new compressed air, rework electrical power, voice/data outlets, lighting and card reader.

**Department:** State System of Higher Education  
**Location:** West Chester University, 220 East Rosedale Ave., West Chester, PA 19383  
**Duration:** Room 141 to be completed by June 15, 2007. Total renovated space to be completed by September 28, 2007.  
**Contact:** Barb Cooper, 610-436-2706

[Pa.B. Doc. No. 07-384. Filed for public inspection March 2, 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*