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# PENNSYLVANIA BULLETIN

Volume 38

Number 10

Saturday, March 8, 2008 • Harrisburg, PA

Pages 1133—1232

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Delaware River Basin Commission  
Department of Banking  
Department of Environmental Protection  
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State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons  
State Real Estate Commission

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

**No. 400, March 2008**

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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 2008.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2008 Regular Session.

| <i>Doc. No.</i>   | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i>   |
|---|-----------------------|--------------------|-------------------------|-----------------------|---|
| <b>2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 003 through 005</b> |                       |                    |                         |                       |   |
| 003   | Feb 14                | SB0001             | PN1763                  | Immediately*          | Right-to-Know Law—enactment   |
| 004   | Feb 22                | HB1621             | PN3154                  | Immediately           | Lease—Commonwealth property within Delaware River bed in the City of Philadelphia to VTE Philadelphia, LP, and affirming authority of General Assembly to enact certain conveyances |
| 005   | Feb 22                | HB1627             | PN3155                  | Immediately           | Lease—Commonwealth property within Delaware River bed in the City of Philadelphia to NCCB Associates, LP, and affirming authority of General Assembly to enact certain conveyances  |

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

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ROBERT W. ZECH, Jr.,  
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Legislative Reference Bureau

[Pa.B. Doc. No. 08-388. Filed for public inspection March 7, 2008, 9:00 a.m.]

# THE COURTS

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 100, 300 AND 800 ]

Order Amending Rules 120, 123, 124, 360, 364, 800 and Adopting New Rule 140; No. 438 Supreme Court Rules; Doc. No. 1

#### Order

*Per Curiam:*

Now, this 26th day of February, 2008, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published before adoption at 37 Pa.B. 1306 (March 24, 2007), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 915, March 16, 2007), and on the Supreme's Court web-page, and an *Explanatory Report* to be published with this *Order*.

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Rule 140 and the amendments to Rules 120, 123, 124, 360, 364, and 800 of the Rules of Juvenile Court Procedure are adopted in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective June 1, 2008.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 1. GENERAL PROVISIONS

##### PART A. BUSINESS OF COURTS

#### Rule 120. Definitions.

**ADULT** is any person, other than a juvenile, eighteen years old or older.

\* \* \* \* \*

**MINOR** is any person, other than a juvenile, under the age of eighteen.

**Official Note:** Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. **Amended February 26, 2008, effective June 1, 2008.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 120 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).**

#### Rule 123. Subpoenas.

\* \* \* \* \*

##### B. Service.

1) **Method of Service.** A subpoena shall be served upon a witness by:

\* \* \* \* \*

c) by first-class mail.

\* \* \* \* \*

D. *Bench Warrant.* If any subpoenaed person fails to appear for the hearing and the court finds that sufficient notice was given, the [ court ] judge may issue a bench warrant pursuant to Rule 140.

##### E. Parental notification.

1) **Generally.** If a witness is a minor, the witness's guardian shall be notified that the minor has been subpoenaed.

2) **Exception.** Upon prior court approval and good cause shown, a subpoena may be served upon a minor without such notification to the guardian. If and when necessary, request for such prior court approval may be obtained *ex parte*.

##### Comment

Prior to issuing a bench warrant for a minor, the judge should determine if the guardian of the witness was served. Nothing in these rules gives the guardians of witnesses legal standing in the matter being heard by the court or creates a right for witnesses to have their guardians present. In addition, lack of required notice to the guardian does not prevent the minor witness from testifying. See Rule 140 for procedures on bench warrants.

For power to compel attendance, see 42 Pa.C.S. § 6333. Nothing in this rule prohibits the court from holding a contempt hearing. See *In re Crawford*, 519 A.2d 978 (Pa. Super. Ct. 1987) for punishing juveniles for contempt.

**Official Note:** Rule 123 adopted April 1, 2005, effective October 1, 2005. **Amended February 26, 2008, effective June 1, 2008.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 123 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 123 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).**

#### Rule 124. Summons and Notice.

\* \* \* \* \*

C. *Bench Warrant.* If any summoned person fails to appear for the hearing and the court finds that sufficient notice was given, the [ court ] judge may issue a bench warrant pursuant to Rule 140.

##### Comment

[ Under Rule 800, 42 Pa.C.S. § 6335(c) was suspended only to the extent that it is inconsistent with this rule. Under paragraph (C), the judge is to find a summoned person failed to appear and sufficient notice was given to issue a bench warrant. The fact that the juvenile may abscond or may not attend or be brought to a hearing is not sufficient evidence for a bench warrant. This rule, however, does not prohibit probation from recommending detention. The normal rules of procedure in these rules are to be followed if a juvenile is detained. See Chapter Two, Part D. ]

See Rules 360(A), 500(A), and 600(A) for service of the guardian for a proceeding. Nothing in these rules gives the guardians of juveniles legal standing

**in the matter being heard by the court or creates a right for juveniles to have their guardians present. See 42 Pa.C.S. § 6310(e). See Rule 140 for procedures on bench warrants.**

**Official Note:** Rule 124 adopted April 1, 2005, effective October 1, 2005. **Amended February 26, 2008, effective June 1, 2008.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 124 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).**

**Rule 140. Bench Warrants for Failure to Appear.**

A. *Issuance of warrant.*

1) Before a bench warrant may be issued by a judge, the judge shall find that the subpoenaed or summoned person received sufficient notice of the hearing and failed to appear.

2) For the purpose of a bench warrant, a judge may not find notice solely based on first-class mail service.

B. *Juvenile.*

1) *Where to take the juvenile.*

a) When a juvenile is taken into custody pursuant to a bench warrant, the juvenile shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

b) If the juvenile is not brought before a judge, the juvenile shall be released unless:

i) the warrant specifically orders detention of the juvenile; or

ii) there are circumstances learned at the time of the surrender or apprehension that warrant detention of the juvenile.

c) If a juvenile is detained, the juvenile shall be detained in a detention facility or other facility designated in the bench warrant by the judge pending a hearing.

2) *Prompt hearing.*

a) If a juvenile is detained pursuant to a specific order in the bench warrant, the juvenile shall be brought before the judge who issued the warrant, a judge designated by the President Judge to hear bench warrants, or an out-of-county judge pursuant to paragraph (B)(4) within seventy-two hours.

b) If the juvenile is not brought before a judge within this time, the juvenile shall be released.

3) *Notification of guardian.* If a juvenile is taken into custody pursuant to a bench warrant, the arresting officer shall immediately notify the juvenile's guardian of the juvenile's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a juvenile is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) Arrangements to transport the juvenile shall be made immediately.

c) If transportation cannot be arranged immediately, then the juvenile shall be taken without unnecessary delay to a judge of the county where the juvenile is found.

d) The judge will identify the juvenile as the subject of the warrant, decide whether detention is warranted, and order that arrangements be made to transport the juvenile to the county of issuance.

5) *Time requirements.* The time requirements of Rules 240, 391, 404, 510, and 605 shall be followed.

C. *Witnesses.*

1) *Where to take the witness.*

a) When a witness is taken into custody pursuant to a bench warrant, the witness shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

b) If the witness is not brought before a judge, the witness shall be released unless the warrant specifically orders detention of the witness.

c) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge may order detention of the witness pending a hearing.

1) *Minor.* If a detained witness is a minor, the witness shall be detained in a detention facility.

2) *Adult.* If a detained witness is an adult, the witness shall be detained at the county jail.

2) *Prompt hearing.*

a) If a witness is detained pursuant to paragraph (C)(1)(c) or brought back to the county of issuance pursuant to paragraph (C)(4)(f), the witness shall be brought before the judge by the next business day.

b) If the witness is not brought before a judge within this time, the witness shall be released.

3) *Notification of guardian.* If a witness who is taken into custody pursuant to a bench warrant is a minor, the arresting officer shall immediately notify the witness's guardian of the witness's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a witness is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) The witness shall be taken without unnecessary delay and within the next business day to a judge of the county where the witness is found.

c) The judge will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order that arrangements be made to transport the witness to the county of issuance.

d) Arrangements to transport the witness shall be made immediately.

e) If transportation cannot be arranged immediately, the witness shall be released unless the warrant or other order of court specifically orders detention of the witness.

i) *Minor.* If the witness is a minor, the witness may be detained in an out-of-county detention facility.

ii) *Adult.* If the witness is an adult, the witness may be detained in an out-of-county jail.

f) If detention is ordered, the witness shall be brought back to the county of issuance within seventy-two hours from the execution of the warrant.

g) If the time requirements of this paragraph are not met, the witness shall be released.

*D. Return and execution of the warrant for juveniles and witnesses.*

1) The bench warrant shall be executed without unnecessary delay.

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear bench warrants.

3) When the bench warrant is executed, the arresting officer shall immediately execute a return of the warrant with the judge.

4) Upon the return of the warrant, the judge shall vacate the bench warrant.

#### Comment

Pursuant to paragraph (A), the judge is to ensure that the person received sufficient notice of the hearing and failed to attend. The judge may order that the person be served in-person or by certified mail, return receipt. The judge may rely on first-class mail service if additional evidence of sufficient notice is presented. For example, testimony that the person was told in person about the hearing is sufficient notice. Before issuing a bench warrant, the judge should determine if the guardian was notified.

Under Rule 800, 42 Pa.C.S. § 6335(c) was suspended only to the extent that it is inconsistent with this rule. Under paragraph (A)(1), the judge is to find a subpoenaed or summoned person failed to appear and sufficient notice was given to issue a bench warrant. The fact that the juvenile or witness may abscond or may not attend or be brought to a hearing is not sufficient evidence for a bench warrant. This rule, however, does not prohibit probation from recommending detention for a juvenile. The normal rules of procedure in these rules are to be followed if a juvenile is detained. See Chapter Two, Part D.

Pursuant to paragraph (B), the "juvenile" is the subject of the delinquency proceedings. When a witness is a child, the witness is referred to as a "minor." This distinction is made to differentiate between children who are alleged delinquents and children who are witnesses. See paragraph (B) for alleged delinquents and paragraph (C) for witnesses. See also Rule 120 for definition of "juvenile" and "minor."

Pursuant to paragraph (B)(1)(a), the juvenile is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. Pursuant to paragraph (B)(1)(b), if a bench warrant specifically provides that the juvenile may be detained in a detention facility, the juvenile may be detained without having to be brought before the judge until a hearing within seventy-two hours under paragraph (B)(2)(a). The juvenile is not to languish in a detention facility. Pursuant to this paragraph, if a hearing is not held promptly, the juvenile is to be released. See paragraph (B)(2)(b).

Under paragraphs (B)(2) and (B)(4), a juvenile taken into custody pursuant to a bench warrant is to have a hearing within seventy-two hours regardless of where the juvenile is found. See Rule 240 (C).

Pursuant to paragraph (B)(4), the juvenile may be detained out-of-county until transportation arrangements can be made.

Pursuant to paragraph (B)(5), the time requirements of all other rules are to apply to juveniles who are detained. See, e.g., Rules 240, 391, 404, 510, and 605.

Pursuant to paragraph (C)(1)(a), the witness is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. Pursuant to paragraph (C)(1)(b), if the judge is not available, the witness is to be released immediately unless the warrant specifically orders detention. Pursuant to paragraph (C)(1)(c), a motion for detention as a witness may be filed. If the witness is detained, a prompt hearing pursuant to paragraph (C)(2) is to be held by the next business day or the witness is to be released. See paragraph (C)(2)(b).

Pursuant to paragraph (C)(4)(b), a witness is to be brought before an out-of-county judge by the next business day unless the witness can be brought before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to be brought before the judge who issued the bench warrant by the next business day. See paragraph (C)(4)(f).

Pursuant to paragraph (D)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph (D)(3).

Pursuant to paragraph (D)(4), the bench warrant is to be vacated after the return of the warrant is executed so the juvenile or witness is not taken into custody on the same warrant if the juvenile or witness is released. "Vacated" is to mean that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

See 42 Pa.C.S. § 4132 for punishment of contempt for juveniles and witnesses.

*Official Note:* Rule 140 adopted February 26, 2008, effective June 1, 2008.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 140 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).

## CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

### PART D(2) ADJUDICATORY SUMMONS AND NOTICE PROCEDURES

#### Rule 360. Summons and Notice.

\* \* \* \* \*

#### Comment

Section 6335 of the Juvenile Act provides that the court [ **shall** ] is to direct the issuance of a summons to the juvenile, guardian, and any other persons as appears to the court to be proper and necessary for the proceedings. 42 Pa.C.S. § 6335.

**The guardian's failure to appear should not prevent the adjudicatory hearing from proceeding.**

The attorney for the Commonwealth or the juvenile probation officer should notify the victim of the hearing. See Victim's Bill of Rights, 18 P. S. § 11.201.

Other persons may be subpoenaed to appear for the hearing. See 42 Pa.C.S. § 6333.

**Official Note:** Rule 360 adopted April 1, 2005, effective October 1, 2005. **Amended February 26, 2008, effective June 1, 2008.**

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 360 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).**

**Rule 364. Failure to Appear on the Summons.**

If any summoned person fails to appear for the adjudicatory hearing and the [ court ] judge finds that sufficient notice was given, the [ court ] judge may issue a bench warrant pursuant to Rule 140.

**Comment**

See Rule 140 for issuance of a bench warrant.

**Official Note:** Rule 364 adopted April 1, 2005, effective October 1, 2005. **Amended February 26, 2008, effective June 1, 2008.**

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 364 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).**

**CHAPTER 8. SUSPENSIONS**

**Rule 800. Suspensions of Acts of Assembly.**

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

\* \* \* \* \*

2) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335(c), which provides for the issuance of arrest warrants if the juvenile may abscond or may not attend or be brought to a hearing, is suspended only insofar as the Act is inconsistent with Rules 124 and 140, which requires a summoned person to fail to appear and the court to find that sufficient notice was given.

\* \* \* \* \*

**Comment**

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. See also Rule 102.

**Official Note:** Rule 800 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. **Amended February 26, 2008, effective June 1, 2008.**

*Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

**Final Report explaining the amendments to Rule 800 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).**

**Introduction**

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 120, 123, 124, 360, 364, 800 and new Rule 140. The changes are effective June 1, 2008.

**EXPLANATORY REPORT  
FEBRUARY 2008**

**Rule 120—Definitions**

There are two new definitions to this rule: the terms "minor" and "adult." In the new Rule 140, there is a difference between the treatment of a minor witness and an alleged delinquent. The term "minor" is used to describe a child who is a witness and is a non-delinquent child.

The term "adult" has also been added to this rule. An adult is any person over the age of eighteen, other than a juvenile. The phrase, "other than a juvenile," is important because a juvenile can be over the age of eighteen but under the age of twenty-one if the juvenile committed a delinquent act prior to reaching the age of eighteen. The two new definitions will help the reader distinguish between minors, juveniles, and adults.

**Rule 123—Subpoenas and Rule 124—Summons and Notice**

A reference was placed in these rules that the new Rule 140 on bench warrants governs. Additionally, in both rules, a parental notification paragraph has been added. The Committee felt that it was important to stress that the guardian of the minor witness or juvenile should be notified in most instances.

There are a few circumstances that notification of the guardian should not occur. In these few cases, there must be good cause shown for the court to approve that notification should not be sent.

**Rule 140—Bench Warrants for Failure to Appear**

This rule addresses the procedures on issuing bench warrants. This rule sets forth the requirements for issuing a bench warrant, where to take a juvenile or witness, prompt hearing requirements, notification of the guardian, out-of-county custody, and the return and execution of the warrant.

**Rule 360—Summons and Notice**

A sentence has been added to the Comment that a proceeding can proceed without the presence of the guardian. This issue is important because guardians often do not appear for their children's proceedings. As long as the guardian has been notified, there is no substantive right for the juvenile to have his or her guardian present.

**Rule 364—Failure to Appear on the Summons**

A cite to the new proposed Bench Warrant Rule 140 has been added to the Comment of this Rule.

**Rule 800—Suspensions of Acts of Assembly**

Rule 140 was added to paragraph (2) of Rule 800, which requires a summoned person to fail to appear for a proceeding and the court to find that sufficient notice of the hearing was given before an arrest warrant may be issued.

[Pa.B. Doc. No. 08-389. Filed for public inspection March 7, 2008, 9:00 a.m.]

PART I. RULES

[ 237 PA. CODE CHS. 150 AND 600 ]

Order Amending Rules 150 and 613 (Now Rule 631) and Adopting New Rules 630 and 632; No. 437 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 26th day of February 2008, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published before adoption at 37 Pa.B. 3096 (July 7, 2007), in the Atlantic Reporter (Second Series Advance Sheets, Vol. 924, July 20, 2007), and on the Supreme's Court web-page, and an Explanatory Report to be published with this Order.

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Rules 630 and 632 and the amendments to Rules 150 and 613, now renumbered Rule 631, of the Rules of Juvenile Court Procedure are adopted in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2008.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B. COUNSEL

Rule 150. Attorneys—Appearances and Withdrawals.

\* \* \* \* \*

Comment

\* \* \* \* \*

See also Rule [ 613 ] 631 for termination of court supervision.

\* \* \* \* \*

Official Note: Rule 150 adopted April 1, 2005, effective October 1, 2005. Amended February 26, 2008, effective April 1, 2008.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 150 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 150 published with the Court's Order at 38 Pa.B. 1147 (March 8, 2008).

\* \* \* \* \*

CHAPTER 6. POST-DISPOSITIONAL PROCEEDINGS

Rule 630. Loss of Court Jurisdiction.

When the juvenile has attained the age of twenty-one, the court shall enter an order terminating court supervision of the juvenile.

Comment

The Juvenile Court has jurisdiction of a delinquent child if the child is under twenty-one years and committed an act of delinquency prior to reaching the age of eighteen. See 42 Pa.C.S. §§ 6302 and 6303.

Official Note: Rule 630 adopted February 26, 2008, effective April 1, 2008.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 630 published with the Court's Order at 38 Pa.B. 1147 (March 8, 2008).

Rule [ 613 ] 631. Termination of Court Supervision.

A. Notice. [ When the juvenile has completed the terms of the dispositional order, the juvenile probation officer shall move for the termination of the court's supervision by filing a motion. ] The juvenile probation officer shall promptly notify the court when the conditions of probation have been satisfied. The court shall decide if supervision should be terminated. The [ motion ] notice shall set forth:

1) The juvenile has completed the terms of the court's dispositional order;

2) Restitution, fines, and costs have been paid in full; and

3) The juvenile has not committed any new offenses in which a criminal proceeding or proceeding governed by the Juvenile Act, 42 Pa.C.S. § 6301 et seq., may be commenced.

B. Objection. Any party may object to the [ motion ] notice under paragraph (A) and request a hearing. Such objection shall be made within thirty days of receipt of the [ motion ] notice; otherwise, objections are deemed waived.

C. Hearing. If objections have been made under paragraph (B), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

D. Termination. When the requirements of paragraphs (A) through (C) have been met and the court is satisfied that the juvenile has carried out the terms of the dispositional order, the court may discharge the juvenile from its supervision.

Comment

For procedures on [ motions ] filing and service of the notice under paragraph (A), see Rule [ 344 and ] 345. For procedures on the dispositional order, see Rule 515. See also, 42 Pa.C.S. § 6352.

For collection of restitution [ Under paragraph (A)(2) ], see 42 Pa.C.S. § 9728 [ for collection of outstanding restitution ].

See Rule 632 for early termination of court supervision by motion.

Official Note: Rule 613 adopted April 1, 2005, effective October 1, 2005. Renumbered Rule 631 and amended February 26, 2008, effective April 1, 2008.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 613 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the renumbering of 613 to 631 and amendments to Rule 631 published with the Court's Order at 38 Pa.B. 1147 (March 8, 2008).

**Rule 632. Early Termination of Court Supervision by Motion.**

A. *Motion.* Any party may move for early termination of court supervision. The motion shall state with specificity why early termination is sought and why the requirements of Rule 631(A) have not been met.

B. *Notice.* In addition to the service requirements of Rule 345, any party moving for early termination shall serve the motion on the juvenile probation officer.

C. *Objection.* A party or the juvenile probation officer may object to the motion under paragraph (A) and request a hearing. Such objection shall be made within thirty days of receipt of the motion; otherwise, objections are deemed waived.

D. *Hearing.* If objections have been made pursuant to paragraph (C), the court shall hold a hearing and give each party and the juvenile probation officer an opportunity to be heard before the court enters its final order.

E. *Court's motion.* The court, sua sponte, may schedule a hearing for early termination of court supervision upon a request by the juvenile probation officer. All parties shall receive notice of the hearing.

F. *Termination.* When the requirements of paragraphs (A) through (D) have been met or pursuant to its own motion under paragraph (E) and the court is satisfied that there are compelling reasons to discharge the juvenile prior to the completion of the requirements of Rule 631(A), the court may order an early discharge of the juvenile from its supervision.

**Comment**

For procedures on motions, see Rule 344. For filing and service requirements, see Rule 345.

If all parties are in agreement with the termination, the court may terminate court supervision without a hearing.

For procedures on the dispositional order, see Rule 515. See also, 42 Pa.C.S. § 6352. For collection of outstanding restitution regardless of court supervision status, see 42 Pa.C.S. § 9728.

**Official Note:** Rule 632 adopted February 26, 2008, effective April 1, 2008.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 632 published with the Court's Order at 38 Pa.B. (March 8, 2008).

**Introduction**

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 150 and 613 (now renumbered Rule 631), two new Rules 630 and 632, and the creation of a new Part C in Chapter Six of the Delinquency Rules: Cessation of Court Supervision and Jurisdiction. The changes are effective April 1, 2008.

**EXPLANATORY REPORT  
FEBRUARY 2008**

**Rule 150—Attorneys—Appearances and Withdrawals**

The Comment was modified to reflect the renumbering of Rule 613 to Rule 631.

**Rule 630—Loss of Court Jurisdiction**

This rule has been added so the juvenile probation officer can notify the court when the juvenile has turned twenty-one because the court loses delinquency court supervision. This rule is a separate rule because the court loses jurisdiction when the juvenile turns twenty-one regardless of objections.

**Rule 631 (old Rule 613)—Termination of Court Supervision**

This rule was renumbered to Rule 631 to be a part of the new Part C in Chapter Six: Cessation of Court Supervision and Jurisdiction. This rule was restructured to be a notice rule, rather than a motions rule. The new Rule 632 will address early terminations by motion.

Juvenile probation officers are not parties to the proceedings; therefore, they cannot move for termination. This rule was modified and now requires notice to the court when a juvenile has completed the terms of his or her probation.

**Rule 632—Early Termination of Court Supervision by Motion**

This new rule addresses early termination of court supervision by motion. There are circumstances in which a court may want to terminate court supervision. For example, a juvenile may be charged with crimes as an adult and is being supervised by adult probation or the juvenile may be going to college or in the military and the court feels the juvenile is no longer in need of treatment, rehabilitation, or supervision.

[Pa.B. Doc. No. 08-390. Filed for public inspection March 7, 2008, 9:00 a.m.]

**COMMONWEALTH COURT**

**Regular Sessions of Commonwealth Court for the Year 2009; 126 M. D. No. 3**

**Order**

*And Now*, this 15th day of February, 2008, *It is Hereby Ordered* that the argument sessions of the Commonwealth Court of Pennsylvania shall be held in the year 2009 as follows;

| <i>Dates</i>     | <i>Situs</i> |
|------------------|--------------|
| January 26—30    | Pittsburgh   |
| February 23—27   | Philadelphia |
| March 30—April 3 | Harrisburg   |
| May 4—8          | Pittsburgh   |
| June 8—12        | Philadelphia |
| September 14—18  | Harrisburg   |
| October 13—16    | Pittsburgh   |
| November 9—13    | Philadelphia |
| December 7—11    | Harrisburg   |

BONNIE BRIGANCE LEADBETTER,

*President Judge*

[Pa.B. Doc. No. 08-391. Filed for public inspection March 7, 2008, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

[ 22 PA. CODE CH. 4 ]

#### Corrective Amendment to 22 Pa. Code § 4.13(c) (12)—(14)

The State Board of Education has discovered a discrepancy between the agency text of 22 Pa. Code § 4.13(c)(12)—(14) (relating to strategic plans), as deposited with the Legislative Reference Bureau, and the official text published at 38 Pa.B. 872, 881 (February 16, 2008), and scheduled to appear in the *Pennsylvania Code Reporter* MTS 401 (April 2008). The text of subsection (c)(12)—(14) was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The State Board of Education has deposited with the Legislative Reference Bureau a corrective amendment to 22 Pa. Code § 4.13(c)(12)—(14). The corrective amendment to 22 Pa. Code § 4.13(c)(12)—(14) is effective as of February 16, 2008, the date the defective official text appeared in the *Pennsylvania Bulletin*.

The correct version of 22 Pa. Code § 4.13(c)(12)—(14) appears in Annex A, with ellipses referring to the existing text of that section.

JIM BUCKHEIT,  
*Executive Director*

#### Annex A

#### TITLE 22. EDUCATION

#### PART I. STATE BOARD OF EDUCATION

#### CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

#### ACADEMIC STANDARDS AND PLANNING

#### § 4.13. Strategic plans.

\* \* \* \* \*

(c) The strategic plan must be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. The requirement in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school district's (including charter schools) or AVTS's ability to conduct a continuous strategic planning process. The plan must include the following components in addition to others the school district (including charter schools) or AVTS determines to include:

\* \* \* \* \*

(12) A description of how the school district will accomplish coordination with community operated infant and toddlers and preschool early intervention programs and the following before or after school programs and services for all grade levels, including prekindergarten, if offered, through grade 12:

- (i) Child care.
- (ii) After school programs.
- (iii) Youth workforce development programs.
- (iv) Tutoring.

(13) A school district that offers prekindergarten shall describe the prekindergarten program and explain how

the district will coordinate with agencies that serve preschool age children with disabilities. The plan must address coordination activities designed to identify and serve children with disabilities and the supports and accommodations available to ensure both physical and programmatic access. The plan must address pre-kindergarten programs operated directly by the school district and those operated by community agencies under contract from the school district.

(14) A brief description of how the school district will provide for a smooth transition for prekindergarten students, when prekindergarten is offered, from the home setting and any early childhood care or education setting the students attend, to the school setting. This description must include how the district will coordinate with the infants and toddlers and preschool early intervention agencies that serve children with disabilities to ensure a smooth transition for those children to the school district's prekindergarten program.

\* \* \* \* \*

[Pa.B. Doc. No. 08-392. Filed for public inspection March 7, 2008, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

[ 61 PA. CODE CH. 32 ]

#### Rescission of Sales and Use Tax Exclusion for Tangible Personal Property Used in the Production of Commercial Motion Pictures

The Department of Revenue (Department) is adopting a final-omitted regulation under sections 201 and 204 of the Tax Reform Code of 1971 (72 P. S. §§ 7201 and 7204). The Department proposes to rescind § 32.38 (relating to commercial motion pictures) as set forth in Annex A.

#### *Purpose of Regulation*

Sections 1 and 1.1 of Act 55 of 2007 (P. L. 373, No. 55) (72 P. S. §§ 7201(c)(8) and 7204(54)) repealed the exclusion from Sales and Use Tax for tangible personal property used in the production of commercial motion pictures. This rescission took effect on October 1, 2007, and necessitates the Department's regulations be amended immediately to reflect this change in the statute and remove the obsolete regulation.

#### *Explanation of Regulatory Requirements*

As a result of the enactment of Act 55 of 2007, the Department adopted a final-omitted regulation for the timely rescission of § 32.38, which was obsolete on October 1, 2007.

#### *Fiscal Impact*

The Department has determined that the rescission will have minimal fiscal impact on the Commonwealth.

#### *Paperwork*

The rescission will not generate substantial paperwork for the public or the Commonwealth.

*Effectiveness/Sunset Date*

The rescission will become effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

*Contact Person*

The contact person for an explanation of the rescission is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on January 18, 2008, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. A copy of this material is available to the public upon request. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). Under section 5.1(j.1) of the Regulatory Review Act (71 P. S. § 745.5a(j.1)), on February 20, 2008, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)), IRRC met on February 21, 2008, and approved the final-omitted rulemaking.

*Findings*

The Department finds that the rescission of this regulation is necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because it is in the public interest to expedite this

rescission that rescinds a statutory exclusion from Sales and Use Tax effective October 1, 2007.

*Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapter 32, are amended by deleting § 32.38 to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

THOMAS W. WOLF,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 1228 (March 8, 2008).)

**Fiscal Note:** 15-442. 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 32. EXEMPTIONS**

**§ 32.38. (Reserved).**

[Pa.B. Doc. No. 08-393. Filed for public inspection March 7, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[ 28 PA. CODE CHS. 23 AND 27 ]

### School Immunizations; Communicable and Non-communicable Diseases; Extension of Public Comment Period

A proposed rulemaking was published at 38 Pa.B. 750 (February 9, 2008). The proposed rulemaking included Chapter 23 (relating to school health), as well as Chapter 27 (relating to communicable and noncommunicable diseases). The proposed rulemaking was inadvertently published without a reference to the School Immunization Regulations in its title. Comments were due to this rulemaking by March 10, 2008. Because the proposed rulemaking was published under an incomplete title, and the Department of Health (Health) has concerns that interested parties may fail to realize the content of the proposed rulemaking, the Department is hereby providing notice that it intends to extend the public comment period for an additional 2 weeks. Written comments will be accepted by the Department until March 24, 2008.

Written comments should be directed to Heather Stafford, Director, Division of Immunization, Department of Health, Room 1026, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-5681, by March 24, 2008. Persons with a disability who wish to submit comments, suggestions or objections regarding the proposed rulemaking may do so by using the previously listed number or address. Speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document (for example, large print, audiotape, Braille), may contact Heather Stafford at the same address or telephone numbers.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-394. Filed for public inspection March 7, 2008, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petition for Study

On February 19, 2008, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Loyalsock Creek Watershed Association, requests the Board amend 25 Pa. Code § 93.1 (relating to definitions) to redesignate the Loyalsock Creek (main stem from the Sullivan-Lycoming County border to the mouth) from Trout Stocking Fishery (TSF) to High Quality-Trout Stocking Fishery (HQ-TSF).

Under 25 Pa. Code § 93.4d(a) (relating to processing petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters before performing survey work. The Department's assessment notice for the Loyalsock Creek will appear in a future issue of the *Pennsylvania Bulletin*.

The previously-referenced petition submitted by the Loyalsock Creek Watershed Association is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is also accessible on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: EQB ("EQB Meeting Agendas/Handouts/Minutes"; "2008"; "February 19, 2008")).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 08-395. Filed for public inspection March 7, 2008, 9:00 a.m.]

### [ 25 PA. CODE CH. 130 ]

[Correction]

#### Consumer Products

Errors occurred in the proposed rulemaking which appeared at 37 Pa.B. 5117 (September 15, 2007). The following represents the correct version of the proposed amendments, as deposited by the Environmental Quality Board, with ellipses referring to the existing text of the proposed rulemaking at 37 Pa.B. 5117:

#### At 37 Pa.B. 5120:

#### § 130.202. Definitions.

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

\* \* \* \* \*

*VOC content—*

(i) Except for charcoal lighter **material** products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under § 130.431 (relating to testing for compliance).

(ii) For charcoal lighter material products only,

$$\text{VOC [ Content ] content (percent) = } \frac{\text{(Certified [ Emissions ] emissions} \times 100)}{\text{Certified [ Use Rate ] use rate}}$$

\* \* \* \* \*

At 37 Pa.B. 5139:

**§ 130.454. Application for an ACP.**

A manufacturer of consumer products that has been granted an ACP agreement by the CARB under the ACP provision in Subchapter 8.5, Article 4, Sections 94540—94555, of Title 17 of the CCR based on California-specific data, or that has not been granted an exemption by the CARB may seek an ACP agreement by submitting an application. The application shall:

\* \* \* \* \*

At 37 Pa.B. 5140:

**§ 130.465. Other applicable requirements.**

A responsible ACP party may transfer an ACP to another responsible ACP party, provided that the following conditions are met:

\* \* \* \* \*

**§ 130.471. Public hearings.**

\* \* \* \* \*

(c) The Department will publish notice of the time, place and purpose of the [ hearing ] **three public hearings** in [ a local newspaper of general circulation and ] the *Pennsylvania Bulletin* [ not less than ] **at least 30 days** prior to the [ hearing ] hearings.

\* \* \* \* \*

[Pa.B. Doc. No. 07-1752. Filed for public inspection September 14, 2007, 9:00 a.m.]

# PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 401a, 435a, 439a, 441a, 461a, 461b, 463a AND 465a ]

**Preliminary Provisions; Employees; Junket Enterprises; Slot Machine Licenses; Slot Machine Testing and Control; Possession of Slot Machines; and Accounting and Internal Controls**

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207, 1311, 1321, 1322 and 1522 proposes to amend Chapters 401a, 435a, 439a, 441a, 461a, 461b, 463a and 465a to read as set forth in Annex A.

*Purpose of the Proposed Rulemaking*

This proposed rulemaking is intended to reflect organizational changes, require the display of Board credentials, add new slot machine design standards, delete a technical standard that is outdated, make a number of changes to existing accounting and internal control requirements, revise the jackpot payout procedures and expand the provisions related to merchandise jackpots.

*Explanation of Amendments to Chapters 401a, 439a, 461a and 465a*

Throughout this proposed rulemaking, references to the Board have been replaced with more specific references to the bureau or office that is involved.

In § 401a.3 (relating to definitions), the definition of “BCCIC” is being deleted because that Bureau of Corporate Compliance and Internal Controls no longer exists.

In § 435a.6(c) (relating to Board credentials), the requirement that a slot machine licensee’s employees carry their Board credential has been changed to require that the Board credential be displayed.

In Chapter 439a (relating to junket enterprises), references to the Bureau of Corporate Compliance and Internal Controls have been replaced with references to the Office of Gaming Operations.

Section 441a.19 (relating to notice of employee misconduct and offenses) is being amended to require slot machine licensees to notify the Bureau of Licensing of the resignation of any key employee. This will provide the Board with an opportunity to conduct an exit interview with the key employee.

In Chapter 461a (relating to slot machine testing certification and control), the Board has made a number of changes. In § 461a.1 (relating to definitions) the definition of “asset number” has been expanded to include associated equipment and the definition of “merchandise jackpot” has been revised to correspond to changes to § 461a.28 (relating to merchandise jackpots) which will require slot machine licensees to offer a cash payment in lieu of the merchandise.

In § 461a.7 (relating to slot machine minimum design standards), the Board has amended subsection (b)(3) to conform with the change made to § 461a.28 discussed previously. Additionally, a new standard related to the service button on slot machines has been added. It requires that the service button be easily accessible to the patron playing the slot machine and that activating the service button trigger a signal on the tower light that is

consistent with the technical standards in § 461b.2 (relating to slot machine tower lights and error conditions).

The third change in § 461a.7 moves a requirement that was in the technical standards in § 461b.1 (relating to slot machine minimum design standards) into the regulations. This standard requires that slot machines be configured to use any noncashable credits available for play before it uses any cashable credits. Because the Board is moving this requirement into the regulations, the technical standard in § 461b.1 will be deleted.

The final change in § 461a.7 requires labels on slot machines containing the asset number and gaming floor location. Similar requirements have also been added to §§ 461a.10 and 461a.22 (relating to automated gaming voucher and coupon redemption machines; and automated jackpot payout machines).

In § 461a.16 (relating to player tracking systems), a provision is proposed to prohibit slot machine licensees from having anyone under 21 years of age in a player tracking system. Since these individuals can not participate in gaming, they should not be participating in any player programs. A new subsection (c) has also been added which requires anyone who has access to the information contained in the player tracking system must hold a key employee license or occupation permit. This is being done to protect the personal information of individuals who elect to participate in any player programs.

The last revision to Chapter 461a is in § 461a.25 (relating to disputes). This section, which sets forth the process for addressing patron disputes, is being revised to match the process that is currently being used. When a dispute arises which can not be resolved by the slot machine licensee, the slot machine licensee will notify the casino enforcement agents at the licensed facility. A casino enforcement agent will attempt to resolve the dispute, and if unsuccessful, will assist the patron in filing a complaint. When complaints are filed, the Bureau of Investigations and Enforcement (BIE) will conduct an investigation.

In Chapter 463a (relating to possession of slot machines), a number of changes have been made to further clarify how certain requests are to be filed and what bureaus should receive copies of various filings. In § 463a.1 (relating to possession of slot machines generally), subsection (c) has been revised to require requests to possess slot machines to be filed as a petition. Additionally, a new subsection (e) has been added requiring anyone authorized to possess slot machines under subsection (d) to obtain Board approval for the offsite storage of the slot machines.

Section 463a.2 (relating to transportation of slot machines into, within and out of this Commonwealth) is proposed to be amended to require that the notice that is sent to the Bureau of Gaming Laboratory Operations when a slot machine is going to be moved, also be sent the Office of Gaming Operations.

In § 463a.5 (relating to slot machine master list), subsection (a) is proposed to be amended to require a copy of the slot machine master list to be filed with the Office of Gaming Operations as well as the Bureau of Gaming Laboratory Operations.

In § 463a.7 (relating to off premises storage of slot machines), subsection (b) is proposed to be amended to require requests for off premises storage of slot machines to be filed as a petition under § 493a.4 (relating to petitions generally).

In Chapter 465a (relating to accounting and internal controls), numerous proposed changes have been made

concerning where filings should be made, eliminating unnecessary filings, clarifying various requirements and adding new procedures.

In § 465a.2 (relating to internal control systems and audit protocols), references to the Board, the Bureau of Corporate Compliance and Internal Controls and BCCIC are proposed to be replaced with the Office of Gaming Operations which is now responsible for these functions. In subsection (f), provisions will be added to clarify that requests for changes to a slot machine licensee's internal controls are to be filed using an Amendment and Waiver Request Form. Also, subsection (j) is proposed to be revised to require retention of a paper copy of required attestations for 5 years.

In § 465a.3 (relating to forms, records and documents), the reference to the "Bureau" has been deleted. The Board does not need to routinely receive copies of these occurrences.

In § 465a.4 (relating to standard financial and statistical reports), subsections (a) and (b) have been deleted. The Board has determined that these required filings are duplicative or unnecessary for the Board to monitor the financial integrity of slot machine licensees.

In § 465a.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting), references to the Bureau of Corporate Compliance and Internal Controls, BCCIC and Board have been replaced with the Bureau of Licensing throughout this section except in subsections (k) and (m) where Board is replaced with BIE and in subsection (n) where Board is replaced with the Office of Gaming Operations. In subsections (d) and (e), the phrase "independent certified public accountant or" has been added to be consistent with the language used in subsection (a).

In subsections (d), (g) and (h), only one copy of the specified reports will have to be filed, instead of two or three copies.

In § 465a.7 (relating to complimentary services or items), "Board" has been replaced with "BIE" in subsection (e).

In § 465a.8 (relating to licensed facility), "or floor" has been added to subsection (d)(2) and "facilitating" has been replaced with "providing" in subsection (d)(6).

In § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions), a number of editorial changes have been made. In subsection (a), a general requirement that the surveillance system must be in compliance with 18 Pa.C.S. Chapter 57 (relating to Wiretapping and Electronic Surveillance Control Act) has been added.

In subsection (b), the phrase "upon request" has been deleted because it is not necessary.

In subsection (c)(4), the requirement for audio surveillance capability in the count room has been revised to require that it be in conformance with 4 Pa.C.S. § 1522 (relating to interception of oral communications). Additionally, the phrase "and elsewhere in the licensed facility as required by the Board" in subsection (c)(5) has been deleted. This language is not needed because all of the activities that require surveillance are covered in paragraph (1).

In subsection (c)(4)(ii), the word "facilitate" has been replaced with "provide."

In subsections (h) and (i), the references to "Bureau" have been replaced with "casino enforcement agents at the licensed facility" and "casino enforcement supervisor at the licensed facility" respectively. This will provide

clearer direction to the slot machine licensees as to who they should notify in these circumstances.

In subsection (o), a reference to § 493a.4 (relating to petitions generally) has been added to clarify that a surveillance department employee shall file a petition when requesting an exemption from the 1-year restriction on accepting employment with another department at the licensed facility.

In § 465a.11 (relating to slot machine licensee's organization), the references to "Bureau" in subsection (b)(1)(viii) and (5)(x) and (xi), have been replaced with "casino enforcement agents . . . at the licensed facility" and subsection (b)(5)(x) has been split into two subparagraphs, subparagraphs (x) and (xi).

In subsection (c), a new option has been added for reporting by the supervisors of the surveillance and internal audit departments that reflects additional options the Board may select to provide oversight of a licensed facility's operations.

In § 465a.12 (relating to access badges and temporary access credentials), "licensed manufacturer designees" were added to the list of entities that must be covered by a slot machine licensee's temporary access badge procedures.

In § 465a.13 (relating to possession of deadly weapons within a licensed facility), the prohibition on deadly weapons has been expanded to include stun guns or other devices that could injure or incapacitate a person. This is intended to provide additional protection of patrons at licensed facilities.

In § 465a.16 (relating to accounting controls for the cashiers' cage), the phrase "and nongaming" has been deleted from subsection (c)(1)(ii) and (2)(i) and (iii) to make these provisions consistent with the language used in § 465a.20 (relating to personal check cashing).

In § 465a.18 (relating to transportation of slot cash storage boxes to and from bill validators; storage), the term "Board" has been replaced with "Office of Gaming Operations" in subsections (a) and (b). Additionally, a new subsection (f) has been added that requires the casino enforcement agents to be contacted prior to the commencement of the drop if the central control computer is not online and that a casino enforcement agent witness and certify the drop. This is intended to provide greater security for and integrity of the collection of the slot cash storage boxes.

In § 465a.20, subsection (b)(6) is proposed to be amended to allow the amount of a check being cashed to be put in a customer deposit account as well as immediately being paid in cash to the patron. This will provide greater convenience and safety for patrons. A new subsection (f) has also been added requiring any slot machine licensee that charges a fee for cashing checks to comply with the Check Cashier Licensing Act (63 P. S. §§ 2301—2334).

In § 465a.23 (relating to customer deposits), subsections (a) and (b) are being revised to allow checks to be accepted for customer deposits consistent with the changes made to § 465a.20. The phrase "subsequent use for gaming purposes" has been replaced with the broader phrase "subsequent use at the licensed facility" again for the convenience of the patrons.

In § 465a.25 (relating to counting and recording of slot cash storage boxes), the first reference to the "Board" in subsection (a) has been replaced with the "Office of Gaming Operations" and the second reference to the

"Board" has been replaced with the "Office of Gaming Operations and the casino enforcement supervisor at the licensed facility." Existing subsection (j) has been deleted; the Board does not need to routinely receive these reports. A new subsection (j) has been added which requires notice to and the presence of someone from BIE in the count room before the count commences when the central computer control system is down.

Section 465a.26 (relating to jackpot payouts) has been totally rewritten. While many of the previous requirements remain, the procedures have been revised to provide greater flexibility as to who may verify the winning combination and to provide better accountability in the actual payment of the jackpots.

In § 465a.27 (relating to annuity jackpots), the phrase "a banking institution in this Commonwealth" has been added to subsection (e)(1)(iii). This will allow trusts established to pay annuity jackpots to be placed with banks in addition to being maintained by a slot machine licensee or slot system operator.

In § 465a.28 (relating to merchandise jackpots), the provisions governing merchandise jackpots have been expanded to provide additional guidance to the slot machine licensees. Provisions have been added specifying how a slot machine licensee is to determine the cash equivalent value of the merchandise and what supporting documentation a slot machine licensee is required to maintain. Slot machine licensees will also be required to offer optional cash payment that the winner may elect to receive in lieu of the merchandise being offered. The additions also provide that merchandise jackpots are considered winnings for the purpose of calculating gross terminal revenue and how the amount of the winnings is to be determined. Minimum requirements governing advertising of merchandise jackpots and technical requirements related to slot machines offering merchandise jackpots have also been included.

In § 465a.29 (relating to automated teller machines), a new subsection (b) has been added that requires a label on the top and front of automated teller machines that displays a unique identification number of the automated teller machine. This will make it easier to identify individual automated teller machines and their location in the licensed facility.

In § 465a.31 (relating to gaming day), subsection (c) is proposed to be revised to require that changes in a slot machine licensee's hours of operation be submitted as a change to the slot machine licensee's internal controls under the procedures outlined in § 465a.2(f).

#### *Affected Parties*

Slot machine licensees will have to comply with the new design standards and labeling requirements for slot machines, and changes in the patron dispute process and the surveillance requirements. Slot machine licensees will also have to comply with the new jackpot payout procedures and will have clearer guidance on the payment of and how merchandise jackpots are to be administered.

#### *Fiscal Impact*

##### *Commonwealth*

Because most of the revisions in this proposed rulemaking reflect current Board practice, there will be no significant costs or savings to the Board or other State agencies as a result of these revisions.

##### *Political Subdivisions*

This proposed rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

Slot machine licensees will experience some slight savings from reduced filing requirements and from being required to submit fewer copies of a number of reports. Slot machine licensees may experience some costs related to the new design standards and labeling requirements for slot machines and associated equipment. Additionally, slot machine licensees may experience some increased cost to comply with the new requirements related to merchandise jackpots.

General Public

This proposed rulemaking will have no fiscal impact on the general public.

Paperwork requirements

This proposed rulemaking eliminates the requirement that slot machine licensees file a report with the Board on patron disputes that are not resolved within 7 days. It also eliminates a number of financial reports that are not needed and reduces the number of copies slot machine licensees must submit. This proposed rulemaking will require more detailed filings of information related to merchandise jackpots.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-79.

Contact Person

The contact person for questions about this proposed rulemaking is Richard Sandusky, Director of Regulatory Review, at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (Commission) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, the Commission 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.

MARY DIGIACOMO COLINS,  
Chairperson

**Fiscal Note:** 125-79. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

§ 401a.3. Definitions.

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

\* \* \* \* \*

[ **BCCIC—The Bureau of Corporate Compliance and Internal Controls of the Board.** ]

\* \* \* \* \*

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 435a. EMPLOYEES

§ 435a.6. Board credentials.

\* \* \* \* \*

(c) A State employee [ **or employee of a slot machine licensee** ] required to obtain a Board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee [ **or employee of a slot machine licensee** ], who is required to obtain a Board credential, shall display the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility.

\* \* \* \* \*

CHAPTER 439a. JUNKET ENTERPRISES

§ 439a.7. Junket schedules.

\* \* \* \* \*

(b) A junket schedule shall be filed with the [ **Bureau of Corporate Compliance and Internal Controls** ] Office of Gaming Operations by a slot machine licensee by the 15th day of the month preceding the month in which the junket is scheduled. If a junket is arranged after the 15th day of the month preceding the arrival of the junket, an amended junket schedule shall be filed with the [ **Bureau of Corporate Compliance and Internal Controls** ] Office of Gaming Operations by the slot machine licensee by the close of the next business day.

\* \* \* \* \*

§ 439a.8. Junket arrival reports.

\* \* \* \* \*

(b) Junket arrival reports must:

\* \* \* \* \*

(2) Include information required under § 439a.7 (relating to junket schedules) that has not been previously provided to the [ **Bureau of Corporate Compliance and Internal Controls** ] Office of Gaming Operations in a junket schedule pertaining to the particular junket, or an amendment thereto.

\* \* \* \* \*

§ 439a.10. Monthly junket reports.

(a) Each slot machine licensee shall, on or before the 15th day of the month, prepare and file with the [Bureau of Corporate Compliance and Internal Controls] Office of Gaming Operations a monthly junket report listing the name and registration number of each person who performed the services of a junket representative during the preceding month.

\* \* \* \* \*

§ 439a.11. Purchase of patron lists.

\* \* \* \* \*

(c) The report required by subsection (a) shall be filed with the [Bureau of Corporate Compliance and Internal Controls] Office of Gaming Operations, no later than 7 days after the receipt of the list by the purchaser.

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441a. SLOT MACHINE LICENSES

§ 441a.19. Notice of employee misconduct and offenses and employee resignations.

(a) A slot machine licensee or management company shall notify the [Board] Bureau of Licensing, within 5 days of the termination of an employee, of information surrounding the termination of the employee that could be cause for suspension or revocation of the employee's license, permit or registration or enforcement action related thereto.

\* \* \* \* \*

(d) A slot machine licensee or management company shall notify the Bureau of Licensing within 5 days of the receipt of a resignation of any employee who holds a key employee license.

Subpart E. SLOT MACHINE TESTING, CERTIFICATION AND CONTROL

CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL

§ 461a.1. Definitions.

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

Asset number—A unique number assigned to a slot machine or piece of associated equipment by a slot machine licensee for the purpose of tracking the slot machine or piece of associated equipment while owned by the slot machine licensee.

\* \* \* \* \*

Merchandise jackpot—A slot machine jackpot in the form of:

- (i) [Merchandise or a thing of value.
(ii)] A cash payout and a payout of merchandise or a thing of value.
[(iii)] (ii) An option to choose between a cash payout and a payout of merchandise or a thing of value.

\* \* \* \* \*

§ 461a.7. Slot machine minimum design standards.

\* \* \* \* \*

(b) The calculation of the theoretical payout percentage will not include:

\* \* \* \* \*

[(3) A payout of merchandise or anything of value when a cash equivalent award is not offered.]

\* \* \* \* \*

(x) A slot machine must be equipped with a service button designed to allow the player of a slot machine to request assistance. The service button must:

(1) Be visible to and within easy reach of the player of the slot machine.

(2) Communicate directly or through the slot machine to the slot machine's tower light which will provide a signal that is in compliance with the technical standards on slot machine tower lights under § 461b.2 (relating to slot machine tower lights and error conditions).

(y) A slot machine approved for use in a licensed facility must be configured to wager credits available for play in the following order:

- (1) Noncashable credits.
(2) Cashable credits.

(3) A slot machine on the gaming floor must have a label on the top of the slot machine and on the front of the slot machine near the bill validator that displays the asset number and the gaming floor plan location number of the slot machine. The labels must have white lettering on a black background or other color combination approved by the Office of Gaming Operations or other color combination approved by the Office of Gaming Operations, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the slot machine must be at least 1.5 inches by 5.5 inches and the label on the front of the slot machine must be at least 1 inch by 2.5 inches.

§ 461a.10. Automated gaming voucher and coupon redemption machines.

\* \* \* \* \*

(b) Automated gaming voucher and coupon redemption machines may be located on or proximate to the gaming floor of a licensed facility and must be subject to surveillance coverage under § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions). Each automated gaming voucher and coupon redemption machine must have [imprinted, affixed or impressed on the outside of the machine a unique asset identification number] a label on the top of the automated gaming voucher and coupon redemption machine and on the front of the automated gaming voucher and coupon redemption machine that displays the asset number of the automated gaming voucher and coupon redemption machine. The labels must have white lettering on a black background or other color combination approved by the Office of Gaming Operations and may not be easily removed. The label on the top of the automated gaming voucher and coupon redemption machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated gaming voucher and coupon redemption machine must be at least 1 inch by 2.5 inches.

\* \* \* \* \*



§ 461a.16. Player tracking systems.

\* \* \* \* \*

(b) A player tracking system may not include individuals who are under 21 years of age.

(c) Employees of a slot machine licensee who can view, print or copy any of the information in the slot machine licensee's player tracking system shall be licensed as a key employee or hold an occupation permit. This subsection does not apply to employees of the slot machine licensee that are members of a corporate reservations department whose duties and responsibilities do not require the employee to be located within this Commonwealth.

(d) A player tracking system must comply with the act, this subpart and technical standards on player tracking systems adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 461a.22. Automated jackpot payout machines.

\* \* \* \* \*

(b) An automated jackpot payout machine must have a label on the top of the automated jackpot payout machine and on the front of the automated jackpot payout machine that displays the asset number of the automated jackpot payout machine. The labels must have white lettering on a black background or other color combination approved by the Office of Gaming Operations, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the automated jackpot payout machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated jackpot payout machine must be at least 1 inch by 2.5 inches.

(c) An automated jackpot payout machine must comply with the act, this subpart and technical standards on automated jackpot payout machines adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

[ (c) ] (d) Prior to commencing use of an automated jackpot payout machine, a slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of jackpot payouts utilizing an automated jackpot payout machine and the distribution of currency or coin, or both, to the machines. The internal controls shall be submitted to, and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

§ 461a.25. Disputes.

(a) If a dispute arises with a patron concerning payment of alleged winnings, the slot machine licensee shall attempt to resolve the dispute. If the dispute can not be resolved, the slot machine licensee shall notify the casino enforcement agents at the licensed facility who will attempt to resolve the dispute. If the dispute is not resolved, the casino enforcement agent will provide the patron with a Board Patron Dispute/Complaint Form and Instructions for Submitting a Patron Dispute/Complaint and assist the patron in completing the Board Patron Dispute/Complaint Form.

(b) When a [ slot machine licensee refuses to pay winnings claimed by a patron and the patron and the slot machine licensee remain unable to resolve the dispute after 7 days, the slot machine licensee

shall, on the next day, notify the Board in writing of the dispute in a manner and form the Board prescribes. The notice must identify the parties to the dispute and shall state the known relevant facts regarding the dispute ] patron files a complaint, BIE will conduct an investigation of the complaint.

CHAPTER 461b. TECHNICAL STANDARDS—STATEMENT OF POLICY

§ 461b.1. [ Slot machine minimum design standard ] (Reserved).

[ (a) Slot machine volatility shall be calculated based on a 95% confidence interval. Volatility calculations must utilize the following when calculating the lowest payout percentage available for each slot machine game:

(1) The aggregate variance is the sum of the probability of every winning combination multiplied by the square of the corresponding payout.

(2) The standard deviation is the square root of the difference between the aggregate variance of paragraph (1) and the square of the lowest payout percentage.

(3) The volatility index is 1.96 multiplied by the standard deviation calculated in paragraph (2).

(4) The approach percentage is the difference between the lowest payout percentage and 84.999%.

(5) The volatility, calculated as the number of plays to equal or exceed the minimum payout requirement of 85%, is the square of the quotient obtained when the volatility index found in paragraph (3) is divided by the approach percentage found in paragraph (4).

(6) The volatility calculated in paragraph (5) may not exceed 10,000,000 plays.

(b) Each slot machine approved for use in a licensed facility must be configured to wager credits available for play in the following order:

(1) Noncashable credits.

(2) Cashable credits. ]

CHAPTER 463a. POSSESSION OF SLOT MACHINES

§ 463a.1. Possession of slot machines generally.

\* \* \* \* \*

(c) Persons seeking to possess slot machines under subsection (b) shall submit a [ written request ] petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board [ which ] must contain:

\* \* \* \* \*

(e) A person authorized to possess slot machines under subsection (d) that desires to store the slot machines at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board prior to storing the slot machines at the other location.

§ 463a.2. Transportation of slot machines into, within and out of this Commonwealth.

In furtherance of section 1511 of the act (relating to the declaration of exemption from Federal laws prohibiting slot machines), prior to the transport or movement of a

slot machine into this Commonwealth, from one person authorized to possess slot machines under § 463a.1 (relating to possession of slot machines generally) to another person authorized within this Commonwealth or transport or movement out of this Commonwealth, the persons causing the slot machine to be transported or moved shall notify the Bureau of Gaming Laboratory Operations and the Office of Gaming Operations, in writing or in an electronic format approved by the Board. The notice shall be submitted no later than the day the slot machine is transported and include the following information:

\* \* \* \* \*

§ 463a.5. Slot machine master list.

(a) Prior to the commencement of operations at a licensed facility, an applicant for, or holder of, a slot machine license shall file with the Bureau of Gaming Laboratory Operations and the Office of Gaming Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the applicant or licensee on its gaming floor, in restricted areas off the gaming floor but within the licensed facility approved by the Board under § 465a.8(b) (relating to licensed facility), and in storage locations in this Commonwealth off the premises of the licensed facility approved by the Board under § 463a.7 (relating to off premises storage of slot machines). The list shall be denoted as a Slot Machine Master List.

\* \* \* \* \*

§ 463a.7. Off premises storage of slot machines.

(a) A slot machine licensee may not store slot machines off the premises of [ the ] a licensed facility without prior approval from the Board.

(b) A slot machine licensee seeking to store slot machines off the premises of [ the ] a licensed facility shall file a [ written request ] petition to the Board for off premise storage [ with the Board ] as required under § 493a.4 (relating to petitions generally). The [ request ] petition must include:

\* \* \* \* \*

(3) The [ slot machine licensees' ] plan to provide 24 hour, [ seven ] 7 day a week security at the storage facility.

\* \* \* \* \*

(6) The date that the slot machines are expected to be moved to [ the ] a licensed facility.

\* \* \* \* \*

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.2. Internal control systems and audit protocols.

\* \* \* \* \*

(f) If a slot machine licensee intends to make a change or amendment to its system of internal controls, it shall submit to the [ Board ] Office of Gaming Operations and the Department, in writing or electronically, a [ written ] description of [ a ] the change or amendment in its system of internal controls [ and the two original signed certificates described in subsection (b) ] using the Amendment and Waiver Request Form posted on the Board's web site (www.pgcb.state.pa.us). A request for a change or amendment

must include [ and the two original signed certifications described in subsection (b) ] the attestations required under subsections (b)(1) and (2). The slot machine licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the slot machine licensee receives a notice under subsection (g) tolling the change or amendment.

(g) If during the 30-day review period in subsection (f), the [ Bureau of Corporate Compliance and Internal Controls (BCCIC) ] Office of Gaming Operations preliminarily determines that a procedure in a submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue, [ that Bureau ] the Office of Gaming Operations, by written notice to the slot machine licensee, will:

\* \* \* \* \*

(i) When a change or amendment has been tolled under subsection (g), the slot machine licensee may submit a revised change or amendment within 30 days of receipt of the written notice from [ BCCIC ] the Office of Gaming Operations. The slot machine licensee may implement the revised change or amendment on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (g) tolling the change or amendment.

(j) A current version of the internal controls of a slot machine licensee shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the slot machine licensee and the Board's onsite facilities required under § 465a.8 (relating to licensed facility). The slot machine licensee shall also maintain a copy, either in paper or electronic form, of any superseded internal control procedures [ , along with the two certifications required to be submitted with respect thereto, ] for a minimum of 5 years. A paper copy of the two attestations required under subsection (b)(1) and (2) shall also be maintained for a minimum of 5 years. Each page of the internal controls must indicate the date on which it was approved by the Board.

§ 465a.3. Forms, records and documents.

\* \* \* \* \*

(c) Whenever under this part, forms or serial numbers are required to be accounted for and an exception is noted, the exceptions shall be reported in writing to the slot machine licensee's internal audit department [ and the Bureau ] within 2 days of identification of the exception or upon its confirmation, whichever occurs earlier.

§ 465a.4. Standard financial and statistical reports.

(a) [ A slot machine licensee shall file the following monthly reports of financial and statistical data:

- (1) A balance sheet.
- (2) A statement of revenues and expenses.
- (3) A cash flow statement.
- (4) A net income statement.
- (5) Daily gross terminal revenues and taxes.
- (6) A comparison of gross terminal revenues to projected gross terminal revenues.

(b) **The Board may prescribe standard reporting forms and corresponding filing instructions to be used by a slot machine licensee in filing the monthly reports referenced in subsection (a).**

(c) ] In the event of a license termination, change in business entity, or material change in ownership, the Board may require the filing of financial and statistical reports as of the date of occurrence of the event. The slot machine licensee will be notified in writing by the Board.

[ (d) ] (b) Adjustments resulting from the annual audit required in § 465a.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting) shall be recorded in the accounting records of the year to which the adjustment relates. If the adjustments were not reflected in any annual report and the Board concludes that the adjustments are significant, the Board may require the slot machine licensee to file a revised annual report. The revised filing shall be due within 30 calendar days after written notification to the slot machine licensee, unless the slot machine licensee submits a written request for an extension prior to the required filing date and the extension is granted by the Board.

[ (e) ] (c) The Board may request, in writing, [ **additional** ] financial, **statistical or other** reports to determine compliance by the slot machine licensee with the act and the Board's regulations.

**§ 465a.5. Annual audit; other reports; suspicious activity and currency transaction reporting.**

\* \* \* \* \*

(d) [ **Two copies** ] **One copy** of the audited financial statements, together with any management letter or report prepared thereon by the slot machine licensee's **independent certified public accountant or independent registered public accounting firm**, shall be filed with the [ **Board** ] **Bureau of Licensing** not later than 60 days after the end of the licensee's fiscal year.

(e) The slot machine licensee shall require the **independent certified public accountant or independent registered public accounting firm** auditing its financial statements to render the following additional reports:

\* \* \* \* \*

(f) The slot machine licensee shall prepare a written response to the independent certified public accountant's or independent registered public accounting firm's reports required by subsection (e)(1) and (2). The response must indicate, in detail, corrective actions taken. The slot machine licensee shall submit a copy of the response to the [ **Bureau of Corporate Compliance and Internal Controls (BCCIC)** ] **Bureau of Licensing** within 90 days of receipt of the reports.

(g) The slot machine licensee shall file with the [ **BCCIC two copies** ] **Bureau of Licensing one copy** of the reports required by subsection (e), and [ **two copies** ] **one copy** of any other reports on internal controls, administrative controls, or other matters relative to the slot machine licensee's accounting or operating procedures rendered by the licensee's independent certified public accountant or independent registered public accounting firm within 120 days following the end of the licensee's fiscal year or upon receipt, whichever is earlier.

(h) If the slot machine license, **or a licensed holding company, licensed intermediary or licensed principal entity of the slot machine licensee**, is publicly

held, the slot machine licensee shall submit to the [ **BCCIC three copies** ] **Bureau of Licensing one copy** of any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and registration statements, required to be filed by the slot machine licensee, **licensed holding company, licensed intermediary or licensed principal entity of the slot machine licensee**, with the SEC or other domestic or foreign securities regulatory agency. The filing with the [ **Board** ] **Bureau of Licensing** shall be made within 10 days of the time of filing with the applicable Commission or regulatory agency or the due date prescribed by the applicable Commission or regulatory agency, whichever occurs first.

(i) If an independent certified public accountant or independent registered public accounting firm who was previously engaged as the principal accountant to audit the slot machine licensee's financial statements resigns or is dismissed as the slot machine licensee's principal accountant, or another independent certified public accountant or independent registered public accounting firm is engaged as principal accountant, the slot machine licensee shall file a report with the [ **BCCIC** ] **Bureau of Licensing** within 10 days following the end of the month in which the event occurs, setting forth the following:

\* \* \* \* \*

(j) The slot machine licensee shall request the former accountant to furnish to the slot machine licensee a letter addressed to the [ **Board** ] **Bureau of Licensing** stating whether he agrees with the statements made by the slot machine licensee in response to subsection (i)(2). The letter shall be filed with the [ **Board** ] **Bureau of Licensing** as an exhibit to the report required by subsection (i)(2).

(k) The slot machine licensee shall file with [ **the Board** ] **BIE** a copy of any Suspicious Activity Report-Casino (SARC) it is required to file under 31 CFR 103.21 (relating to reports by casinos of suspicious transactions). Each SARC shall be filed with [ **the Board** ] **BIE** concurrently with the Federal filing.

\* \* \* \* \*

(m) The slot machine licensee shall file with [ **the Board** ] **BIE** a copy of any Currency Transaction Report by Casino (CTRC) it is required to file under 31 CFR 103.22 (relating to reports of transactions in currency). Each CTRC shall be filed with [ **the Board** ] **BIE** concurrently with the Federal filing.

(n) Prior to commencing gaming operations, a slot machine licensee shall file with the [ **Board** ] **Office of Gaming Operations**, in a manner to be prescribed by the [ **Board** ] **Office of Gaming Operations**, a copy of its compliance program required under 31 CFR 103.64 (relating to special rules for casinos). Thereafter, a slot machine licensee shall file with the [ **Board** ] **Office of Gaming Operations** any amendment or supplement to its compliance program on or before the effective date of the amendment or supplement.

**§ 465a.7. Complimentary services or items.**

\* \* \* \* \*

(e) A slot machine licensee shall submit to [ **the Board** ] **BIE** a report listing each person who, under subsection (d), received \$10,000 or more in complimentary cash and noncash gifts within a consecutive 5-day period

ending during the preceding month. The report shall be filed by the last day of the month following the month in which the complimentary cash and noncash gifts were issued and include the total amount of complimentary cash or noncash gifts provided to each person broken down into categories for food and beverage, hotel accommodations, travel and other services.

§ 465a.8. Licensed facility.

\* \* \* \* \*

(d) Slot machine licensees shall, in accordance with section 1207(13) of the act (relating to regulatory authority of board), provide for and maintain onsite facilities for use by the Board, the Department, and the Pennsylvania State Police for the purpose of carrying out their respective responsibilities (collectively referred to as the "onsite facilities"). The onsite facilities must be located in the same building as, and be located proximate to, the gaming floor and include suitable office space, equipment, partitions and supplies to meet the continuing needs of the Board, the Department and the Pennsylvania State Police at the facility including the following:

\* \* \* \* \*

(2) An area for the detention of individuals detained or taken into custody by the Pennsylvania State Police. The detention area must be located within the onsite facilities and consist of a bench or other apparatus which is permanently affixed to the wall or floor to which the person in custody can be handcuffed with as little discomfort to that person as is possible under the circumstances.

\* \* \* \* \*

(6) Computer terminals [ facilitating ] providing read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operations.

\* \* \* \* \*

§ 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.

(a) The surveillance system of a licensed facility [ shall ] must comply with 18 Pa.C.S. Chapter 57 (relating to Wiretapping and Electronic Surveillance Control Act) and section 1522 of the act (relating to interception of oral communications) and shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The Bureau will review surveillance system specifications, inclusive of the camera configuration and any changes or modifications to the system specifications, to determine whether the system provides the adequate and effective surveillance of activities inside and outside the licensed facility mandated by section 1207(11) of the act (relating to regulatory authority of board). A slot machine licensee may not commence gaming operations until its surveillance system is approved by the Board.

(b) A slot machine licensee shall at all times provide the Board and the Pennsylvania State Police[, upon request,] with access to its surveillance system and its transmissions. Each member of its surveillance department shall comply with any request made by the Board or the Pennsylvania State Police to:

\* \* \* \* \*

(c) The surveillance system required in this section must include the following:

\* \* \* \* \*

(4) Audio capability in the count room installed in a manner that conforms to [ 18 Pa.C.S. §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act) ] section 1522 of the act.

(5) One or more monitoring rooms in the licensed facility which shall be staffed by employees of the slot machine licensee's surveillance department who shall at all times monitor the activities enumerated in paragraph (1). Each monitoring room shall be equipped with or serviced by:

\* \* \* \* \*

(ii) Computer terminals which [ facilitate ] provide read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operation.

\* \* \* \* \*

(h) The [ Bureau ] casino enforcement agents at the licensed facility shall be notified within 30 minutes of any incident of equipment failure as noted in subsection (f) including the time and cause of the malfunction, if known, the time the slot machine licensee's security department was notified of the malfunction and the nature of communications with the security department relating to the malfunction.

(i) The [ Bureau ] casino enforcement supervisor at the licensed facility shall be notified at least 48 hours in advance of the following:

\* \* \* \* \*

(o) A present or former surveillance department employee may not accept employment as a key employee or gaming employee with the same slot machine licensee for whom he was previously employed as a surveillance department employee unless 1 year has passed since the former surveillance department employee worked in the surveillance department. The present or former surveillance department employee may file a written petition as required under § 493a.4 (relating to petitions generally) requesting the Board to waive this restriction and permit the employment of a present or former surveillance department employee in a particular position. The Board may grant or deny the waiver upon consideration of the following factors:

\* \* \* \* \*

§ 465a.11. Slot machine licensee's organization.

\* \* \* \* \*

(b) A slot machine licensee's system of internal controls must also include, at a minimum, the following departments and supervisory positions, each of which must be categorized as mandatory and must cooperate with, yet perform independently of, other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor of a slot machine licensee that is not required or authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure is consistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are:

(1) A surveillance department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of surveillance. The director of surveillance shall be subject to the reporting require-

ments specified in subsection (c) and shall be licensed as a key employee. The surveillance department shall be responsible for the following:

\* \* \* \* \*

(iv) The [ audio and ] video recording of activities in the count room [ in conformance with 18 Pa.C.S. §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act), ] and the video recording of movements of cash and slot cash storage boxes.

\* \* \* \* \*

(vi) The detection of the presence of any person who may or is required to be excluded or rejected from the licensed facility under section 1514 or 1515 of the act (relating to regulation requiring exclusion of certain persons; repeat offenders excludable from licensed gaming facility) and Chapters 511a and 513a (relating to persons required to be excluded; and underage gaming), or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act (relating to list of persons self excluded from gaming activities) and Chapter 503a (relating to self exclusion).

\* \* \* \* \*

(viii) The provision of immediate notice to supervisors designated in the internal controls, the [ Bureau ] casino enforcement agents and the Pennsylvania State Police at the licensed facility upon detecting, and also upon commencing video recording of, a person who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including a person who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and [ Chapters ] Chapter 511a or 513a or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503a.

\* \* \* \* \*

(5) A security department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of security. The director of the security department [ must ] shall be licensed as a key employee and be responsible for the overall security of the licensed facility including the following:

\* \* \* \* \*

(ix) The provision of immediate notice to the Pennsylvania State Police upon detecting the presence in the licensed facility of a person possessing a [ deadly ] weapon in violation of § 465a.13 (relating to possession of [ deadly ] weapons within a licensed facility).

(x) The provision of immediate notice to supervisors designated in the internal controls[ , the Bureau ] and the casino enforcement agents and the Pennsylvania State Police at the licensed facility upon detecting any person who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities[ , including ].

(xi) The provision of immediate notice to supervisors designated in the internal controls and the casino enforcement agents and the Pennsylvania

State Police at the licensed facility upon detecting any person who is required to be excluded or ejected from the licensed facility who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and [ Chapters ] Chapter 511a or 513a or is self-excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503a.

\* \* \* \* \*

(c) The supervisors of the surveillance and internal audit departments required by subsection (b) shall report directly to one of the following persons or entities regarding matters of policy, purpose, responsibility and authority, which persons or entities shall also control the hiring, termination and salary of each supervisor:

\* \* \* \* \*

(5) An independent audit committee or other persons designated by the Board in the slot machine licensee's Statement of Conditions under § 423a.6 (relating to license, permit, registration and certification issuance and statement of conditions).

\* \* \* \* \*

§ 465a.12. Access badges and temporary access credentials.

\* \* \* \* \*

(c) Slot machine licensees shall also establish procedures, in writing, for readily identifying each person permitted, under temporary or emergency circumstances, to have access to one or more restricted areas within the licensed facility.

\* \* \* \* \*

(3) The procedures must further include provisions expressly addressing temporary or emergency access by licensed manufacturers, licensed manufacturer designers, licensed suppliers and registered and certified vendors.

\* \* \* \* \*

§ 465a.13. Possession of [ deadly ] weapons within a licensed facility.

(a) Individuals, including security department personnel, are prohibited from possessing any deadly weapon as defined in 18 Pa.C.S.A. § 2301 (relating to definitions), stun gun or other device that could injure or incapacitate a person within a licensed facility without the express written approval of the Board.

\* \* \* \* \*

(c) To obtain approval for the possession of a deadly weapon, stun gun or other device that could injure or incapacitate a person within a licensed facility, an individual shall be required to submit a written request to the Board which includes:

(1) An explanation of the compelling need for the possession of the deadly weapon, stun gun or device that could injure or incapacitate a person within the licensed facility.

\* \* \* \* \*

(d) A slot machine licensee shall post in a conspicuous location at each entrance to the licensed facility signs that may be easily read stating the following:

The possession of a deadly weapon, stun gun or other device that could injure or incapacitate a person by

any person within this licensed facility without the express written permission of the Pennsylvania Gaming Control Board is prohibited.

**§ 465a.16. Accounting controls for the cashiers' cage.**

\* \* \* \* \*

(c) The cashiers' cage and any satellite cage shall be physically segregated by personnel and function as follows:

(1) Slot cashiers shall operate with individual imprest inventories of cash and their functions include the following:

\* \* \* \* \*

(ii) The receipt of personal checks for gaming [ and nongaming ] purposes from patrons in exchange for cash, subject to [ any ] the limitations on amount required by the Board under § 465a.20 (relating to personal check cashing).

\* \* \* \* \*

(2) Main bank cashier functions include the following:

(i) The receipt of cash, cash equivalents, gaming vouchers, jackpot payout slips and personal checks received for gaming [ and nongaming ] purposes from slot cashiers in exchange for cash.

\* \* \* \* \*

(iii) The receipt of personal checks accepted for gaming [ and nongaming ] purposes from slot cashiers for deposit.

\* \* \* \* \*

**§ 465a.18. Transportation of slot cash storage boxes to and from bill validators; storage.**

(a) Slot machine licensees shall file with the [ Board ] Office of Gaming Operations a schedule setting forth the specific times at which slot cash storage boxes will be brought to or removed from the bill validators along with specifications as to what areas of the gaming floor will be dropped on each pick-up day and the specific transportation route to be utilized from the gaming floor to the count room.

(b) Slot machine licensees shall maintain immediately available to the [ Board ] Office of Gaming Operations and the Pennsylvania State Police, a current list, with credential numbers, of all employees participating in the transportation of slot cash storage boxes. Any deviation from the schedule setting forth the specific times at which slot cash storage boxes will be brought to or removed from the bill validators, change in the areas to be dropped or the transportation route to the count room shall be noticed to the [ Board ] Office of Gaming Operations in advance.

\* \* \* \* \*

**(f) If the central computer control system is not online prior to commencement of the drop of the slot cash storage boxes, a drop team supervisor shall contact the casino enforcement agents at the licensed facility to witness and certify the drop. The drop may not commence until a casino enforcement agent is present.**

**§ 465a.20. Personal check cashing.**

\* \* \* \* \*

(b) Personal checks accepted under subsection (a) shall be presented by the patron directly to a slot cashier who shall:

\* \* \* \* \*

(6) Immediately exchange the personal check for cash in an amount equal to the amount for which the check is drawn [ , not to ] or place the amount in a customer deposit account under § 465a.23 (relating to customer deposits) for subsequent use at the licensed facility. A slot machine licensee may not accept a check or multiple checks which in the aggregate exceed \$2,500 per patron per gaming day.

\* \* \* \* \*

**(f) A slot machine licensee that charges a fee for cashing checks shall comply with the Check Cashier Licensing Act (63 P. S. §§ 2301—2334).**

(g) Prior to accepting personal checks, each slot machine licensee shall establish a comprehensive system of internal controls applicable to the acceptance of personal checks. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal controls submitted by the slot machine licensee must address procedures for complying with this section including the dollar limitation per gaming day contained in subsection (b)(6).

**§ 465a.23. Customer deposits.**

(a) At the request of a patron, a slot machine licensee may hold cash, funds accepted by means of **personal check in accordance with § 465a.20 (relating to personal check cashing)** or wire transfer in accordance with § 465a.21 (relating to wire transfers) or cash equivalents accepted in accordance with § 465a.22 (relating to cash equivalents) for a patron's subsequent use [ for gaming purposes ] at the licensed facility. For the purposes of this section, after complying with this chapter for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cashiers' cage.

(b) Prior to agreeing to hold a patron's cash, funds accepted by means of **personal check in accordance with § 465a.20** or wire transfer in accordance with § 465a.21 or cash equivalents accepted in accordance with § 465a.22 for a patron's subsequent use [ for gaming purposes ] at the licensed facility, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

\* \* \* \* \*

**§ 465a.25. Counting and recording of slot cash storage boxes.**

(a) A slot machine licensee shall file with the [ Board ] Office of Gaming Operations a schedule setting forth the specific times during which the contents of slot cash storage boxes are to be counted and recorded. Any deviation from the schedule shall be noticed to the [ Board ] Office of Gaming Operations and the Casino Enforcement Supervisor at the licensed facility at least 48 hours in advance.

\* \* \* \* \*

(j) [ Any variance between the value of cash gaming vouchers and coupons in a slot cash storage box as determined in the count room and the value for that particular slot cash storage box recorded on corresponding reports generated by the gaming voucher system or coupon system shall be disclosed to the Board in a detailed written report citing each variance, the reason for the variance and the corrective action taken. This variance report shall be filed by the slot machine licensee with the Board within 72 hours of the count that is the subject of the comparison ] If the central computer control system is not online prior to commencement of the count of the slot cash storage boxes, a count room employee shall contact the casino enforcement agents at the licensed facility to witness and certify the count. The count may not commence until a casino enforcement agent or other BIE employee is present.

**§ 465a.26. Jackpot payouts.**

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot payouts that are not paid directly from a slot machine. The internal controls may include procedures by which a slot attendant, in the presence of a member of the security department or another member of the slot operations department, utilizes an imprest inventory of funds secured in a pouch or wallet to pay a jackpot of less than \$1,200. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) [ The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A request for jackpot payout document or, in the alternative, an electronic entry into a slot computer system generating jackpot payouts, by a slot attendant or slot supervisor, evidencing the observation by the slot attendant or slot supervisor of the winning combination of characters on the slot machine and a determination of the amount of the jackpot payout based on the observed winning combinations.

(2) A requirement that the preparer of the request for jackpot payout document or, in the alternative, the employee performing the electronic entry into the slot computer system, be a slot supervisor if the hand paid jackpot is \$10,000 or more.

(3) A requirement that the following information be on the request for jackpot payout document or electronically entered into the slot computer system and maintained in stored data:

- (i) The date and time of the jackpot.
- (ii) The asset number of the slot machine on which the jackpot was registered.
- (iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.
- (iv) The amount of the jackpot payout.
- (v) The method of payment requested by the patron.

(vi) The signature or identification code of the preparer.

(vii) The following additional signatures or identification codes shall be required if the slot machine or the progressive meter is reset prior to the patron being paid or if payment is made directly to the patron by a slot cashier:

(A) The signature or identification code of a security department member or slot attendant other than the preparer attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout.

(B) The signature or identification code of the slot shift manager attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is \$25,000 or more.

(4) A requirement that following preparation the request for jackpot payout document be immediately transported by the preparer, or the information made available by the slot computer system, to the cashiers' cage where it will serve to authorize the preparation of a jackpot payout document.

(5) A requirement that if the winning patron will not be paid before the slot machine or progressive meter is reset, the preparer of the request for jackpot payout document or the employee performing the electronic entry required by paragraph (1) shall also prepare a two-part receipt document containing the following information:

- (i) The date and time of the jackpot.
- (ii) The asset number of the slot machine on which the jackpot was registered.
- (iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.
- (iv) The amount of the jackpot payout.
- (v) The signature of the winning patron on the original form only.
- (vi) The signature of the preparer attesting that the information on the receipt document is correct and agrees with the information on the request for jackpot payout document or in stored data.

(6) A requirement that the receipt document be distributed as follows:

- (i) The original shall be immediately delivered to the slot cashier by the preparer, security department member or verifying slot attendant along with the request for jackpot payout document if manually generated in accordance with paragraph (1).
- (ii) The duplicate shall be immediately presented to the winning patron who shall be required to present the duplicate receipt document before being paid the jackpot in accordance with the procedures set forth in this section.

(7) A requirement that the following information be on any jackpot payout document generated by the slot computer system:

- (i) The asset number of the slot machine on which the jackpot was registered.

(ii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iii) The date on which the jackpot occurred.

(iv) The amount that is to be paid from cashiers' cage funds. However, this amount may, in the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

(v) The date, time and method of payment.

(vi) The signature or identification code of the preparer.

(8) A requirement that the data in paragraph (7)(i)—(vi) not be susceptible to change or removal by any personnel after preparation of a jackpot payout document.

(9) A requirement that whenever the winning patron is paid directly by the slot cashier the following procedures be followed:

(i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).

(ii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one-part request for jackpot payout document, the slot cashier shall summon a security department member or slot attendant other than the preparer of the request for jackpot payout document and provide that employee with the request for jackpot payout document. The security department member or verifying slot attendant shall proceed to the slot machine identified on the request for jackpot payout document and sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the request for jackpot payout document. If the jackpot amount is \$25,000 or more, a slot shift manager shall also sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the request for jackpot payout document. The request for jackpot payout document shall be immediately returned to the slot cashier.

(iii) After the slot cashier determines that the required signatures verifying the winning combination of characters on the slot machine and the amount to be paid have been placed on the one-part request for jackpot payout document, if the amount being paid is less than \$10,000, the slot cashier shall pay the winning patron in the presence of the preparer of the request for jackpot payout document. If the amount being paid is \$10,000 or more but less than \$25,000, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor who prepared the request for jackpot payout document. If the amount being paid by the cashier is \$25,000 or more, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor and slot shift manager who prepared the request for jackpot payout document in accordance with this subsection. Personnel required by this subsection

to witness the payment shall sign the duplicate jackpot payout document attesting to the accuracy of the information on the duplicate jackpot payout document and the disbursement of the payment to the patron.

(iv) If a receipt document under paragraph (5) was issued, the duplicate receipt document shall be signed by the patron in the presence of the slot cashier. The slot cashier shall compare the signature on the duplicate receipt document to that on the original receipt document and make the payment only if the signatures are in agreement.

(v) Once the required signatures are obtained and payment has been made, the slot cashier shall give the duplicate jackpot payout document to a security department member or slot attendant who shall expeditiously deposit it into a locked accounting box.

(vi) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original copy of the jackpot payout document. All documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(10) A requirement that whenever a winning patron is paid by a slot attendant or slot attendant supervisor, the following procedures shall be followed:

(i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).

(ii) The slot cashier shall disburse the cash or slot licensee check to a slot attendant or slot attendant supervisor if the amount of the jackpot is less than \$10,000 and to a slot attendant supervisor if the amount of the jackpot is \$10,000 or more. The employee receiving the payment shall verify the amount received and sign the original and duplicate of the jackpot payout document attesting to the accuracy of the information on the jackpot payout document and the receipt of the payment from the slot cashier. The slot cashier shall retain the original jackpot payout document and the duplicate jackpot payout document shall be transported with the payment to the slot machine.

(iii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one-part request for jackpot payout document, the slot attendant or slot attendant supervisor shall provide the duplicate jackpot payout document to the security department member or verifying slot attendant other than the preparer at the slot machine who shall verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document. If the jackpot amount is \$25,000 or more, and the slot shift manager has not signed the request document, the slot shift manager shall similarly verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document.

(iv) When the verifications required by subparagraph (iii) have been completed, if the payment is less than \$10,000, the slot attendant or slot atten-



dant supervisor shall pay the winning patron in the presence of the security department member or second slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$10,000 or more, but less than \$25,000, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$25,000 or more, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant and the slot shift manager who verified the winning combination of characters on the slot machine and the amount to be paid. Once the patron has been paid, the personnel required by subparagraph (iii) to witness the payment shall sign the duplicate jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document and the disbursement of the payment to the winning patron.

(v) If a receipt document under paragraph (5) was issued, the slot cashier shall give the slot attendant or slot attendant supervisor the original receipt document along with the duplicate jackpot payout document to be transported with the payment. The patron shall be required to sign the duplicate receipt document in the presence of the slot attendant or slot attendant supervisor. The slot attendant or supervisor shall compare the signature on the duplicate receipt document to that on the original receipt document and shall make the payment only if the signatures are in agreement.

(vi) When payment has been made and the required signatures obtained, the security department member or slot attendant shall expeditiously deposit the duplicate jackpot payout document into a locked accounting box.

(vii) The slot attendant or slot attendant supervisor shall immediately return the original and duplicate receipt document, if applicable, to the cashiers' cage.

(viii) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original copy of the jackpot payout document. All documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(11) A requirement that the slot machine licensee's accounting department perform, at the conclusion of each gaming day, income control audit procedures over the issuance of jackpot payouts including adequate comparisons to gaming voucher system data.

(12) Details with regard to processing of system overrides or adjustments.

(c) Nothing in this section precludes the use of a slot computer system, approved by the Board, that electronically records the information required on a request for jackpot payout document or facilitates through the slot computer system the verifications and comparisons as to winning combination of characters on the slot machine or amount to be

paid required under this section.] The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must, at a minimum, include:

(1) The use of a two-part manual jackpot payout receipt and a two-part electronically generated jackpot payout slip created by a slot attendant or slot supervisor, evidencing the observation by the slot attendant or slot supervisor of the winning combination of characters on the slot machine and a determination as to the appropriate amount of the jackpot payout based on the observed winning combinations.

(2) A requirement that the electronically generated jackpot payout slip not be susceptible to any changes or deletion from the slot computer system by any personnel after preparation.

(3) A requirement that if the jackpot range is \$1,200 to \$9,999.99, the witness on the two-part manual jackpot payout receipt and the two-part electronically generated jackpot payout slip be a lead slot attendant or above.

(4) A requirement that if the jackpot is between \$10,000 or more but less than \$25,000, the witness on the two-part manual jackpot payout receipt and the two-part electronically generated jackpot payout slip be a slot supervisor or above.

(5) A requirement that if the jackpot amount is \$25,000 or more, a slot shift manager or above shall sign the manual jackpot payout receipt attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the two-part manual jackpot payout receipt. The two-part manual jackpot payout receipt shall then be immediately returned to the preparer.

(6) A requirement that if the amount is \$1,200 or more the slot attendant shall immediately transport the original of the manual jackpot payout receipt and the original of the electronically generated jackpot payout slip to the cashiers' cage.

(7) A requirement that the following information be on the two-part manual jackpot payout receipt:

(i) The date and time of the jackpot.

(ii) The asset number of the slot machine on which the jackpot was registered.

(iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The amount of the jackpot payout.

(v) The method of payment requested by the patron (cash or slot licensee check).

(vi) The signature or identification code of the preparer.

(vii) If the slot machine or the progressive meter is reset prior to the patron being paid or if payment is made directly to the patron by a slot attendant, the following additional signatures or identification codes:

(A) The signature or identification code of a security department member or slot operations department member other than the preparer attesting to

the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the amount is below \$1,200.

(B) The signature or identification code of a lead slot attendant or above attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is between \$1200 and \$9,999.99.

(C) The signature or identification code of a slot shift supervisor or above attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is \$10,000 or more but less than \$25,000.

(D) The signature or identification code of a slot shift manager or above attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is \$25,000 or more.

(8) A requirement that the following information be on all two-part electronically generated jackpot payout slips:

- (i) The date on which the jackpot occurred.
- (ii) The asset number of the slot machine on which the jackpot was registered.
- (iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.
- (iv) The type of win (that is, Progressive or Jackpot).
- (v) The amount that is to be paid to the winning patron. This amount may, at the slot machine licensee's discretion, be rounded up to the nearest whole dollar.
- (vi) A unique number generated by the slot computer system.
- (vii) The signature or identification code of the preparer.
- (viii) The signature or identification code of the witness on the duplicate copy only.
- (ix) The signature or identification code of the cashier providing the funds to the preparer.

(9) A requirement that whenever a winning patron is paid directly by a slot attendant's imprest fund the following procedures be followed:

- (i) A two-part electronic jackpot payout slip is generated and a two-part manual jackpot payout receipt is completed in accordance with paragraph (1).
- (ii) Before payment is made to the winning patron, the jackpot payout receipt shall be signed by the patron in the presence of the slot attendant and a witness.
- (iii) After the slot attendant determines that the required signatures verifying the winning combination of characters on the slot machine and the amount to be paid have been placed on the manual jackpot payout receipt, the slot attendant shall pay the winning patron in the presence of the witness.
- (vi) Once payment has been made and all required signatures obtained, the slot operations de-

partment member or security department member witnessing the payment shall obtain the duplicate copy of the manual jackpot payout receipt and immediately deposit it into a locked accounting box.

(vii) The slot attendant shall attach the original jackpot payout receipt to the original electronically generated jackpot payout slip and forward both forms, by the end of the slot attendant's shift, to the cashiers' cage for reimbursement. The duplicate of the electronically generated jackpot payout slip should be deposited into a locked accounting box immediately after obtaining the funds from the cashier's cage.

(10) When jackpot payouts are made from slot attendants' imprest funds, procedures for the replenishment of the imprest funds and the reconciliation process to be used by the slot attendants.

(11) A requirement that the two-part manual jackpot payout receipt and the two-part electronically generated jackpot payout slip be distributed as follows:

- (i) Both the original and duplicate of the jackpot payout receipt shall be handed to the witnessing slot operations department member or security department member by the preparer for verification and signature.
- (ii) The duplicate of the manual jackpot payout receipt shall be presented to the winning patron who shall be required to present the duplicate to the witness before being paid the jackpot.
- (iii) The original of the manual jackpot payout receipt shall be attached to the original electronically generated jackpot payout slip and forwarded to the cashiers' cage for payment of the funds.
- (iv) The duplicate of the manual jackpot payout receipt shall be placed into a secured lock box for slot accounting by the witness.
- (v) The duplicate of the electronically generated jackpot payout slip shall be placed inside a secured lock box for slot accounting by the generating slot attendant.

(12) A requirement that the slot machine licensee's accounting department perform, at the conclusion of each gaming day, effective audit procedures over the issuance of jackpot payouts including adequate comparisons to gaming voucher system data.

(13) Detailed procedures on the processing of all system overrides or adjustments in regards to jackpot payouts.

(14) A requirement that any person that witnesses a jackpot payout may not be permitted to override the jackpot payout.

(15) A requirement that when the slot computer system is offline or an electronic jackpot payout slip can not be created, a three-part manual jackpot payout book shall be utilized. The three-part manual jackpot payout book shall contain preprinted, serial numbered three-part manual jackpot payout slips that include all of the information that is required on the two-part manual jackpot payout receipt in accordance with paragraph (7).

(16) A requirement that unused manual jackpot payout books be maintained in a secured locked cabinet, that the key to the cabinet be controlled by the security department and that the manual jackpot payout books can only be signed out by the slot shift manager when the slot computer system is offline.

(17) A requirement that a slot machine licensee maintain a manual jackpot payout book log for each gaming day or portion thereof that the slot computer system is offline that includes the following information:

(i) The slot machine licensee's name pre-printed on the top of the log.

(ii) The gaming day.

(iii) The signature and identification code of the slot attendant assigned the three-part manual jackpot payout book.

(iv) The date and time of issuance of the three-part manual jackpot payout book.

(v) The series of numbers preprinted on the three-part manual jackpot payout book.

(vi) The signature and identification code of the slot shift manager issuing the manual jackpot payout book.

(vii) The date and time the three-part manual jackpot payout book is returned.

(viii) The series of numbers preprinted on the three-part manual jackpot payout book that were completed by the slot attendant.

(ix) The signature and identification code of the slot shift manager receiving the returned manual jackpot payout book.

(18) A requirement that the three-part manual jackpot payout slips be distributed as follows:

(i) The original shall be given to the cashiers' cage to obtain the funds to pay the jackpot to the winning patron or to replenish the imprest funds of the slot attendant that paid the winning patron.

(ii) The second copy shall be retained by the witness of the payout. The witness shall immediately transport the second copy to a locked accounting box.

(iii) The third copy shall be maintained in the manual jackpot payout book. At the end of the slot attendant shift the manual jackpot payout book shall be turned into the slot shift manager and the manual jackpot payout book log shall be completed.

(19) A requirement that the original manual jackpot payout book log be forwarded to the accounting department at the end of the gaming day and that the slot operations department retain a copy of the manual jackpot payout book log.

(20) A requirement that the manual jackpot payout books turned into the slot shift manager at the end of each slot attendant's shift be forwarded to the accounting department; that the accounting department ensure that all three copies of the manual jackpot payout slips contain the same information; and that any discrepancies between the three copies are researched and documented.

(21) A requirement that the manual jackpot payout books are audited to the manual jackpot

payout book log and that any discrepancies between the manual jackpot payout books and the manual jackpot payout book log are researched and documented.

(22) A requirement that the surveillance department is notified of all jackpot payouts when the amount of the jackpot payout is \$1,200 or more. The surveillance department shall log all calls regarding jackpot payouts in the surveillance log.

[ (d) Nothing in this section precludes a slot machine licensee from implementing procedures by which a slot attendant, in the presence of a member of the security departments utilizes an imprest inventory of funds secured in a pouch or wallet to pay a jackpot of less than \$1,200 that is not totally and automatically paid directly from a slot machine.

(e) Prior to the payment of a jackpot payout under subsection (d), each slot machine licensee shall establish a comprehensive system of internal controls addressing this method of jackpot payout, the replenishment of the imprest pouch and the attendant reconciliation process. The internal controls shall be submitted to and approved by the Board under § 465a.2. ]

§ 465a.27. Annuity jackpots.

\* \* \* \* \*

(e) Prior to the payment of an annuity jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of an annuity jackpot. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(1) The internal control procedures developed and implemented by the slot machine licensee must include:

\* \* \* \* \*

(iii) A requirement that the trustee for the trust fund established by the trust agreement be a **banking institution in this Commonwealth**, a slot machine licensee or, for a wide area progressive system offering an annuity jackpot, the slot system operator for that wide area progressive system.

\* \* \* \* \*

§ 465a.28. Merchandise jackpots.

(a) A slot machine licensee may not offer a merchandise jackpot payout unless:

\* \* \* \* \*

(2) The Board has approved the specific offer of the merchandise jackpot. To obtain Board approval, a slot machine licensee shall file an Amendment Waiver and Request Form containing all of the details related to the merchandise jackpot payout[ . ] **including:**

(i) A detailed description of the merchandise jackpot.

(ii) A description of the slot machines that will offer the merchandise jackpot.

(iii) Supporting documentation relating to the valuation of the merchandise offered as the merchandise jackpot.

(b) A merchandise jackpot may consist of:

(1) A combination of merchandise and cash.

(2) Merchandise or an optional cash payment in lieu of the merchandise.

(c) A cash payout made in connection with a merchandise jackpot shall be made in accordance with § 465a.26 (relating to jackpot payouts).

**[ (c) ] (d)** Prior to **[ the payment of ]** offering a merchandise jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of a merchandise jackpot. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(e) Whenever a slot machine licensee offers a merchandise jackpot consisting of merchandise or an optional cash payment, the cash equivalent value of the merchandise must equal or exceed the value of the optional cash payment. The cash equivalent value of the merchandise shall be determined as follows:

(1) Merchandise that is sold directly to the public in the normal course of the slot machine licensee's business shall be recorded at an amount based upon full retail price normally charged for the item.

(2) Merchandise which is not offered for sale to the public in the normal course of the slot machine licensee's business but which is provided directly to the patron by the slot machine licensee shall be recorded at an amount based upon the actual cost to the slot machine licensee of providing the item.

(3) Merchandise provided directly or indirectly to the patron on behalf of a slot machine licensee by a third party not affiliated with the slot machine licensee shall be recorded at an amount based upon the actual cost to the slot machine licensee of having the third party provide the item.

(4) Merchandise provided directly or indirectly to the patron on behalf of a slot machine licensee by a third party who is affiliated with the slot machine licensee shall be recorded by the slot machine licensee in accordance with this subsection as if the affiliated party were the slot machine licensee.

(f) Slot machine licensees shall retain and make available to the Board upon request supporting documentation relating to the acquisition and valuation of merchandise offered as a merchandise jackpot.

(g) A merchandise jackpot will be considered to be winnings for the purpose of calculating gross terminal revenue and the payout percentage of any slot machine. The value of the merchandise jackpot will be determined as follows:

(1) For a combination of merchandise and cash, the cash equivalent value of the merchandise as calculated under subsection (e) plus the amount of cash awarded.

(2) For merchandise or an optional cash payment in lieu of the merchandise, the value of the award selected by the winning patron.

(h) Slot machine licensees shall notify the Department of the slot machines that will be offering the merchandise jackpot and the value of each merchandise jackpot awarded.

(i) Advertising of merchandise jackpots must include the following at a minimum:

(1) An accurate description of the merchandise jackpot.

(2) The dates the merchandise jackpot will be offered.

(3) The cash equivalent value of the merchandise jackpot.

(4) The optional cash payment that will be offered in lieu of the merchandise, if an optional cash payment is offered.

(j) Until the merchandise jackpot is won by a patron, a slot machine licensee may not decrease the probability of winning the merchandise jackpot, increase the denomination of a slot machine offering the merchandise jackpot, nor in any other way vary the terms upon which the merchandise jackpot is offered to the public.

(k) Slot machines which are linked to offer the same merchandise jackpot must have the same probability of winning that jackpot.

(l) A slot machine which offers a merchandise jackpot as a payout which is removed from the gaming floor shall be returned to or replaced on the gaming floor within 5 days. If the slot machine is not returned or replaced, the merchandise jackpot shall, within 5 days of the slot machine's removal, be offered as a payout on another slot machine or slot system approved by the Board which offers the same or a greater probability of winning the merchandise jackpot, and accepts a denomination of coin the same or less than the denomination accepted by the slot machine which was removed.

**§ 465a.29. Automated teller machines.**

(a) Automated teller machines may be placed at any location within **[ the ]** a licensed facility.

(b) An automated teller machine must have a label on the top of the automated teller machine and on the front of the automated teller machine that displays a unique identification number of the automated teller machine. The labels must have white lettering on a black background, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the automated teller machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated teller machine must be at least 1 inch by 2.5 inches.

**§ 465a.31. Gaming day.**

\* \* \* \* \*

(c) Any change in a slot machine licensee's hours of operation shall be **[ noticed to the Board ]** submitted as a change to the slot machine licensee's internal controls in accordance with § 465a.2(f) (relating to internal control systems and audit protocols) at least 72 hours in advance of the change **[ in writing ]**.

[Pa.B. Doc. No. 08-396. Filed for public inspection March 7, 2008, 9:00 a.m.]

# STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

[ 49 PA. CODE CH. 39 ]

## Temporary Permits

The State Board of Examiners of Nursing Home Administrators (Board) proposes to amend §§ 39.1, 39.4 and 39.17 (relating to definitions; admission to practice; and temporary permits—statement of policy) to read as set forth in Annex A.

### A. *Effective Date*

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

### B. *Satutory Authority*

Section 14 of the Nursing Home Administrators License Act (act) (63 P. S. § 1114) authorizes the Board to issue temporary permits. The Board is also authorized under section 4(c) of the act (63 P. S. § 1104(c)) to make rules and regulations as may be necessary for the proper performance of its duties.

### C. *Background and Need for Amendments*

The Board is authorized to issue temporary permits to applicants in the event of unusual circumstances affecting the administration of a nursing home. The permits are issued without examination and permit the holder to serve as a nursing home administrator only in the particular facility indicated on the application for a period not to exceed 1 year. The proposed amendments would clarify, update and expand on the temporary permit requirements.

### D. *Description of Proposed Amendments*

#### *§ 39.1 (relating to definitions)*

Section 39.1 defines a temporary permit as a permit issued by the Board for up to 1 year in the event of unusual circumstances affecting the administration of a nursing home. The Board proposes to amend the definition to clarify that the permit authorizes a person not licensed by the Board to serve as a nursing home administrator only in the particular facility indicated on the permit application for up to 1 year. The Board believes that this amended definition will remove the ambiguity in the current regulation by specifying that it is an unlicensed person who may be authorized to serve as a nursing home administrator.

#### *§ 39.4 (relating to admission to practice; temporary permits)*

The proposed amendments to § 39.4 expand, clarify and refine the conditions and requirements for the issuance of temporary permits. The Board is proposing to add three new substantive subparagraphs to § 39.4(3) and to renumber the remaining subparagraphs.

New subparagraph (iii) would move, refine and clarify the Board's present policy contained in § 39.17 (relating to policy statement regarding temporary permits) that the Board will not issue temporary permits to applicants who fail to pass the nursing home administrators licensing examination. If an individual has previously failed to pass the licensure examination, the Board believes that individual is unqualified to hold a temporary permit and to

act as a nursing home administrator. Because the examination consists of both a National and State component, the Board makes it clear that applicants failing either part will not be granted a temporary permit.

New subparagraph (vi) would provide that a temporary permit will become void if the holder fails to pass any part of the nursing home administrators licensing examination. The Board receives many requests for permits from individuals who apply for licensure as a nursing home administrator either concurrently or subsequent to obtaining a temporary permit. Those individuals will be taking the licensure examination. As stated previously, if an individual fails to pass the licensure examination, that individual is unqualified to hold a temporary permit and to act as a nursing home administrator.

New subparagraph (vii) would clarify the current policy of the Board, which requires the temporary permit holder to relinquish and return the permit once the condition which necessitated the issuance of the temporary permit ceases or when the permit holder fails any part of the examination.

The Board proposes to retain and renumber the subparagraphs requiring public notice of the grant of temporary permit and requiring that the applicant and owner or representative of the governing body of the nursing home must appear before the Board prior to the issuance of a temporary permit.

#### *§ 39.17 (relating to temporary permits—statement of policy)*

Current § 39.17 is a policy statement regarding temporary permits. Subsection (a) clarifies that temporary permits will not be issued to fill positions that have been vacated due to intracompany promotions and transfers. The Board believes that temporary permits are for the benefit of facilities experiencing an unusual situation affecting the immediate administration of the nursing home and that intracompany transfers do not satisfy this requirement.

Subsection (b) clarifies that experience gained while holding a temporary permit will not be credited toward the experience requirement in § 39.5 (relating to requirements for admission to licensing examination; examination procedures). The Board believes that the temporary permit is for the benefit of the facility experiencing an unusual circumstance and not for the benefit of an individual applying to take the nursing home administrator examination. The Board has carefully considered the examination requirements and does not want those requirements circumvented with the use of a temporary permit.

### E. *Fiscal Impact*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions because the costs of the Board's activities are supported by fees charged to licensees and others who benefit from specific activities of the Board.

### F. *Paperwork Requirements*

The proposed amendments will impose no additional paperwork requirements upon the Commonwealth or its political subdivisions or the private sector.

### G. *Sunset Date*

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

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 27, 2008, 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 shall 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.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christina Stuckey, Administrator, State Board of Examiners of Nursing Home Administrators, P. O. Box 2649, Harrisburg, PA 17105-2649, (cstuckey@state.pa.us) within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin. Please reference No. 16A-629 (Temporary Permits) when submitting comments.

BARRY S. RAMPER, II, NHA,
Chairperson

Fiscal Note: 16A-629. 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 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

GENERAL

§ 39.1. Definitions.

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

\* \* \* \* \*

Temporary permit—A permit [ which may be ] issued by the Board which authorizes a person not licensed by the Board to serve as a nursing home administrator only in the particular facility indicated on the permit application for up to 1 year in the event of unusual circumstances affecting the administration of a nursing home, such as the death, disability, resignation or dismissal of the licensed administrator or other emergency as determined by the Board.

§ 39.4. Admission to practice; temporary permits.

Admission to the practice of nursing home administration in this Commonwealth will be granted by the Board as follows:

\* \* \* \* \*

(3) By issuance of a temporary permit to an applicant who meets the requirements of section 14 of the act (63

P. S. § 1114) and of this chapter. The issuance of a temporary permit is subject to the following conditions:

\* \* \* \* \*

(ii) The issuance of a temporary permit will not be construed to mean that the holder qualifies to sit for the nursing home administrators licensing examination.

(iii) The Board will not issue a temporary permit to an applicant who has failed to pass any part of the nursing home administrators licensing examination.

(iv) Public notice of the issuance of a temporary permit will be given by the Board in accordance with 45 Pa.C.S. §§ 301—310 (relating to the Newspaper Advertising Act), with the cost of advertising the notice to be paid by the holder of the temporary permit. The public notice concerning the temporary permit will be advertised in a daily newspaper published in the county where the nursing home is located, once a week for 3 consecutive weeks, and will contain the following information: the name and address of the holder of the temporary permit, the name and address of the nursing home which the holder of the temporary permit is permitted to serve, the reason for the issuance of the temporary permit, the period for which the temporary permit is issued, the date the temporary permit expires and other information the Board may require as relevant.

[ (iv) ] (v) Prior to the issuance of a temporary permit, the applicant shall appear before the Board accompanied by the manager, owner or representative of the governing body of the facility in which the applicant will be acting as a nursing home administrator if the permit is issued.

(vi) A temporary permit becomes void if either the holder fails to pass any part of the nursing home administrators licensing examination or the facility obtains the services of a licensed nursing home administrator and the holder must cease performing his duties as a temporary nursing home administrator immediately upon the occurrence of either event.

(vii) The temporary permit holder shall notify the Board and immediately return the temporary permit to the Board if the holder fails to pass any part of the nursing home administrators licensing examination or when the facility obtains the services of a licensed nursing home administrator.

§ 39.17. [ Policy statement regarding temporary ] Temporary permits—statement of policy.

(a) The Board will not issue temporary permits to applicants who wish to fill positions that have been vacated for reasons such as intracompany promotions and transfers. [ The Board will not extend or reissue temporary permits to applicants who fail to pass the Nursing Home Administrators Licensing Examination. ]

(b) The issuance of a temporary permit is not intended to create a suitable candidate for licensure. The Board will not consider any experience gained in the practice of nursing home administration while serving under a temporary permit to qualify an applicant for licensure by examination under § 39.5 (relating to requirements for admission to licensing examination; examination procedures).

[Pa.B. Doc. No. 08-397. Filed for public inspection March 7, 2008, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, March 12, 2008. The hearing will be part of the Commission's regular business meeting. The business meeting is open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ. No morning conference session is scheduled for this meeting.

Note that Commission action on the Proposed Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Classify the Lower Delaware River as Special Protection Waters will not take place at this meeting. The earliest Commission meeting date when action could be taken is May 14, 2008.

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

1. *Freeland Borough Municipal Authority D-94-63 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 17.2 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 9, 12 and 14 in the Buck Mountain Mauch Chunk Formation. The project is located in the Pond Creek Watershed in Freeland Borough, Luzerne County, PA, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

2. *Township of Roxbury D-96-17 CP-2*. An application for the renewal of a ground water withdrawal project to supply up to 19.8 mg/30 days from existing Wells Nos. 2, 4, 9 and 12. The project is located in the Stratified Drifts Aquifer in the Musconetcong River Watershed in Roxbury Township, Morris County, NJ, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

3. *Smithfield Beef Group (MOPAC) D-96-21-3*. An application for approval of an upgrade of the existing 0.75 mgd industrial wastewater treatment plant (IWTP) in accordance with a Consent Order and Agreement issued by the Department of Environmental Protection. The upgrade includes a new anaerobic lagoon, a new tertiary filtration system and a new ultraviolet light disinfection system. The IWTP will continue to discharge to the Skippack Creek. The IWTP is located in Franconia Township, Montgomery County, PA.

4. *Nestlé Waters North America, Inc. D-98-27-3*. An application for the renewal of a spring water withdrawal project to continue withdrawal of 9 mg/30 days to supply the applicant's bottled water operations from existing Hoffman Springs Nos. 1—3 to supply up to 1.95 mg/30 days from the new Mattos Catchment No. 1 to supplement flow in Ontelaunee Creek. The project is located in the Ontelaunee Creek Watershed in Lynn Township, Lehigh County, PA.

5. *Fifer Orchards, Inc. D-2002-20-2*. A combined ground and surface water withdrawal project to continue to

supply a maximum of 543 mg/30 days of water to the applicant's irrigation of approximately 2,285 acres of fruit and vegetables through two new wells, nine existing wells and nine existing intakes. The wells are located in the Columbia Formation in the St. Jones River Watershed in the City of Wyoming, Kent County, DE. Surface water will be withdrawn from a series of onsite ponds in the St. Jones River Watershed.

6. *Ambler Borough D-75-16 CP-2*. An application for approval of a rerate of the Ambler Borough wastewater treatment plant (WWTP) to 8.0 mgd as a maximum monthly value. The WWTP's existing 6.5 mgd annual average flow will remain unchanged. The WWTP will continue to discharge to the Wissahickon Creek, a tributary to the Schuylkill River. The facility is located in Ambler Borough, Montgomery County, PA.

7. *The Premcor Refining Group, Inc. D-93-4-6*. An application to replace the withdrawal of water from Wells Nos. P-3A and P-4A in the applicant's water supply system that have become unreliable sources of supply and to increase the applicant's surface water withdrawal from the Delaware River and Red Lion Creek. Premcor requests that its combined withdrawal from replacement Wells Nos. P-3B and P-4B and seven existing wells remain limited to 180 mg/30 days; that its withdrawal from the Delaware River intake remain at 13,560 mg/30 days; that the docket authorize withdrawals of 38.9 mg/30 days from the Red Lion Creek intake and up to 56.2 mg/30 days from the Dragon Run intake, and that Premcor's combined withdrawal from all sources be limited to 13,655.1 mg/30 days. The proposed allocation represents no increase in groundwater withdrawals, no increase from the Delaware River intake and the inclusion in a Commission docket of previously undocketed pre-Compact DNREC allocations from Dragon Run and Red Lion Creek. The project is located in the Potomac Formation in the C & D Canal East, Dragon Run Creek, Red Lion Creek and Delaware River watersheds in Delaware City, New Castle County, DE.

8. *Aqua Pennsylvania, Inc. D-97-3-2*. An application to use Wells Nos. 1 and 2 at the former Simpson Paper Company to serve the applicant's potable water supply system. The applicant seeks a maximum withdrawal of 42 mg/30 days from Wells Nos. 1 and 2, representing no change from the maximum combined withdrawal from the wells. The project is located in the Conestoga Formation in the Schuylkill River Watershed in Whitemarsh Township, Montgomery County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

9. *Town of Felton D-99-26 CP-2*. An application for the renewal of a groundwater withdrawal project and to decrease the maximum withdrawal from 5.7 mg/30 days to 5.328 mg/30 days to supply the applicant's public water supply distribution from existing Wells Nos. 2—4 in the Frederica and Piney Point formations. The project is located in the Fan Branch Watershed in the Town of Felton, Kent County, DE.

10. *Upper Hanover Authority D-2001-61 CP-2*. An application for approval of a WWTP expansion project that will increase treatment capacity from 0.15 mgd to 0.40 mgd, while maintaining existing effluent quality by means of the addition of sequencing batch reactor and tertiary filtration processes. The existing WWTP has reached its design capacity and the expansion project is needed to serve new development in Upper Hanover

Township, Montgomery County, PA. Following ultraviolet light disinfection, the WWTP effluent will be discharged to Macoby Creek, a tributary of Perkiomen Creek, within the Schuylkill River Watershed. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

11. *Mountain Hill Cottages D-2005-2-1*. An application to upgrade the septic system that serves the Mountain Hill Cottages development located off Cold Spring Road approximately 2,000 feet north of its intersection with Cantrell Road in the Town of Thompson, Sullivan County, NY. An additional septic system will be constructed to treat 5,250 gallons of flow. The effluent from the proposed septic system will be routed to a 14,000 gpd sand filter, which recharges the groundwater. No expansion of the sand filter is required, but a new chlorine contact tank will be provided. The project is in the Bush Kill Watershed, upstream from its confluence with the Neversink River in the drainage area of the Commission Special Protection Waters.

12. *Valleybrook Golf Club D-2006-21-1*. An application for approval of a surface water withdrawal project to supply up to 7 mg/30 days of water to the applicant's golf course irrigation system from three surface water intakes from a series of one lake and retention ponds on Pines Run. The project is located in the Pines Run Watershed in Gloucester Township, Camden County, NJ.

13. *Pocono Manor Investors Pt. 1, L.P. D-2006-43-1*. A revised application for approval of a groundwater withdrawal project to supply up to 15.984 mg/30 days of water to the applicant's Pocono Manor site from new Wells Nos. 1—3 and to limit the existing withdrawal from all wells to 15.984 mg/30 days. The wells will serve Phases I, II-A, III and II-B of the docket holder's revised residential and commercial development plans. The project is located in the Catskill Formation in the Brodhead/Swiftwater Creek Watershed in Pocono Township, Monroe County, PA. The location is also within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

14. *Wayne Economic Development Corporation D-2007-18-1*. An application for the approval of the new Sterling Business Park WWTP. The new 35,000 gpd WWTP will service the 252-acre Sterling Business Park of the Wayne County Economic Development Corporation (WEDCO). The Sterling Business Park will consist of up to 23 commercial building sites, ranging in size from 3 to 30 acres. The project includes a 7,000 gpd nonpotable water reuse system for restrooms and landscape irrigation. The applicant's WWTP will discharge to the West Branch Wallenpaupack Creek, within the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters. The facility is located on SR 0191, approximately one mile north of the SR 0191/Newfoundland exit off I-84 in Sterling Township, Wayne County, PA.

15. *Upper Makefield Township D-2007-24 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 8.43 mg/30 days of water to the applicant's public water supply distribution system from new Wells HH1, HH2, HH4, GTW1 and GTW2. The project is located in the Brunswick and Lockatong formations in the Houghs Creek and Delaware River Watersheds in Upper Makefield Township, Bucks County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

16. *Upper Makefield Township D-2007-25 CP-1*. An application for the approval of the new 20,000 gpd Gray Tract WWTP. The WWTP will serve approximately 96 age-restricted dwellings and 14 existing homes and is proposed to discharge to an unnamed tributary of Hough's Creek, which is tributary to the Delaware River. The facility is located in Upper Makefield Township, Bucks County, PA, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

17. *Congoleum Corporation D-2007-35-1*. An application to discharge an average of 122,000 gpd of noncontact cooling and stormwater from the applicant's tile floor manufacturing facility. The discharge is to a Hamilton Township municipal storm sewer, which discharges to Hamilton Ditch and Miry Run, tributaries to the Delaware River. The facility is located in Hamilton Township, Mercer County, NJ.

18. *U.S. Silica—Port Elizabeth Mine D-2007-37-1*. An application for approval of a surface water withdrawal project to supply up to 288 mg/30 days of water from surface water Intake No. 1 for sand and gravel processing and up to 0.778 mg/30 days from one well used for sanitary supply at the facility. The project is located in the Maurice River Watershed in Mauricetown Township, Cumberland County, NJ.

19. *Franconia Sewer Authority D-2007-41 CP-1*. An application for approval of the construction of a new 0.15 mgd Franconia Sewer Authority WWTP, pump station and appurtenances. The new WWTP will serve the new Souderton Area High School and sanitary waste from Smithfield Beef Group (formerly Moyer Packing Company). The WWTP will discharge to the Skippack Creek, a tributary to the Perkiomen Creek, which is a tributary to the Schuylkill River. The facility will be located in Franconia Township, Montgomery County, PA.

20. *Pocono Manor Investors, L.P. D-2007-44-1*. An application for approval of a surface water withdrawal project to supply up to 0.72 mg/30 days of water to the applicant's irrigation system from Intake No. 1 and to limit the existing withdrawal from all intakes to 0.72 mg/30 days. The project is located on Indian Run, a tributary to Pocono Creek in Pocono Township, Monroe County, PA, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

21. *Congoleum Corporation, D-2005-25-2*. Approval is requested for corrections to the effluent table in section A.4.d. of Docket D-2005-25-1 issued on March 1, 2006, for an industrial discharge of noncontact cooling water and stormwater from Congoleum Plant No. 2. The effluent table incorrectly listed limits for four parameters for which the Commission lacked applicable requirements: Bromodichlorormethane, Chloroform, Chlorine Produced Oxidants and Chronic Toxicity. The Executive Director subsequently issued corrected Docket D-2005-25-2, in which the state limits are listed for these parameters, pending ratification by the Commission. The discharge is made to the Hamilton Township storm sewer, which discharges to Pond Run, a tributary of the Assunpink Creek. The facility is located in Hamilton Township, Mercer County, NJ.

22. *Borough of South Coatesville, D-74-39 CP-2*. Approval is requested for corrections to the effluent table in section A.4.d. of Docket D-74-39-CP-2 issued on July 18, 2007, for the rerate of the South Coatesville Wastewater



Treatment Plant. The effluent table incorrectly listed a Commission limit for Dissolved Oxygen that is inapplicable to the South Coatesville Borough facility. The Executive Director subsequently issued corrected Docket D-74-39 CP-2, in which the applicable state limit is listed for this parameter, pending ratification by the Commission. The facility is located on the border between South Coatesville and Modena Boroughs in Chester County, PA. The discharge is to the West Brandywine Creek.

In addition, the Commission's 1:30 p.m. business meeting will include adoption of the Minutes of the Commission's December 12, 2007, business meeting; announcements of upcoming advisory committee meetings and other events; a report by the Executive Director; a report by the Commission's General Counsel; consideration of a resolution for the minutes authorizing the Executive Director to engage an engineering firm to oversee lighting and HVAC improvements to the Commission's West Trenton office building; a resolution to adopt the Commission's annual budget for the Fiscal Year ending 2009 (July 1, 2008 through June 30, 2009); and an opportunity for public dialogue. The hearing on the proposed budget took place on December 12, 2007.

Draft dockets scheduled for public hearing on March 12, 2008, are posted on the Commission's web site [www.drbc.net](http://www.drbc.net), where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 08-398. Filed for public inspection March 7, 2008, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending February 26, 2008.

#### BANKING INSTITUTIONS

##### Section 112 Applications

| <i>Date</i> | <i>Name of Group</i>  | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 2-25-2008   | The Snyder Group, Kittanning, to acquire up to 74.2% of Merchants Bancorp of Pennsylvania, Kittanning | Kittanning      | Filed         |

##### Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i>   | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 2-25-2008   | First Priority Financial Corp., Malvern, to acquire 100% of Prestige Community Bank, Newtown | Malvern         | Approved      |

##### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 2-25-2008   | First Priority Bank, Malvern, and Prestige Community Bank, Newtown<br>Surviving Institution:<br>First Priority Bank, Malvern | Malvern         | Approved      |

##### Branch Applications

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 1-2-2008    | Valley Green Bank<br>Philadelphia<br>Philadelphia County    | 23 West Highland Avenue<br>Philadelphia<br>Philadelphia County                 | Opened        |
| 2-21-2008   | Affinity Bank of Pennsylvania<br>Wyomissing<br>Berks County | South Temple Boulevard<br>and 5th Street Highway<br>Muhlenberg<br>Berks County | Filed         |
| 2-22-2008   | Northwest Savings Bank<br>Warren<br>Warren County           | 1632 Empire Boulevard<br>Webster<br>Monroe County, NY                          | Filed         |

| <i>Date</i> | <i>Name of Bank</i>                               | <i>Location</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 2-22-2008   | Northwest Savings Bank<br>Warren<br>Warren County | 125 Emeryville Drive<br>Suite 100<br>Cranberry Township<br>Butler County | Filed         |
| 2-25-2008   | American Bank<br>Allentown<br>Lehigh County       | 4261 Freemansburg Avenue<br>Bethlehem<br>Northampton County              | Approved      |

**Branch Relocations**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 2-25-2008   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>To:</i> 780 South Valley Forge Road<br>Lansdale<br>Montgomery County<br><br><i>From:</i> 1601 South Valley Forge Road<br>Lansdale<br>Montgomery County | Approved      |

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversions**

| <i>Date</i> | <i>Name of Credit Union</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 2-13-2008   | Lancaster Postal Employees<br>Credit Union<br>Lancaster<br>Lancaster County | Lancaster       | Effective     |

Conversion from a Pennsylvania State-chartered credit union to a Federally-chartered credit union to be known as Lancaster Postal Employees Federal Credit Union.

**Community Charter Conversions**

| <i>Date</i> | <i>Name of Credit Union</i>                                | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 2-13-2008   | Superior Credit Union<br>Collegeville<br>Montgomery County | Collegeville    | Filed         |

The credit union proposes to amend its Articles of Incorporation to serve a field of membership limited to the following community: All people who live, work, worship, attend school in, and businesses and other legal entities in Montgomery County, PA.

**Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name of Credit Union</i>  | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 2-20-2008   | TruMark Financial Credit Union,<br>Trevose, and Local 98 IBEW<br>Federal Credit Union, Philadelphia<br>Surviving Credit Union:<br>TruMark Financial Credit Union,<br>Trevose                       | Trevose         | Approved      |
| 2-25-2008   | Pennsylvania State Employees Credit<br>Union, Harrisburg, and Rite Aid<br>Employees Credit Union, Camp Hill<br>Surviving Credit Union:<br>Pennsylvania State Employees Credit<br>Union, Harrisburg | Harrisburg      | Approved      |

**Articles of Amendment**

| <i>Date</i> | <i>Name of Credit Union</i>  | <i>Purpose</i>  | <i>Action</i>          |
|-------------|--|---|------------------------|
| 2-25-2008   | Binney & Smith Inc. Easton<br>Employees Credit Union<br>Easton<br>Northampton County | Amendment to Article 1 of the Articles of Incorporation provides for a change of the name of the credit union from "Binney & Smith Inc. Easton Employees Credit Union" to "Crayola LLC Employees Credit Union." | Approved and Effective |

| <i>Date</i> | <i>Name of Credit Union</i>                   | <i>Purpose</i>  | <i>Action</i>          |
|-------------|---|---|------------------------|
| 2-25-2008   | Callery Credit Union<br>Mars<br>Butler County | Amendment to the Article 1 of the Articles of Incorporation provides for a change of the name of the credit union from "Callery Credit Union" to "Southern Butler County Community Credit Union." | Approved and Effective |

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-399. Filed for public inspection March 7, 2008, 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.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                      | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|---|--------------------------------------|-----------------------------|
| PA0085570<br>(IW)           | Millersburg Area Authority<br>101 West Street<br>Millersburg, PA 17061-1321 | Dauphin County<br>Upper Paxton Township | Wiconisco Creek<br>6C                | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0103519                   | Whitehall Camp<br>Western Pennsylvania<br>Church of God<br>514 Whitehall Road<br>Emlenton, PA 16373              | Richland Township<br>Venango County  | UNT to Richey<br>Run                 | Y                           |
| PA0222267                   | Lovett's Manufactured Home<br>Park<br>Dennis P. and Laura A.<br>Baker<br>R. R. 2<br>Box 141-A<br>Corry, PA 16407 | Washington Township<br>Erie County   | Darrows Creek<br>16-A                | Y                           |

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

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

**NPDES PA0012777**, Industrial Waste, SIC Codes 2891 and 2879, **Rohm & Haas Chemicals, LLC**, 5000 Richmond Street, Philadelphia, PA 19137. This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge noncontact cooling water and stormwater from Rohm & Haas—Philadelphia Plant through three outfalls in Frankford Inlet and Delaware Estuary Zone 3.

The receiving stream, Delaware River, is in the State Water Plan Watershed 3J and is classified as WWF. There is no downstream public water supply intake in Pennsylvania.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.85 mgd and are as follows:

| <i>Parameter</i>                  | <i>Instantaneous<br/>Minimum (mg/l)</i> | <i>Monthly<br/>Average (mg/l)</i> | <i>Daily<br/>Maximum (mg/l)</i> | <i>Instantaneous<br/>Maximum<sup>(2)</sup> (mg/l)</i> |
|-----------------------------------|---|-----------------------------------|---------------------------------|---|
| Flow (mgd)                        |   |                                   |                                 |   |
| Temperature (° F)                 |   |                                   |                                 | 98  |
| pH (Standard Units)               | 6.0                                     |                                   |                                 | 9.0   |
| Total Suspended Solids (NET)      |   | 30                                | 60                              | 75  |
| Total Suspended Solids (Influent) |   | Monitor and<br>Report             | Monitor and<br>Report           | Monitor and<br>Report                                 |
| Total Suspended Solids (Effluent) |   | Monitor and<br>Report             | Monitor and<br>Report           | Monitor and<br>Report                                 |
| PCBs, Total                       |   |                                   | Monitor and<br>Report           |   |
| Biological Oxygen Demand*         |   |                                   | Monitor and<br>Report           |   |
| Chemical Oxygen Demand*           |   |                                   | Monitor and<br>Report           |   |
| Total Kjeldahl Nitrogen*          |   |                                   | Monitor and<br>Report           |   |
| Nitrate plus Nitrite as Nitrogen* |   |                                   | Monitor and<br>Report           |   |

## NOTICES

| <i>Parameter</i>     | <i>Instantaneous Minimum (mg/l)</i> | <i>Monthly Average (mg/l)</i>               | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum<sup>(2)</sup> (mg/l)</i> |
|----------------------|-------------------------------------|---|-----------------------------|---|
| Total Phosphorus*    |                                     |   | Monitor and Report          |   |
| pH (Standard Units)* |                                     | Monitor and Report<br>Instantaneous Minimum |                             | Monitor and Report                                |

\* These are stormwater parameters. Sample shall be taken during storm event.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.12 mgd and are as follows:

| <i>Parameter</i>                  | <i>Instantaneous Minimum (mg/l)</i> | <i>Monthly Average (mg/l)</i>               | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum<sup>(2)</sup> (mg/l)</i> |
|-----------------------------------|-------------------------------------|---|-----------------------------|---|
| Flow (mgd)                        |                                     |   |                             |   |
| Temperature (° F)                 |                                     |   |                             | 98  |
| pH (Standard Units)               | 6.0                                 |   |                             | 9.0   |
| Biological Oxygen Demand*         |                                     |   | Monitor and Report          |   |
| Chemical Oxygen Demand*           |                                     |   | Monitor and Report          |   |
| Total Kjeldahl Nitrogen*          |                                     |   | Monitor and Report          |   |
| Nitrate plus Nitrite as Nitrogen* |                                     |   | Monitor and Report          |   |
| Total Phosphorus*                 |                                     |   | Monitor and Report          |   |
| pH (Standard Units)*              |                                     | Monitor and Report<br>Instantaneous Minimum |                             | Monitor and Report                                |

\* These are stormwater parameters. Sample shall be taken during stormwater event.

The proposed effluent limits for Outfall 007 for stormwater runoff are as follows:

| <i>Parameter</i>                  | <i>Instantaneous Minimum (mg/l)</i> | <i>Monthly Average (mg/l)</i>               | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum<sup>(2)</sup> (mg/l)</i> |
|-----------------------------------|-------------------------------------|---|-----------------------------|---|
| Biological Oxygen Demand*         |                                     |   | Monitor and Report          |   |
| Chemical Oxygen Demand*           |                                     |   | Monitor and Report          |   |
| Total Kjeldahl Nitrogen*          |                                     |   | Monitor and Report          |   |
| Nitrate plus Nitrite as Nitrogen* |                                     |   | Monitor and Report          |   |
| Total Phosphorus*                 |                                     |   | Monitor and Report          |   |
| pH (Standard Units)*              |                                     | Monitor and Report<br>Instantaneous Minimum |                             | Monitor and Report                                |

\* These are stormwater parameters. Sample shall be taken during storm event.

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

1. Stormwater Monitoring Requirements.
2. PCBs Monitoring Requirements.

EPA waiver is not in effect.

**PA0035769 Amendment No. 2**, Sewage Waste, SIC 2011, 2048, 2077 and 2875; **Smithfield Beef Group—Souderton, Inc.** (formerly Moyer Packing Company), 2580 University Avenue, Green Bay, WI 54311. Facility is located at 741 Souder Road, Elroy, PA 18964.

Description of Proposed Activity: Discharge of treated wastewater from a facility serving beef and rendering operations in Franconia Township, **Montgomery County**.

The receiving stream Skippack Creek is in the State Water Plan Watershed 3E and is classified for: TSF.

The proposed effluent limits for Outfall 001, based on an average flow of 0.75 mgd, are as follows:

| <i>Parameter</i>                    | <i>Average<br/>Monthly (mg/l)</i>                       | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------------------|---|---------------------------------|---|
| CBOD <sub>5</sub><br>(5-1 to 10-31) | 10  | 20                              | 25                                      |
| (11-1 to 4-10)                      | 20  | 40                              | 50                                      |
| Total Suspended Solids              | 30  | 60                              | 75                                      |
| Oil and Grease                      | 15  | 25                              | 30                                      |
| Fecal Coliform<br>col./100 ml       | 200   |                                 | 1,000                                   |
| pH                                  | Within limits of 6.0 to 9.0 Standard Units at all times |                                 |   |
| Phosphorus as P<br>(4-1 to 10-31)   | 0.80  | 1.60                            | 2.00                                    |
| (11-1 to 3-31)                      | 1.60  | 3.2                             | 4.00                                    |
| Ammonia as N<br>(5-1 to 10-31)      | 1.2   | 2.4                             | 3.0                                     |
| (11-1 to 4-30)                      | 3.6   | 7.2                             | 9.0                                     |
| Dissolved Oxygen                    | Minimum of 5.0 mg/l at all times                        |                                 |   |
| Total Residual Chlorine             | 0.024   |                                 | 0.094                                   |
| Osmotic Pressure                    | 95 Milliosmoles/Kg as Maximum Daily                     |                                 |   |
| Total Dissolved Solids              | 3,100   | 6,200                           | 7,750                                   |
| Total Nitrogen                      | Monitor   |                                 | Monitor                                 |

The proposed effluent limits for stormwater Outfalls MP 101, 002—004 are as follows:

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

The EPA waiver is not in effect. In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures.
2. BAT/ELG Reopener.
3. TMDL/WLA Analysis.
4. Requirements for Stormwater Outfalls.
5. Laboratory Certification.
6. Certified Operator.
7. Inspection of Stream at Outfall 001.
8. Develop a PPC Plan.
9. Inspection of the Outfall and Stream Conditions.
10. Develop a Sampling Plan.
11. Develop an Operations and Maintenance Plan.

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

**Application No. PA0085111.** Industrial Waste, SIC Code 4941, **Altoona City Authority (Tipton Plant)**, 20 Greenwood Road, Altoona, PA 16602-7114. This facility is located in Antis Township, **Blair County**.

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

The receiving stream, Tipton Run, is in Watershed 11-A and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Water Authority located on the Juniata River, approximately 116 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.8 mgd are:

| Parameter      | Concentration (mg/l) |                           |                       |
|----------------|----------------------|---------------------------|-----------------------|
|                | Average Monthly      | Maximum Daily             | Instantaneous Maximum |
| pH             |                      | From 6.0 to 9.0 inclusive |                       |
| Total Aluminum | 0.26                 | 0.52                      | 0.65                  |

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.

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

**PA0000647**, Industrial Waste, SIC 8731, **Crucible Research, Division of Crucible Materials Corporation**, 6003 Campbells Run Road, Pittsburgh, PA 15205-1022. This application is for renewal of an NPDES permit to discharge treated process water, stormwater and untreated cooling water from the Crucible Research facility in Robinson Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Campbells Run, 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 West View Municipal Authority, located on the Ohio River over 15 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.0096 mgd.*

| Parameter         | Mass (lb/day)                          |               | Concentration (mg/l) |               |                       |
|-------------------|--|---------------|----------------------|---------------|-----------------------|
|                   | Average Monthly                        | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum |
| Flow (mgd)        | Monitor and Report                     |               |                      |               |                       |
| Oil and Grease    |  |               | 15                   |               | 30                    |
| Temperature (° F) |  |               |                      |               | 110                   |
| pH                | not less than 6.0 nor greater than 9.0 |               |                      |               |                       |

Other Conditions: Priority pollutant sampling, residual waste disposal, floating materials control, no net addition of pollutants to cooling waters, stormwater and temperature controls, chemical additives, Toxics Reduction Evaluation requirements for mercury, discharge and dilution prohibitions and biannual sampling or employee training.

The EPA waiver is in effect.

**PAS406101**, Industrial Waste, SIC 4953, **Siemens Water Technologies Corp.**, 118 Park Road, Darlington, PA 16115. This application is for renewal of an NPDES permit to discharge stormwater from a carbon reactivation plant in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, North Branch Little Beaver Creek classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Steubenville Water Authority, located in Steubenville, OH, 30 miles below the discharge point.

*Outfall 001: existing discharge of stormwater.*

| Parameter              | Mass (lb/day)      |               | Concentration (mg/l) |                    |                       |
|------------------------|--------------------|---------------|----------------------|--------------------|-----------------------|
|                        | Average Monthly    | Maximum Daily | Average Monthly      | Maximum Daily      | Instantaneous Maximum |
| Flow (mgd)             | Monitor and Report |               |                      |                    |                       |
| Total Suspended Solids |                    |               |                      | Monitor and Report |                       |
| Chemical Oxygen Demand |                    |               |                      | Monitor and Report |                       |
| pH                     |                    |               |                      | Monitor and Report |                       |

Other Conditions: Residual waste disposal, floating materials control, stormwater controls and a Stormwater Pollution Prevention Plan.

The EPA waiver is in effect.

**PA0007196**, Sewage, **Charles Shay**, 12840 Route 286 West, Clarksburg, PA 15725. This application is for renewal of an NPDES permit to discharge treated sewage from Charles Shay Sewage Treatment Plant in Young Township, **Indiana County**.

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

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

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     |                       |                      | 50                           |
| Suspended Solids        | 30                                     |                       |                      | 60                           |
| Ammonia Nitrogen        |  |                       |                      |                              |
| (5-1 to 10-31)          | 1.5                                    |                       |                      | 3.0                          |
| (11-1 to 4-30)          | 2.0                                    |                       |                      | 4.0                          |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a Geometric Mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a Geometric Mean       |                       |                      |                              |
| Total Residual Chlorine | 0.08                                   |                       |                      | 0.18                         |
| Dissolved Oxygen        | not less than 6.0 mg/l                 |                       |                      |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA0026824**, Sewage, **Clairton Municipal Authority**, One North State Street, Clairton, PA 15025. This application is for renewal of an NPDES permit to discharge treated sewage from the Clairton Sewage Treatment Plant in the City of Clairton, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Peters Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Company located on the Monongahela River.

*Outfall 001:* existing discharge, design flow of 6.0 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     | 37.5                  |                      | 50                           |
| Suspended Solids        | 30                                     | 45                    |                      | 60                           |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a Geometric Mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a Geometric Mean       |                       |                      |                              |
| Total Residual Chlorine | 0.5                                    |                       |                      | 1.0                          |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

Other Conditions: Outfalls 002—006 discharge to Peters Creek and serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewer and/or treatment plant. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

Outfalls 007—011 are permitted to discharge uncontaminated stormwater runoff from the areas in and around the treatment plant. There are at this time no specific effluent limitations on these outfalls.

The EPA waiver is not in effect.

**PA0026841**, Sewage, **Borough of Oakmont**, Fifth Street and Virginia Avenue, P. O. Box 206, Oakmont, PA 15139-0206. This application is for renewal of an NPDES permit to discharge treated sewage from Oakmont Wastewater Treatment Plant in Oakmont Borough, **Allegheny County**.

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

*Outfall 001:* existing discharge, design flow of 1.2 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     | 37.5                  |                      | 50                           |
| Suspended Solids        | 30                                     | 45                    |                      | 60                           |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a Geometric Mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 as a Geometric Mean          |                       |                      |                              |
| Total Residual Chlorine | 0.5                                    |                       |                      | 1.6                          |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |



The EPA waiver is not in effect.

**PA0043729**, Sewage, **Hampton Township**, 3101 McCully Road, Allison Park, PA 15101-1331. This application is for renewal of an NPDES permit to discharge treated sewage from Allison Park STP in Hampton Township, **Allegheny County**.

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

*Outfall 001*: existing discharge, design flow of 3.2 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       |  |                       |                      |                              |
| (5-1 to 10-31)          | 15                                     | 23                    |                      | 30                           |
| (11-1 to 4-30)          | 25                                     | 38                    |                      | 50                           |
| Suspended Solids        | 30                                     | 45                    |                      | 60                           |
| Ammonia Nitrogen        |  |                       |                      |                              |
| (3-1 to 11-30)          | 1.5                                    | 2.3                   |                      | 3.0                          |
| (12-1 to 2-29)          | 4.5                                    | 6.8                   |                      | 9.0                          |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a Geometric Mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a Geometric Mean       |                       |                      |                              |
| Total Residual Chlorine | 0.5                                    |                       |                      | 1.6                          |
| Dissolved Oxygen        | not less than 6.0 mg/l                 |                       |                      |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is not in effect.

**PA0091138**, Sewage, **Cecil Township Municipal Authority**, 3599 Millers Run Road, Cecil, PA 15321. This application is for renewal of an NPDES permit to discharge treated sewage from Teodori STP in Cecil Township, **Washington County**.

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

*Outfall 001*: existing discharge, design flow of 0.149 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     | 37.5                  |                      | 50                           |
| Suspended Solids        | 30                                     | 45                    |                      | 60                           |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a Geometric Mean         |                       |                      |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a Geometric Mean       |                       |                      |                              |
| Total Residual Chlorine | 1                                      |                       |                      | 3.3                          |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA0217697**, Sewage, **RoxCoal, Inc.**, 1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Sarah Mine STP in Jenner Township, **Somerset County**.

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

*Outfall 001*: existing discharge, design flow of 0.003 mgd.

| <i>Parameter</i>  | <i>Concentration (mg/l)</i>      |                       |                      |                              |
|-------------------|----------------------------------|-----------------------|----------------------|------------------------------|
|                   | <i>Average Monthly</i>           | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <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 |                       |                      |                              |

| Parameter               | Concentration (mg/l)                   |                |               |                       |
|-------------------------|--|----------------|---------------|-----------------------|
|                         | Average Monthly                        | Average Weekly | Maximum Daily | Instantaneous Maximum |
| Total Residual Chlorine | 1.4                                    |                |               | 3.3                   |
| pH                      | not less than 6.0 nor greater than 9.0 |                |               |                       |

The EPA waiver is in effect.

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

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

**WQM Permit No. 5108402**, Sewerage, **Philadelphia Water Department**, 1101 Market Street, The Aramark Tower, Philadelphia, PA 19107. This proposed facility is located in Philadelphia City, **Philadelphia County**.

Description of Action/Activity: Construction and operation of a sewer extension for a Casino Resort/Commercial Entertainment District.

**WQM Permit No. 1508401**, Sewerage, **ENSERV, Inc.**, 1145 King Road, Immaculata, PA 19345. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Remove existing communitor, replace with new fine bar screen and install new effluent filter.

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

**WQM Permit No. 6708403**, Sewerage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County** and Penn Township/Borough of Hanover, **York County**.

Description of Proposed Action/Activity: Application for upgrade to the Edgegrove Interceptor.

**WQM Permit No. 0708401**, Sewerage, **Duncansville Municipal Authority**, P. O. Box 502, Duncansville, PA 16635. This proposed facility is located in Duncansville Borough and Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Application for an upgrade and expansion of a wastewater treatment facility.

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

**WQM Permit No. 4908401**, Sewerage, SIC 4952, **Mount Carmel Municipal Authority**, 137 West 4th Street, Suite 4, Mount Carmel, PA 17851-0365. This proposed facility will be located in the Borough of Mount Carmel, **Northumberland County**.

Description of Proposed Action/Activity: The applicant proposes the construction of a 2.25 mgd Intermittent Cycle Extended Aeration System wastewater treatment plant.

**WQM Permit No. 1908401**, Sewage 4952, **Conyngham Township**, P. O. Box 10, Wilburton, PA, 17945. This proposed facility is located in Conyngham Township, **Columbia County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewage collection and conveyance system serving Locustdale, Aristis and Wilburton. The sewage be conveyed to and treated at Mount Carmel.

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

**WQM Permit No. 0308201**, Industrial Waste, **CNX Gas Company, LLC**, 100 Evergreen Drive, Waynesburg, PA 15370. This proposed facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for construction and operation of a Coalbed Methane Water Treatment Facility.

**WQM Permit No. 6308201**, Industrial Waste, **CNX Gas Company, LLC**, 100 Evergreen Drive, Waynesburg, PA 15370. This proposed facility is located in Fallowfield Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a Coalbed Methane Water Treatment Facility.

**WQM Permit No. 5604405-A1**, **Somerset Township Municipal Authority**, P. O. Box 247, 2209 North Center Avenue, Somerset, PA 15501. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for construction and operation of existing treatment plant upgrade.

**WQM Permit No. 6308401**, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153. This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of an interceptor capacity augmentation project.

**WQM Permit No. WQG026119**, **Deer Creek Drainage Basin Authority**, Box 148, Russellton, PA 15076. This proposed facility is located in West Deer and Indiana Townships, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewage collection and conveyance facility.

**WQM Permit No. WQG026120, Deer Creek Drainage Basin Authority**, Box 148, Russellton, PA 15076. This proposed facility is located in West Deer and Indiana Townships, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewage collection and conveyance facility.

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

**WQM Permit No. 16004107, Sewerage, Amendment No. 1, Emlenton Area Municipal Authority**, P. O. Box 448, Emlenton, PA 16373. This proposed facility is located in Salem Township, **Clarion County**.

Description of Proposed Action/Activity: This project is to rehabilitate two elevated sand mounds into open access sand mounds located at the Lamartine Wastewater Treatment Facility.

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>                 | <i>Receiving Water/Use</i>                    |
|-------------------------|--|---------------|-------------------------------------|---|
| PAI011508010            | Sher Rockee Mushroom Farms<br>170 Sher Rockee Lane<br>Lincoln University, PA 19352       | Chester       | Upper Oxford Township               | East Branch Big Elk Creek<br>HQ-TSF-MF        |
| PAI011508011            | Charles Knapp/Keith Grant<br>960 Pottstown Pike<br>Chester Springs, PA 19425             | Chester       | West Nantmeal Township              | UNT East Branch Brandywine Creek<br>HQ-TSF-MF |
| PAI011508012            | TR Moser, Inc.<br>1171 Lancaster Avenue<br>Suite 201<br>Berwyn, PA 19312                 | Chester       | Upper Uwchlan and Wallace Townships | Marsh Creek<br>HQ                             |
| PAI011508013            | United Sports Training Center<br>1426 Marshallton Thornton Road<br>Downingtown, PA 19355 | Chester       | West Bradford Township              | Beaver Creek<br>TSF, MF<br>Broad Run<br>EV    |

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

*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>          |
|-------------------------|--|---------------|---------------------|-------------------------------------|
| PAI023508001            | Gould Electronics, Inc.<br>34929 Curtis Boulevard<br>East Lake, OH 44095-4001                            | Lackawanna    | Throop Borough      | Sulphur Creek<br>HQ-CWF             |
| PAI023508002            | James McDonough<br>Lackawanna County Performing Arts Authority<br>200 Adams Avenue<br>Scranton, PA 18503 | Lackawanna    | City of Scranton    | Spring Brook<br>CWF, EV<br>Wetlands |

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

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI041808002            | Department of Transportation<br>District 2-0<br>1924 Daisy Street Extension<br>Clearfield, PA 16830 | Clinton       | Woodward Township   | Queens Run<br>HQ           |

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

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

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

**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. 6408501, Public Water Supply.**

|                           |  |
|---------------------------|--|
| Applicant                 | <b>ARC DAM Frieden, LLC</b><br>Wayne Township<br><b>Schuylkill County</b>  |
| Responsible Official      | Carl F. Berger, Manager<br>Affordable Residential<br>Communities<br>102 Frieden Manor<br>Schuylkill Haven, PA 17972-9509 |
| Type of Facility          | Community Water System   |
| Consulting Engineer       | Clayton E. Bubeck, P. E.<br>RATTEW Associates, Inc.<br>950 East Main Street<br>Suite 220<br>Schuylkill Haven, PA 17972   |
| Application Received Date | February 7, 2008   |
| Description of Action     | Application for construction of a booster pump station.  |

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

**Permit No. 0108502, Public Water Supply.**

|                       |  |
|-----------------------|--|
| Applicant             | <b>East Berlin Area Joint Authority</b>  |
| Municipality          | Hamilton Township  |
| County                | <b>Adams</b>   |
| Responsible Official  | East Berlin Area Joint Authority,<br>Operator<br>128 Water Street<br>East Berlin, PA 17316   |
| Type of Facility      | Public Water Supply  |
| Consulting Engineer   | Bruce Hulshizer, P. E.<br>Buchart-Horn, Inc.<br>445 West Philadelphia Street<br>York, PA 17401-3383  |
| Application Received: | February 4, 2008   |
| Description of Action | Construction of a new subdivision known as the Buttercup Farm subdivision with two wells, disinfection, storage tank and booster pump station. |

**Permit No. 0108503, Public Water Supply.**

|                       |  |
|-----------------------|--|
| Applicant             | <b>Gettysburg Municipal Authority</b>  |
| Municipality          | Cumberland Township  |
| County                | <b>Adams</b>   |
| Responsible Official  | Gettysburg Municipal Authority,<br>Manager<br>601 East Middle Street<br>Gettysburg, PA 17325-3307                          |
| Type of Facility      | Public Water Supply  |
| Consulting Engineer   | Diana Young, P. E.<br>Buchart-Horn, Inc.<br>P. O. Box 15040<br>York, PA 17405-7040   |
| Application Received: | February 13, 2008  |
| Description of Action | Construction of a new treatment building for Well No. 9 with disinfection, chlorine dioxide and arsenic removal treatment. |

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

**Application No. 2008504, Public Water Supply.**

|                           |   |
|---------------------------|---|
| Applicant                 | <b>Timbercrest Property, LLC</b>  |
| Township or Borough       | Vernon Township<br><b>Crawford County</b>   |
| Responsible Official      | Kevin Handlow, Secretary  |
| Consulting Engineer       | Dennis A. DeSilvey<br>Creative Environmental Solutions,<br>Inc.<br>211 Gearhart Road<br>Pulaski, PA 16143 |
| Application Received Date | February 19, 2008   |
| Description of Action     | Addition of new groundwater source (Well No. 4).  |

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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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.*

**Former UGI Wilkes-Barre/Water Street MGP Site**, City of Wilkes-Barre, **Luzerne County**, John Roberts, Jacques Whitford Company, Inc., 450 South Gravers Road, Suite 105, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate (on behalf of his client, UGI Utilities, Inc., 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677), concerning the remediation of site soils and groundwater found or suspected to have been impacted by manufactured gas constituents. The applicant proposes to remediate the site to meet a combination of Statewide Health and Site-Specific Standards. A Summary of the Notice of Intent to Remediate was published in the *Times Leader* on or about February 22, 2008. Future use of the property will remain nonresidential.

**Former Hospital Central Services Corporation (HCSC) Property**, City of Scranton, **Lackawanna County**, Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, Kelbri Development, LLC, 800 James Street, Second Floor, Scranton, PA 18510), concerning the remediation of site soils found or suspected to have been impacted by volatile and semivolatile organic compounds. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. The proposed future use of the site will be residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Cranberry Creek Gateway Park Project—Northern Parcel**, Hazle Township, **Luzerne County**, Lori Girvan, Barry Isett & Associates, Inc., P. O. Box 2562, Hazleton, PA 18201 has submitted a Notice of Intent to Remediate (on behalf of her client, Can Do, Inc., 1 South Church Street, Suite 200, Hazleton, PA 18201), concerning the remediation of soils found or suspected to have been contaminated with petroleum related compounds as the result of an equipment spillage near the former quarry. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. A summary of the Notice of Intent to Remediate was published in the *Hazleton Standard-Speaker* on November 1, 2006. A Final Report was simultaneously submitted.

**Pleasant Valley School District Operations Facility**, Polk Township, **Monroe County**, Dave Fife, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Suite 105, Moosic, PA 18507 has submitted a Notice of Intent to Remediate (on behalf of his client, Mark Meinhart, Pleasant Valley School District, 1 School Lane, Route 115, Brodheads ville, PA 18322), concerning the remediation of soils and groundwater found or suspected to have been impacted by No. 2 fuel oil as a result of an accidental release from an underground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. The proposed future use of the property will be residential.

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

**Small Tube Manufacturing, LLC (d/b/a Small Tube Products)**, Allegheny Township, **Blair County**, Malcolm Pirnie, Inc., 1603 Carmody Court, Suite 403, Sewickley, PA 15143, on behalf of Wolverine Tube, Inc., 2100 Market

Street NE, Decatur, AL 35609-2202, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with copper. The property is and will remain a copper tube redrawing facility. The applicant is seeking to remediate to the Statewide Health Standard.

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

**UGI PNG Bloomsburg Former Mfg. Gas Plant (MGP)**, Town of Bloomsburg, **Columbia County**, UGI Utilities, Inc., P. O. Box 12677, Reading, PA 19612-2677 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with mpg constituents. The applicant proposes to remediate the site to meet the Site-Specific Standard. The site will remain in use as an operations center.

**UGI PNG Williamsport Holder/Regulator Station (Rose Street)**, City of Williamsport, **Lycoming County**, UGI Utilities, Inc., P. O. Box 12677, Reading, PA 19612-2677 has submitted a Notice of Intent to Remediate soil contaminated with lead and benzo(a)pyrene and groundwater contaminated with benzene. The applicant proposes to remediate the site to meet the Site-Specific Standard. The site will remain as a regulator station and gas distribution center.

**Danville Former MGP Site**, Danville Borough, **Montour County**, PPL Services, Inc., 2 North 9th Street, GENTW17, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with polycyclic aromatic hydrocarbons and benzene, toluene, ethylbenzene and xylene. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property will continue to be used as an electrical substation.

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**142 Pennsylvania Avenue Suite**, Lower Merion Township, **Montgomery County**. Michael Gonshor, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Joann Magnatta, Main Line Health Real Estate, LP, 937 Haverford Road, Bryn Mawr, PA 19010 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. Proposed future use may be residential and/or nonresidential depending on final redevelopment plans relative to the parcel where rededication was conducted. A summary of the Notice of Intent to Remediate was reported to have been published in *The Main Line Times* on January 31, 2008.

**Whitemarsh Township Landfill**, Whitemarsh Township, **Montgomery County**. Ed Layton, Blazoksky Associates, Inc., 649 North Lewis Road, Royersford, PA 19468 on behalf of Marc Zaid, Joshua Hill, Inc., 166 East Levering Mill Road, Suite 200, Bala Cynwyd, PA 19004 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of inorganics and leaded gasoline. The future use of the site will remain the same.

**Summit Cleaners**, Middletown Township, **Bucks County**. Kevin J. Billings, P. E., Property Solutions Incorporated, 323 New Albany Road, Moorestown, NJ 08057 on behalf of Ronald D. Gigliotti, Gigliotti Group, Inc., 1717 Langhorne Newtown Road, Langhorne, PA 19047 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvents. A summary of the Notice of Intent to Remediate was reported to have been published in the *Buck County Courier Times* on November 8, 2007.

**Florence Remington Property**, West Bradford Township, **Chester County**. John Zatytczye, Penn Environmental and Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Jim Schofield, 6 Sheridan Drive, Princeton Junction, NJ 08550 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on January 30, 2008.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Applications for Determination of Applicability for General Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGM028SW001. Johnstown Regional Energy, LLC**, 80 Clinton Street, Johnstown, PA 15901. Laurel Highlands Landfill, 260 Laurel Ridge Road, Johnstown, PA 15909-4032. Determination of Applicability application requesting coverage under the existing Department of Environmental Protection General Permit No. WMGM028 for medium to high Btu landfill gas processing at a municipal waste landfill in Jackson Township, **Cambria County**, was received in the Regional Office on February 20, 2008.

**General Permit Application No. WMGM028SW002. Johnstown Regional Energy, LLC**, 80 Clinton Street, Johnstown, PA 15901. Shade Landfill 1176, No. 1 Road, Cairnbrook, PA 15924. Determination of Applicability application requesting coverage under the existing Department of Environmental Protection General Permit No. WMGM028 for medium to high Btu landfill gas processing at a municipal waste landfill in Shade Township, **Somerset County**, was received in the Regional Office on February 20, 2008.

**General Permit Application No. WMGM028SW003. Johnstown Regional Energy, LLC**, 80 Clinton Street, Johnstown, PA 15901. Southern Alleghenies Landfill, 843 Miller Picking Road, Davidsville, PA 15928. Determination of Applicability application requesting coverage under the existing Department of Environmental Protection (Department) General Permit No. WMGM028 for medium to high Btu landfill gas processing at a municipal waste landfill in Conemaugh Township, **Somerset County**, was received in the Regional Office on February 20, 2008.

Comments concerning the application should be directed to David Eberle, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Department's Southwest Regional Office at (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

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

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

**Permit Application No. T-1060 and G-2127. Waste Mgmt. of Pa., Inc.**, 444 Oxford Valley Road, Langhorne, PA 19047, Falls Township, Borough of Tullytown, **Bucks County**. The operators of GROWS Landfill and Tullytown Resource Recovery Facility Landfill have submitted a request for the one-time disposal of an estimated 510 cubic yards of material related to the removal of the reed beds at the Borough of Royersford's wastewater treatment facility (Royersford). The reed bed material consists of dewatered sewage sludge and reeds that became contaminated with various low activity radioactive materials—primarily cesium-137 and cobalt-60-by receiving radioactive influent from sewer releases made under 10 CFR 20.2003 by UniTech Services Group (formerly known as Interstate Nuclear Services), from approximately 1985-2004. Royersford desires to remove the reed beds in their entirety to make way for a treatment plant expansion.

The Nuclear Regulatory Commission (NRC) has not exercised any regulatory authority over the possession and subsequent routine disposal of Royersford sludge in the past. However, both the NRC and the Department believe that the reed bed material should be assessed before being moved or disposed offsite. To that end, in October 2007, the NRC conducted a dose assessment for workers and the public from residual radioactivity in the dewatered sewage sludge in the reed beds. That assessment found that doses to workers at both Royersford and the disposal facility would not be significant if the sewage sludge is disposed in a permitted landfill. Long-term doses to the public from disposing of the sewage sludge at a permitted waste facility will be a very small fraction of a mrem/year (the NRC's acceptable public dose limit is 100 mrem/year). The conclusion of the NRC assessment is that disposal in a permitted landfill should be pursued as compared to leaving the sludge in place.

Based on the NRC assessment, Royersford proposes to dispose of the reed bed material at either GROWS and/or TRRF Landfill. SERO Waste Management and Radiation Protection Program staff are currently reviewing the disposal request, copies of which have been provided to the Borough of Tullytown, Falls Township and Bucks County Department of Health. Written comments will be accepted at the previous address and must be received within 30 days from the publication date of this notice. A copy of the disposal request may be viewed at the Norristown office of the SERO by calling (484) 250-5910 to schedule a public file review. The application was received by the Southeast Regional Office on January 14, 2008.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT  
APPLICATIONS**

**NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior 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.**

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

**52-310-012: Springbrook Enterprises, Inc.** (504 Well Road, Hawley, PA 18424) for construction of a crushing operation with watersprays at their facility in Blooming Grove Township, **Pike County**.

**48-399-057: ESSROC Cement Corp.** (Route 248 and Easton Road, Nazareth, PA 18064) for installation of a new storage dome with baghouses at their facility in Lower Nazareth Township, **Northampton County**.

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

**06-05115A: Granger Energy of Morgantown, LLC** (16980 Wood Road, Lansing, MI 48906) for construction of a landfill gas treatment plant in Caernarvon Township, **Berks County**. The plant will treat the landfill gas being generated by the Conestoga Landfill for shipment by pipeline to other facilities. The plant will be subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources and Subpart AAAAA, National Emission Standards for HAPs.

**07-05035A: Grannas Brothers Stone and Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for modification of an existing asphalt plant in Frankstown Township, **Blair County**. The modification involves the firing of waste derived liquid fuel in addition to No. 2 oil. The source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

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

**48-320-014A: Cadmus Specialty Publications** (1991 Northampton Street, Easton, PA 18042-3189) for operation of a four web offset printing press at their facility in Easton, **Northampton County**. VOC emissions from the plant will remain under the 50 tpy threshold. Emissions will be controlled by the use of afterburners. The Department of Environmental Protection will place a condition for the facility to monitor temperature rise across the catalyst. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**26-00569A: Holt and Bugbee—H & B Hardwoods** (P. O. Box 37, 1600 Shawsheen Street, Tewksbury, MA 01876) for construction of a wood fired boiler rated at 18.9 mmBtu/hr at their Mt. Braddock facility in North Union Township, **Fayette County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval for the construction of a wood fired boiler rated at 18.9 mmBtu/hr at the Holt & Bugbee (H & B) Hardwoods (P. O. Box 37, 1600 Shawsheen Street, Tewksbury, MA 01876) at the Mt. Braddock facility in North Union Township, Fayette County. The boiler is manufactured by AFS Energy Systems (model AFS-400-15-WF). It can be operated 24 hours per day, 7 days per week or approximately 8,760 hours per year. The new boiler is being installed to eliminate the need for sawdust disposal and to provide heat for the kiln drying of lumber.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address listed.

Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

For the Department to assure compliance with all applicable standards, the Department proposes to place the following Special Conditions on the Plan Approval:

1. This Plan Approval is for the construction of a wood fired boiler rated at 18.9 mmBtu/hr at the Holt & Bugbee Hardwoods facility located in North Union Township, Fayette County. The following is a list of equipment that will be added to this facility. (25 Pa. Code § 127.12b)

- One AFS 18.9 mmBtu/hr Boiler.
- A two unit multicclone collector system.

2. The emissions from the 18.9 mmBtu/hr AFS Boiler shall be limited to the following: (25 Pa. Code § 127.12b)

| <i>Pollutant</i> | <i>Pounds per mmBtu</i> | <i>Pounds per Hour</i> | <i>Tons per Year</i> |
|------------------|-------------------------|------------------------|----------------------|
| PM               | 0.25                    | 4.73                   | 24.00                |
| CO               |                         | 11.36                  | 49.77                |
| NOx              |                         | 4.17                   | 18.25                |

1. The owner/operator shall keep monthly records of operational hours and fuel usage for each source at this facility. These records shall be used to calculate NOx, CO and PM emissions for the sources at this facility, and shall be used to determine compliance with annual emission limitations. The records and calculations shall be kept onsite for a period of 5 years and be made available to the Department upon request. (25 Pa. Code § 127.12b)

2. This source is subject to Subpart Dc of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to:

Director; Air, Toxics and Radiation Division  
US EPA, Region III  
841 Chestnut Building  
Philadelphia, PA 19107

3. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

4. SO<sub>2</sub> emissions are limited to 4 lbs/mmBtu under 25 Pa. Code § 123.22(a)(1). Compliance with this limit shall be demonstrated through the use of a low sulfur wood fuel.

5. Stack testing shall be conducted to determine the following emission rates from the AFS Boiler stack: PM, CO and NOx (as NO<sub>2</sub>). Stack testing shall be performed within 180 days of start-up or within 60 days of achieving maximum normal production rate, whichever comes first. Stack tests shall be conducted in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual. (25 Pa. Code Chapter 139)

(a) Under 25 Pa. Code § 139.3 to at least 45 calendar days prior to commencing an emissions testing program, a test protocol shall be submitted to the Department for review and approval. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(b) Under 25 Pa. Code § 139.3 at least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be



given to the appropriate Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

(c) Under 25 Pa. Code § 139.53(a)(3) within 15 calendar days after completion of the onsite testing portion of an emission test program, if a complete test report has not yet been submitted, an electronic mail notification shall be sent to the Department's Division of Source Testing and Monitoring indicating the completion date of the onsite testing.

(d) Under 40 CFR Part 60.8(a), 40 CFR Part 61.13(f) and 40 CFR Part 63.7(g) a complete test reports shall be submitted to the Department no later than 60 calendar days after completion of the onsite testing portion of an emission test program. For those tests being conducted under 40 CFR Part 61, the, a complete test report shall be submitted within 31 days after completion of the test

(e) Under 25 Pa. Code § 139.53(b) a complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or noncompliance with all applicable permit conditions. The summary results will include, at a minimum, the following information:

- A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.
- Permit numbers and conditions which are the basis for the evaluation.
- Summary of results with respect to each applicable permit condition.
- Statement of compliance or noncompliance with each applicable permit condition.

(f) Under 25 Pa. Code § 139.3 to all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(g) All testing shall be performed in accordance with the provisions of 25 Pa. Code Chapter 139.

(h) Under 25 Pa. Code §§ 139.53(a)(1) and 139.53(a)(3) all submittals, besides notifications, shall be accomplished through PSIMS\*Online available through [www.depgreenport.state.pa.us/ecommm/Login.jsp](http://www.depgreenport.state.pa.us/ecommm/Login.jsp) when it becomes available. If internet submittal can not be accomplished, three copies of the submittal shall be sent to the Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor, Rachael Carson State Office Building, Harrisburg, PA 17105-8468 with deadlines verified through document postmarks.

(i) The permittee shall ensure all Federal reporting requirements contained in the applicable subpart of 40 CFR are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between State and the Federal, the most stringent provision, term, condition, method or rule shall be used by default.

6. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met. (Pa. Code 25 § 127.12b)

(i) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the

completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(ii) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(iii) Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(iv) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(v) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the Owner/Operator shall apply for a new, or amend the existing Operating Permit at least 60 days prior to the expiration date of the Plan Approval. The application shall incorporate the conditions of this Plan Approval into the Operating Permit.

(vi) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120-days, by submitting an extension request as described.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.  
Regional Air Quality Program Manager  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southwest Region—Field Operation  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

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

**AMS 07193: Ashland Chemical Co., Inc.** (2801 South Columbus Boulevard, Philadelphia, PA 19148) for installation of two blending tanks and increased production vinyl ester by 25% (an increase of 11.25 million pounds per rolling 12 month period). There will be a potential emission increase of 1.36 tons for VOCs for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**N07-002: General Electric International, Inc.—Philadelphia Service Center** (1040 East Erie Avenue, Philadelphia, PA 19124) for repair of industrial transformers, retrofitting and refilling of railroad transformers, large motor repair and rental of energy producing and HVAC equipment in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three paint booths, rail bay open coating, surface coating operations outside paint booths for a motor generator department, nine PM sources, eight combustion units each rated at less than 2 mmBtu/hr and two cold cleaning degreaser. The facility's air emission control devices include two dust collectors, a cyclone and surface coating filters for PM capture.

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 at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any 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.

#### OPERATING PERMITS

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

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

**26-00413: Texas Eastern Transmission Corp.** (P. O. Box 1642, Houston, TX 77251-1642) for their Uniontown Compressor Station in North Union Township, **Fayette County**. The facility's major sources include various compressor engines, generators and turbines which emit major quantities of NOx.

**65-00839: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251-1642) for their Delmont Compressor Station in Salem Township, **Westmoreland County**. The facility's major source of emissions include various sources of natural gas combustion which includes internal combustion engines, turbines and emergency generators which emit major quantities of NOx.

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

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

**09-00120: BASF Construction Chemicals, LLC** (6450 Bristol Pike, Bristol, PA 19007) for operation of three dust collectors associated with mixing/packing lines in Bristol Township, **Bucks County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on April 21, 2003. The proposed renewal will also incorporate conditions from the previously issued Plan Approvals, No. 09-0120 and 09-0120A. The renewal contains conditions including monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**07-05033: Grannas Brothers Stone & Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for operation of a limestone crushing plant and asphalt plant in Catharine Township, **Blair County**. Facility emissions of VOCs will be limited to less than 50 tpy and HAPs emissions are limited to less than 10 tpy for any single HAP or 25 tpy for any combination of HAPs. The State-only facility wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. A portion of the limestone crushing equipment is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The asphalt plant and associated equipment is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**31-03002: New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) for operation of a limestone crushing plant in Spruce Creek Township, **Huntingdon County**. The State-only facility wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. A portion of the limestone crushing equipment is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**31-03004: New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) for operation of a limestone crushing plant and a concrete plant in Warriors Mark Township, **Huntingdon County**. The State-only facility wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. A portion of the limestone crushing equipment is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**14-00030: Wetzler Funeral Services** (206 North Spring Street, Bellefonte, PA 16823-1506) for their facility in Bellefonte Borough, **Centre County**. The facility's

main sources include one natural gas-fired cremator incinerator. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM/PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00020: Kawneer Co., Inc.** (500 East 12th Street, Bloomsburg, PA 17815) for renewal of a State-only operating permit for operation of an aluminum architectural products manufacturing facility in the Town of Bloomsburg, **Columbia County**.

The facility incorporates a surface coating operation, 48 natural gas-fired combustion units (with a total combined heat input of 36.26 mmBtu/hr), a paint burnoff oven, three pretreat tanks, an eight mmBtu/hr natural gas-fired aluminum billet preheat furnace, six anodizing tanks, a 12 kilowatt propane-fired generator, various water treatment tanks and a solvent parts washer. The VOC/VHAP emissions from the surface coating operation are controlled by a regenerative thermal oxidizer.

The facility has the potential to emit up to 24.5 tons of NO<sub>x</sub>, 17.2 tons of VOCs, 9.999 tons of any single HAP, 16.3 tons of all HAPs combined, 10.4 tons of CO, 2.0 tons of PM/PM<sub>10</sub> and .1 ton of SO<sub>x</sub> per year.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 19-00020. The Department intends to incorporate into this renewal all conditions currently contained in State-only Operating Permit 19-00020 with these exceptions, changes and additions:

1. A condition requiring the performance of Method 24 VOC analyses of each coating, adhesive and solvent used at the facility has been removed from the permit as Method 24 results do not necessarily accurately reflect the true VOC content of all coatings, adhesives and solvents and the permittee is otherwise required to maintain records of the VOC content of all the materials.

2. Conditions requiring the performance of weekly inspections of the facility for the presence of excessive visible air contaminant emissions, excessive visible fugitive air contaminant emissions and excess malodorous air contaminant emissions, and the maintenance of records of these inspections, have been removed from the permit as the facility does not contain the types of sources that are likely to produce excessive visible air contaminant emissions and excessive visible fugitive air contaminant emissions and has no history of producing excessive malodorous air contaminant emissions.

3. Conditions requiring the maintenance, and periodic reporting, of records of "the supporting calculations . . . used to verify compliance with" facility-wide emission limitations have been revised to both expand the list of limitations for which records are to be maintained and recorded and to clarify the specific information which must be recorded and reported.

4. A condition requiring malfunctions to be reported to the Department has been modified to exclude the reporting of malfunctions which do not result in, or potentially result in, air contaminant emissions in excess of an applicable air contaminant emission limitation and/or do not result in, or potentially result in, noncompliance with any operating permit condition.

5. 41 small natural gas-fired combustion units (with a total combined heat input of 7.26 mmBtu/hr) have been added to the permit along with a condition specifying the applicable 25 Pa. Code § 123.22 SO<sub>x</sub> emission limitation

and a condition limiting the fuel used in the respective combustion units to natural gas.

6. Conditions have been added to the permit requiring the performance of VOC capture efficiency testing and regenerative thermal oxidizer VOC destruction efficiency testing by no later than November 1, 2008, and approximately every 3 years thereafter, while the surface coating operation is operating at a minimum VOC generation rate and also while it is operating at a maximum VOC generation rate.

7. A condition requiring the recording of at least one paint burnoff oven secondary chamber temperature reading per day has been removed from the permit as the paint burnoff oven is required to have a continuous secondary chamber temperature monitoring and recording system.

8. Conditions requiring the paint burnoff oven to be operated in a manner consistent with good operating and maintenance practices and in accordance with the manufacturer's specifications have been removed from the permit as the respective requirements are too vague to be enforceable on a practical basis.

9. A 12 kilowatt propane-fired generator has been added to the permit along with conditions specifying the applicable 25 Pa. Code § 123.13 PM emission limitation and 25 Pa. Code § 123.21 SO<sub>x</sub> emission limitation and a condition limiting the fuel used in the generator to propane.

10. Conditions requiring the maintenance, and periodic reporting, of records of "the supporting calculations . . . used to verify compliance with" the 14.8 ton per 12-consecutive month period VOC surface coating operation emission limitation have been revised to clarify the specific information which must be recorded and reported.

11. Conditions addressing the applicable 25 Pa. Code § 129.63 requirements for a solvent parts washer have been revised to clarify the specific requirements.

12. Various conditions previously located in Section C (Site Level Requirements) of the permit have been moved to Section D (Source Level Requirements).

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

**56-00153: Somerset Community Hospital** (225 South Center Avenue, Somerset, PA 15501) for operation of Boilers at Somerset Hospital in Somerset Borough, **Somerset County**. This is a SOOP renewal.

**11-00003: Westmont Hilltop School District** (827 Diamond Boulevard, Johnstown, PA 15905) for operation of two-tri-fuel boilers at Goucher Street Elementary School in Westmont Borough, **Cambria County**. This is a SOOP renewal.

**11-00242: Westmont Hilltop School District** (827 Diamond Boulevard, Johnstown, PA 15905) for operation of two tri-fuel boilers at the High School in Upper Yoder Township, **Cambria County**. This is a SOOP renewal.

**65-00621: Kennametal—Kingston Plant** (P. O. Box 231, Latrobe, PA 15650) for processing of tungsten products through furnaces and captured by baghouses as product collectors. The facility mostly operates electric furnaces with a few smaller gas fired furnaces. Emissions from this facility shall not exceed 100 tons of SO<sub>2</sub>, 100 tons of NO<sub>x</sub>, 100 tons of PM<sub>10</sub>, 50 tons of VOCs, 10 tons

of a single HAP and/or 25 tons of all HAP's combined. Facility is located in Derry Township, **Westmoreland County**.

**04-00693: Littell Steel** (P. O. Box 298, New Brighton, PA 15066) operates a shot blast operation, surface coating, steel cutting, fabrication, sand blasting and associated control device equipment (baghouses). Emissions from this facility shall not exceed 100 tons of SO<sub>2</sub>, 100 tons of NO<sub>x</sub>, 100 tons of PM<sub>10</sub>, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined. This facility is located in Bridgewater Borough, **Beaver County**.

**63-00400: Hansen Engineering, Inc.** (167 Laidley's Run Road, West Alexander, PA 15376) for operation of a small scale calcining, recovery and/or drying of various metal sludges and wastes (primarily nickel, tungsten and molybdenum) in West Finley Municipality, **Washington County**. Emissions from this facility shall not exceed 100 tons of SO<sub>2</sub>, 100 tons of NO<sub>x</sub>, 100 tons of PM<sub>10</sub>, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined.

**04-00065: Whemco-Steel Castings, Inc.—Midland** (1 12th Street, Midland, PA 15059) for operation consists of an electric arc furnace, two coreless induction furnaces, heat-treating activities, shot blasting operations and scrap burning located in Midland Municipality, **Beaver County**. Emissions from this facility shall not exceed 100 tons of SO<sub>2</sub>, 100 tons of NO<sub>x</sub>, 100 tons of PM<sub>10</sub>, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined.

**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 applica-

tion 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<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>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 <sup>1</sup>                              |                           | greater than 6.0; less than 9.0 |                                  |
| Alkalinity greater than acidity <sup>1</sup> |                           |                                 |                                  |

<sup>1</sup> The parameter is applicable at all times.

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

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

**56920106 and NPDES No. PA0599557. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 276.0 acres. Receiving streams: UNT Hinson Run, UNT Shade Creek and UNT Stony Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received February 8, 2008.

**56910103 and NPDES No. PA0599247. Barbuschak Excavating**, 132 Algonquin Path, Stoystown, PA 15563, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 19.8 acres. Receiving streams: UNTs to and Miller Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 14, 2008.

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

**26080102 and NPDES Permit No. 0251321. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478). Application for commencement, operation and reclamation to a bituminous surface mine, located in German Township, **Fayette County**, affecting 41.3 acres. Receiving stream: North Branch Browns Run, classified for the following use: WWF. The potable water

supply that has intakes within 10 miles downstream from the point of discharge Carmichaels Municipal Authority. Application received February 13, 2008.

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

**61970101 and NPDES Permit No. PA0227358. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip, limestone and shale removal operation in Irwin Township, **Venango County** affecting 71.5 acres. Receiving streams: Four UNTs to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 5.0 acres to surface mining permit. Application received February 25, 2008.

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

**54-305-007GP12. Stoudt's Ferry Preparation Co., Inc.**, (P. O. Box 279, St. Clair, PA 17970), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on existing Surface Mining Permit No. 54020201 in Mahanoy Township, **Schuylkill County**. Application received February 15, 2008.

**54930102T4. Rausch Creek Land, LP**, (918 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation from Harriman Coal Corp. in Porter Township, **Schuylkill County** affecting 462.0 acres, receiving stream: none. Application received February 20, 2008.

#### *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*<br>pH* |                       | greater than 6.0; less than 9.0 |                              |

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 mg/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.

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

**Permit No. 4275SM14T and NPDES Permit No. PA0124532, New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES permit, Warriors Mark and Snyder Townships, **Huntingdon and Blair Counties**. Receiving streams: Logan Spring Run; UNT to Little Juniata River; to Little Juniata River. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 20, 2008.

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

**7175SM1A1C11 and NPDES Permit No. PA0613827. Pennsy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), correction to an existing quarry operation to increase the NPDES Discharge rate in South Hanover Township, **Dauphin County**, receiving stream: Swatara Creek, classified for the following use: WWF. Application received February 15, 2008.

**74740303A4C7 and NPDES Permit No. PA0594334. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mt. Bethel Township, **Northampton County**, receiving stream: Delaware River, classified for the following uses: WWF and MF. Application received February 19, 2008.

**8073SM2A1C6 and NPDES Permit No. PA0595519.** **Glasgow, Inc.**, (P. O. Box 1089, Glenside, PA 19038), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Merion Township, **Montgomery County**, receiving stream: UNT to Schuylkill River, classified for the following use: WWF. Application received February 20, 2008.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1024. Hatfield Quality Meats, Inc.**, 2700 Clemens Road, P. O. Box 902, Hatfield, PA 19440, Hatfield Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 340-foot long extension to an existing 54-inch diameter RCP stream enclosure at the upstream end across a UNT to Skippack Creek (TSF) associated with the proposed building addition and the access roadway. The project is located along Clemens

Road and southwest of the intersection of Fairgrounds Road and Clemens Roads (Telford, PA Quadrangle N: 4.0 inches; W: 9.5 inches).

**E51-225. Philadelphia Water Department**, 1101 Market Street, 2nd Floor, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District.

To perform the following Water obstruction and encroachment activities associated with St. Martins Bridge Replacement Project across/along Cresheim Creek (TSF) located in the Fairmount Park:

1. To replace an existing dilapidated single span stone arch bridge, and to construct and maintain, in its place, a 100-foot long single span pedestrian bridge with approximately 7.5-foot width, and 15-foot underclearance. This work also includes construction and maintenance of a stormwater outfall channel, and placement of fill in the floodplain associated with the grading for the approach pathways.

2. To construct and maintain three in-stream grade control rock vanes at specific locations along the profile of the stream to facilitate a natural stream regime.

3. To relocate an existing 12 inch sanitary sewer pipe to the proposed bridge superstructure.

4. To relocate an existing exposed encased 20 inch water main in the stream bed.

The site is located approximately 863 feet south of the intersection of Cherokee and Telner Streets (Germantown, PA Quadrangle N: 10.13 inches; W: 10.91 inches).

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

**E35-414. Alliance Sanitary Landfill, Inc.**, 398 South Keyser Avenue, Taylor, PA 18517, in Taylor Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To excavate 0.18 acre of wetlands for the purpose of constructing a stormwater management basin associated with the proposed area 2 expansion project of the Alliance Sanitary Landfill. The project is located on the north side of SR 3011 (Keyser Avenue) at its intersection with I-476 (Scranton, PA Quadrangle N: 3.5 inches; W: 15.0 inches).

**E66-138. Bowman Creek Watershed Association**, P. O. Box 236, Noxen, PA 18636, in Noxen Township, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 1,800 foot long stream channel restoration project in Bowman Creek (HQ-CWF) consisting of the following work: bankfull benches, rock j-hook vanes, log vanes, streambank restoration and re-establishing the width and alignment of the historical stream channel. Seven log vanes and a bankfull bench were previously authorized by Emergency Permit No. EP66064160 on November 14, 2006, for the purpose of stabilizing the streambanks along the upper limits of the work area. The project begins 250 feet downstream from the SR 0029 bridge and extends downstream to a point just past the confluence of Beaver Creek (Noxen, PA Quadrangle N: 7.9 inches; W: 6.5 inches).

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

**E36-836: West Cocalico Township/Strickler/Greenville Roads: Norma Enck**, 156B West Main Street, P. O. Box 244, Reinholds, PA 17569, ACOE Baltimore District.

To remove 40.0 feet of 15.0-inch diameter SLCPP, 35.0 feet in length of 18.0-inch diameter SLCPP, and to construct and maintain 195.0 feet in length of 18.0-inch SLCPP and 30.0 feet in length of 19.0-inch by 30.0-inch RCP for the purpose of relocating 205.0 feet of a UNT to Cocalico Creek (WWF) located at the intersection of Greenville and Strickler Roads (Womelsdorf, PA Quadrangle N: 22.67 inches; W: 3.52 inches, Latitude: 40° 15' 1.7" N; Longitude: 76° 9' 1.3" W) in West Cocalico Township, Lancaster County.

**E22-531: Greater Zion Missionary Baptist Church, Sharon Bass**, 212 North Progress Avenue, Harrisburg, PA 17109, Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To replace 6.0 feet of 72.0-inch CMP and to extend the 72.0 inch CMP by an overall length of 60.0 feet in a UNT to Paxton Creek (WWF), and to provide bank stabilization to alleviate slope and building foundation degradation. The project is located at 212 North Progress Avenue (Harrisburg East, PA Quadrangle N: 7.1 inches; W: 13.1 inches, Latitude: 40° 17' 19"; Longitude: 76° 50' 38") in Susquehanna Township, Dauphin County.

**E22-524: Leslie D. Jacobson, Crown Realty Trust Company**, 8150 Derry Street, Harrisburg, PA 17111, Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 6.0-foot high by 16.0-foot wide by 95.0-foot long open bottom concrete con-span arch bridge over a UNT to Beaver Creek (WWF) to provide access to a proposed residential development. The project is located at the east end of Lancer Drive (Harrisburg East, PA Quadrangle N: 7.63 inches; W: 9.19 inches, Latitude 40° 18' 1.37"; Longitude: 76° 48' 12.28") in Lower Paxton Township, Dauphin County. No wetlands will be impacted by this project.

**E67-831: Silver Fox Partners, LLC**, 447 Granite Run Drive, Lancaster, PA 17601, Silver Fox Estates, Fairview Township, **York County**, ACOE Baltimore District.

To construct and maintain: 1) a 61.92-foot long, 84.0-inch diameter CMP and associated utilities in a UNT to Yellow Breeches Creek (CWF) and associated PEM/PFO wetlands; 2) a 99.70-foot long, 72.0-inch diameter CMP and associated utilities in a UNT to Yellow Breeches Creek (CWF) and associated PFO wetlands; 3) a 62.32-foot long, 48.0-inch diameter SLCPP and associated utilities in a UNT to Yellow Breeches Creek (CWF); and 4) four stormwater management outfall structures to a UNT to Yellow Breeches Creek (CWF), for the purpose of constructing a 50-lot residential subdivision. The project is located south of Highland Drive and north of Sidonsburg Road, west of their intersections with Moores Mountain Road in Fairview Township, York County (Lemoyne, PA Quadrangle N: 3.6 inches; W: 5.1 inches, Latitude: 40° 08' 34.71"; Longitude: 76° 54' 43.11"). The project will impact a total of 635.0 linear feet of stream channel, 0.049 acre of PEM wetland and 0.045 acre of PFO wetland. The permittee is required to provide 0.139 acre of replacement wetlands and is proposing 0.150 acre of onsite mitigation.

**E67-843: PPL Generation, LLC**, 2 North Ninth Street, Allentown, PA 18101, York Haven Bypass Road, Newberry Township, **York County**, ACOE Baltimore District.

To construct and maintain a 4,000.0-foot long bypass road which will cross three UNTs to the Susquehanna River (WWF), 0.021 acre of PEM/PFO wetland, 0.21 acre of PSS/PFO wetland and 0.053 acre of PEM wetland for

the purpose of alleviating truck traffic through the Borough of York Haven, PA. The project is located north of PA SR 382 in Newberry Township, York County (York Haven, PA Quadrangle N: 21.19 inches; W: 15.14 inches, Latitude: 40° 07' 00"; Longitude: 76° 44' 00"). The project impacts a total of 307.0 linear feet of stream channel and 0.284 acre of wetland. The permittee is required to provide a minimum of 0.451 acre of replacements wetlands which will be located onsite.

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

**E60-186. East Buffalo Township Supervisors**, 589 Fairground Road, Lewisburg, PA 17837. Improvements to Municipal Facilities in East Buffalo Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 15.67 inches; W: 4.46 inches).

1) 0.02 acre for basin outfall = 20 linear feet 18-inch HDPE pipe, 53 square yard of geomembrane, concrete endwall; 2) 2.21 acre total for: Swales 2 to 5, a 5.78 acre basin with 2,272 cubic yard net excavation, driveway across from St. Mary's Street being repositioned, 200 square feet of maintenance building foundation reconstruction, remove existing stock piles and grade 2,500 square feet area to drain towards Swale 5; 3) 0.02 acre = 5 linear feet of a 24-inch HDPE pipe with concrete endwall for storm drain outlet to Swale 2; 4) 0.02 ac = 24-inch HDPE culvert with concrete headwalls and endwall for new driveway across from St. Mary's Street; 5) area 0.02 ac = 200 square feet corner of the maintenance building as part of foundation reconstruction to 463.0 ft elevation.

**E60-187. Lewisburg Area Recreation Authority**, 629 Fairground Road, Lewisburg, PA 17837-8885. Saint Mary Street Park, in Lewisburg Borough, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 16.1 inches; W: 3.3 inches).

To construct and maintain: 1) sloping of the stream bank; 2) live staking; 3) installation of turf reinforcement matting with vegetation; 4) installation of soil filled and vegetated rip-rap; 5) fill existing rip-rap with soil and seed with riparian mix; 6) installation of Gabion baskets filled with rip-rap; 7) log deflector vanes; and 8) wild-flower seed mix will also be placed in various areas. Projected area of impact is 0.94 acre with approximately 540 cubic yards of excavation and minimal backfill in Limestone Run, which is classified as a WWF.

**E60-188. William C. Walling**, 461 County Road, Lewisburg, PA 17837. Walling Driveway, in Union Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 4.62 inches; W: 5.52 inches).

To construct and maintain a 42-inch diameter 25-foot long smooth bore corrugated plastic pipe with shale cover, 22-foot wide shale approaches, and concrete masonry end walls to provide a shale driveway over an unnamed intermittent tributary to Winfield Creek, located 1.2 miles north on Stein Lane from SR 304. This project proposes to impact 25 linear feet of a UNT intermittent tributary to Winfield Creek, which is classified as a WWF.

**E60-190. Buffalo Creek Watershed Alliance**, P. O. Box 501, Lewisburg, PA 17837. Water Obstruction and Encroachment Joint Permit Application, in Hartley Township, **Union County**, ACOE Susquehanna River Basin District (Hartleton, PA Quadrangle N: 40° 56' 22"; W: 77° 13' 43").



To construct and maintain an 8" PVC intake, a concrete weir measuring 25 feet wide and 2.9 feet high and R-3 lined outfall swale into Buffalo Creek. This project proposes to have a minimal impact on Buffalo Creek, which is designated a HQ-CWF and does not propose to impact any jurisdictional wetlands.

**E14-487. Robert S. McGrail-Peasley**, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340 foot long by 2 foot wide by 2 foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump and Runville Roads (SR 144) (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

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

**E02-1573. Premier Marine Salvage, LLC**, 1290 Maple Street, Crescent, PA 15046. To operate and maintain a mooring facility in Neville Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle N: 2.1 inches; W: 16.6 inches, Latitude: 40° 30'

42"; Longitude: 80° 07' 10"). The applicant proposes to operate and maintain the existing barge mooring facility approximately 900 feet in length and 130 feet wide and the existing ramp in the channel and along the left bank of the Ohio River (WWF) located approximately 8,800.0 feet downstream from the Emsworth Dam.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA01-007: Gettysburg National Military Park**, 105 Taneytown Road, Gettysburg, PA 17325 in Cumberland Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 6.0-inch waterline in and across Plum Creek (WWF) (Gettysburg, PA Quadrangle Latitude: 39° 48' 60"; Longitude: 77° 14' 30") for the purpose of providing service and fire protection to historical buildings south of United States Avenue, 0.42 mile east of Plum Creek's intersection with US Highway 15 in Cumberland Township, Adams County.

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D42-010EA. Bradford City Water Authority**, 28 Kennedy Street, Bradford, PA 16701-2006. Bradford Township, **McKean County**, ACOE Pittsburgh District.

Project proposes to remove approximately 8 acres of accumulated silts and sediments from the reservoir impounded by the Bradford City No. 3 Dam for the purpose of maintenance. The project proposes to construct two temporary road crossings that will impact approximately 20 feet of stream channel. The dam is located across Marilla Brook (HQ-CWF) approximately 5 miles west of the intersection of US 219 and SR 346 (Bradford, PA Quadrangle Latitude: 41° 57' 12"; Longitude: 78° 44' 25").

**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                   |

Section I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.



Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### I. NPDES Renewal Permit Actions

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

| <i>NPDES No.<br/>(Type)</i>     | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|---------------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0044920<br>(Industrial Waste) | Lehighon Electronics, Inc.<br>P. O. Box 328<br>208 Memorial Drive<br>Lehighon, PA 18235-0328                     | Mahoning Township<br>Carbon County   | Mahoning Creek<br>02B                | Y                           |
| PA0060721                       | Pocono Plateau Camp<br>and Retreat Center<br>R. R. 2<br>Box 2747<br>Pocono Plateau Road<br>Cresco, PA 18326-9404 | Barrett Township<br>Monroe County    | Taylor Creek<br>01C                  | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0008893<br>(IW)           | Team Ten, LLC<br>1600 Pennsylvania Avenue<br>Tyrone, PA 16686                      | Blair County<br>Tyrone Borough       | Bald Eagle Creek<br>11-A             | Y                           |
| PA0088617<br>(Sew)          | Bratton Township<br>Mifflin County<br>133 Mountain Lane<br>McVeytown, PA 17051     | Mifflin County<br>Bratton Township   | Carlisle Run<br>12-A                 | Y                           |
| PA0026972<br>(Sew)          | Exeter Township<br>Berks County Authority<br>4975 DeMoss Road<br>Reading, PA 19606 | Berks County<br>Exeter Township      | Schuylkill River<br>3-D              | N                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                | <i>County &amp;<br/>Municipality</i>          | <i>Stream Name<br/>(Watershed#)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|---|-------------------------------------|-----------------------------|
| PA0112119<br>(Nonmunicipal) | All American Travel Plazas, Inc.<br>P. O. Box 302<br>Bethel, PA 19507 | Northumberland<br>County<br>Turbot Township   | Limestone Run<br>10D                | Y                           |
| PA0112810<br>(Nonmunicipal) | Kipps Run MHP<br>46 Stacey Road<br>Barto, PA 19504                    | Northumberland<br>County<br>Riverside Borough | Kipps Run<br>5E                     | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                           | <i>County &amp;<br/>Municipality</i>              | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|--|---|--------------------------------------|---------------------------|
| PA0094315<br>Sewage         | Thomas I. Wiles<br>110 Sandy Creek Road<br>Verona, PA 15147-1728 | Allegheny County<br>Municipality of Penn<br>Hills | Sandy Creek                          | Y                         |

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

| <i>NPDES No.<br/>(Type)</i>            | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|--|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0238911                              | Titusville Dairy Products Co.<br>217 South Washington Street<br>P. O. Box 186<br>Titusville, PA 16354-0186 | Titusville City<br>Crawford County   | Oil Creek<br>16-E                    | Y                           |
| PA0239631—<br>Minor Amendment<br>No. 1 | Monroe Township<br>17956 Route 68<br>Sligo, PA 16255   | Monroe Township<br>Clarion County    | Brush Run<br>17-B                    | 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. PA0013021**, Industrial Waste, **PQ Corporation**, 1200 West Swedesford Road, Berwyn, PA 19482. This proposed facility is located in City of Chester, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge industrial wastewater and stormwater from their Chester Plant into the Delaware River, Zone 4 in Watershed 3G.

**NPDES Permit No. PA0013714**, Industrial Waste, **Exelon Generation Company**, 300 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in Eddystone Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated industrial wastewater, noncontact cooling water into the Delaware River Estuary Zone 4 and Crum Creek in Watershed 3G.

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

**NPDES Permit No. PA-0026921**, Sewage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Valmont Industrial Park, West Hazleton, PA 18201-0651. This proposed facility is located in West Hazleton Borough, **Luzerne County**.

Description of Proposed Action: Issuance of NPDES Permit to discharge 8.9 mgd of treated sewage.

**NPDES Permit No. PA0026107**, Sewage, **Wyoming Valley Sanitary Authority**, P. O. Box 33A, Wilkes-Barre, PA 18703. This proposed facility is located in Hanover Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit to discharge 32 mgd of treated sewage.

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

**NPDES Permit No. PA0021067**, Sewage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

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

**NPDES Permit No. PA0020664**, Sewage, **Middletown Borough Authority**, 60 West Emaus Street, Middletown, PA 17057-1499. This proposed facility is located in Middletown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-C.

**NPDES Permit No. PA0021067**, Sewage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

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

**NPDES Permit No. PA0027316**, Sewage, **City of Lebanon Authority**, 2311 Ridgeview Road, Lebanon, PA 17042. This proposed facility is located in North Cornwall Township, **Lebanon County**.

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

*Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-0530.*

**NPDES Permit No. PA0229172**, Industrial Wastewater (SIC code 4941), **Duncan Township Municipal Water Authority**, R. R. 1, Box 55, Wellsboro, PA 16901. This facility is located in Duncan Township, **Tioga County**.

Description of Action/Activity: The activity is for the issuance of an NPDES permit authorizing the discharge of treated industrial wastewater from a greensand water filtration plant to a UNT to Wilson Creek in Duncan Township, Tioga County. This receiving stream is classified for CWF, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for Total Dissolved Solids, NO<sub>2</sub>-NO<sub>3</sub> (Nitrate-Nitrite), Fluoride, Phenolics, Sulfates and Chlorides, the existing downstream potable water supply considered during the evaluation is near Jersey Shore, PA, located approximately 50 river miles downstream from the discharge.

The effluent limits for Discharge (numbered) 001, based on a design flow of 0.0067 mgd are:

| Discharge Parameter     | In (mg/l)       |                          |               |                       |
|-------------------------|-----------------|--------------------------|---------------|-----------------------|
|                         | Monthly Average | Weekly Average           | Daily Maximum | Instantaneous Maximum |
| Total Suspended Solids  | 30              |                          | 60            |                       |
| Iron (total)            | 1.50            |                          | 3.00          |                       |
| Aluminum (total)        | 0.75            |                          | 1.50          |                       |
| Manganese (total)       | 1.00            |                          | 2.00          |                       |
| pH                      |                 | 6 to 9 between all times |               |                       |
| Total Residual Chlorine | 0.5             |                          |               |                       |

The above effluent limitations were established at the Water Quality Criteria levels described in a Total Daily Maximum Load Report conducted by the Department of Environmental Protection on the Babbs Creek Watershed. In addition to the effluent limits, the applicant will be required to monitor and sample the outfall and submit monthly Discharge Monitoring Reports.

The EPA waiver is in effect.

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

**NPDES Permit No. PA0102652**, Sewerage, **GCP Countryside, LP**, 560 Oakwood Avenue, No. 100, Lake Forest, IL 60014. This existing facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A new NPDES permit for an existing discharge of treated sewage from a sewage treatment plant serving the Countryside Manufactured Home Community.

### III. WQM Industrial Waste and Sewerage Actions 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. 460429**, Sewerage, **Amendment, Whitemarsh Township Sewer Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444-1821. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Modify existing pump stations to prevent surcharges during wet weather events.

**WQM Permit No. WQG02460801**, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, 57 Main Street, Mainland, PA 19451. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure system consisting of four grinder pump units and a common force main.

**WQM Permit No. WQG02230732**, Sewerage, **White Horse Village**, 535 Gradyville Road, Newtown Square, PA 19073. This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station to serve and expansion of an existing assisted living facility.

**WQM Permit No. 1596417**, Sewerage, **Renewal, New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Renewal of existing wastewater treatment plant.

### IV. NPDES Stormwater Discharges from MS4 Permit Actions

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| NPDES Permit No. | Applicant Name & Address  | County  | Municipality           | Receiving Water/Use             |
|------------------|---|---------|------------------------|---------------------------------|
| PAI010907013     | Jacob M. Blough, Jr.<br>1715 Canary Road<br>Quakertown, PA 18951          | Bucks   | Milford Township       | Tributary Unami Creek<br>HQ-TSF |
| PAI010907023     | Marc Solt<br>2519 Camp Rock Hill Road<br>Quakertown, PA 18951             | Bucks   | Milford Township       | Unami Creek<br>HQ-TSF           |
| PAI011507006     | Upper Uwchlan Township<br>140 Pottstown Pike<br>Chester Springs, PA 19425 | Chester | Upper Uwchlan Township | Pickering Creek<br>HQ-TSF       |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                        | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI036706001            | The Seasons<br>2645 Carnegie Road<br>York, PA 17402        | York          | Dover Township      | Fox Run<br>TSF             |
| PAI033607002            | Paul Risk<br>11 West State Street<br>Quarryville, PA 17566 | Lancaster     | Eden Township       | Bowery Run<br>HQ-CWF, MF   |

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

*Armstrong County Conservation District, Armsdale Administration Building, 124 Armsdale Road, Suite B-2, Kittanning, PA 16201, (724) 548-3425.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                      | <i>County</i> | <i>Municipality</i>       | <i>Receiving Water/Use</i>              |
|-------------------------|--|---------------|---------------------------|---|
| PAI050303001            | Jack Claypoole<br>R. D. 2<br>Box 153<br>Dayton, PA 16222 | Armstrong     | Cowanshannock<br>Township | South Branch of<br>Pine Creek<br>HQ-CWF |

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

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

### List of NPDES and/or Other General Permit Types

|             |  |
|-------------|--|
| PAG-1       | General Permit for Discharges From Stripper Oil Well Facilities  |
| PAG-2       | General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)  |
| PAG-3       | General Permit for Discharges of Stormwater From Industrial Activities   |
| PAG-4       | General Permit for Discharges From Small Flow Treatment Facilities   |
| PAG-5       | General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems   |
| PAG-6       | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)   |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application   |
| PAG-8       | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage  |
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site  |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage  |
| PAG-10      | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines   |
| PAG-11      | (To Be Announced)  |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)   |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)  |

#### *General Permit Type—PAG-02*

| <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>   |
|---|-------------------|---|---|---|
| Falls Township<br>Bucks County              | PAG2000908017     | Fairless Energy, LLC<br>5000 Dominion<br>Boulevard<br>Glen Alan, VA 23060 | Delaware River<br>WWF, MF                 | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Falls Township<br>Bucks County              | PAG2000907069     | USS Real Estate<br>One Ben Fairless Drive<br>Fairless Hills, PA 19030     | Delaware River<br>WWF, MF                 | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| New Britain<br>Township<br>Bucks County     | PAG2000907129     | Danielle Matarese<br>114 Krista Court<br>Chalfont, PA 18914               | West Branch<br>Neshaminy Creek<br>WWF, MF | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |

| <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>  |
|---|-------------------|--|--|--|
| Richland Township<br>Bucks County               | PAG2000907115     | Jeffrey A. Naugle<br>20 North Ambler Street<br>Quakertown, PA 18951                        | Tohickon Creek<br>TSF                    | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Marcus Hook<br>Borough<br>Delaware County       | PAG2002307033     | Chichester School<br>District<br>P. O. Box 2100<br>Boorthwyn, PA 19061                     | Delaware River<br>WWF                    | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Lower Chichester<br>Township<br>Delaware County | PAG2002308003     | PPL Interstate Energy<br>Company<br>214 Shoemaker Road<br>Pottstown, PA 19464              | Naamans Creek<br>WWF                     | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Lower Moreland<br>Township<br>Montgomery County | PAG20046060391    | Arcadia Land Company<br>100 West Lancaster<br>Avenue<br>Wayne, PA 19087                    | Pennypack Creek<br>WWF, MF               | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Limerick Township<br>Montgomery County          | PAG2004607041     | Mikelen, LLC<br>2965 West<br>Germantown Avenue<br>Fairview Village, PA<br>19409            | UNT Landis Creek<br>TSF                  | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Conshohocken<br>Borough<br>Montgomery County    | PAG2004607181     | Seven Tower Bridge<br>Associates<br>Five Tower Bridge<br>West Conshohocken, PA<br>19428    | Schuylkill River<br>WWF                  | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Upper Gwynedd<br>Township<br>Montgomery County  | PAG2004607120     | Kers, Pearlstine Onorato<br>& Hladik<br>425 West Main Street<br>Lansdale, PA 19446         | UNT<br>Wissahickon Creek<br>TSF          | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Limerick Township<br>Montgomery County          | PAG2004607112     | Kennedy Automotive<br>Group, Inc.<br>620 Bustleton Pike<br>Feasterville, PA 19053          | Hartenstine Creek<br>WWF                 | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Limerick Township<br>Montgomery County          | PAG2004608003     | DHLP Limerick<br>Golf Community<br>435 Devon Park Drive<br>Building 200<br>Wayne, PA 19087 | Sanatoga Creek<br>WWF                    | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Montgomery<br>Township<br>Montgomery County     | PAG2004607130     | Greenway Development<br>3625 Welsh Road<br>Willow Grove, PA 19090                          | UNT Little<br>Neshaminy Creek<br>WWF, MF | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| City of Philadelphia<br>Philadelphia<br>County  | PAG2015106056     | 1601 Vine Associates,<br>Inc.<br>232 North 22nd Street<br>Philadelphia, PA<br>19103-1004   | Schuylkill River<br>WWF, MF              | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900            |
| Palmer Township<br>Northampton<br>County        | PAG2004807008     | Strausser Enterprises,<br>Inc.<br>1108 Van Buren Road<br>Easton, PA 18045-2030             | Shoeneck Creek<br>WWF                    | Northampton County<br>Conservation District<br>(610) 746-1971  |
| Sugarloaf Township<br>Luzerne County            | PAG2004007036     | Allen Cooper<br>31 Cooper Lane<br>Drums, PA 18222  | Little Nescopeck Creek<br>CWF            | Luzerne County<br>Conservation District<br>(570) 674-7991  |
| Southampton<br>Township<br>Cumberland County    | PAG2002107043     | Linford Sensenig<br>767 Walnut Bottom Road<br>Shippensburg, PA 17257                       | Green Spring Creek<br>CWF                | Cumberland County<br>Conservation District<br>310 Allen Road<br>Carlisle, PA 17013<br>(717) 240-7812 |

## NOTICES

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| <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>   |
|---|-------------------|--|---|---|
| Dickinson Township<br>Cumberland County         | PAG2002107054     | Samuel and<br>Peggy Brown<br>11 Flagstone Drive<br>Carlisle, PA 17015                                  | Alexander Spring Creek<br>CWF             | Cumberland County<br>Conservation District<br>310 Allen Road<br>Suite 301<br>Carlisle, PA 17013<br>(717) 240-7812             |
| West Pennsboro<br>Township<br>Cumberland County | PAG2002108001     | Big Spring United<br>Lutheran Church<br>Mauric Hilliard<br>900 Glendale Circle<br>Carlisle, PA 17013   | UNT to Mount Rock<br>Spring Creek<br>WWF  | Cumberland County<br>Conservation District<br>310 Allen Road<br>Carlisle, PA 17013<br>(717) 240-7812                          |
| Halifax Township<br>Dauphin County              | PAG2002208007     | Daniel Jorich<br>300 McKelvey Road<br>Dauphin, PA 17018  | Powell Creek<br>TSF                       | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018<br>(717) 921-8100                |
| Derry Township<br>Dauphin County                | PAG2002207066     | Ken Bachman<br>HERCO<br>300 Park Boulevard<br>Hershey, PA 17033  | Swatara Creek-Spring<br>Creek East<br>WWF | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018<br>(717) 921-8100                |
| Middletown<br>Borough<br>Dauphin County         | PAG2002208005     | Dr. Richard Weinstein<br>Middletown School<br>District<br>55 West Water Street<br>Middletown, PA 17057 | Swatara Creek<br>WWF                      | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018<br>(717) 921-8100                |
| Swatara Township<br>Dauphin County              | PAG2002208002     | 44 Hummelstown<br>Associates, LLC<br>3506 Ada Drive<br>Mechanicsburg, PA 17050                         | Beaver Creek<br>WWF                       | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018<br>(717) 921-8100                |
| Lower Paxton<br>Township<br>Dauphin County      | PAG2002207061     | Volunteers of America<br>2212 Walnut Street<br>Harrisburg, PA 17103                                    | Beaver Creek<br>WWF                       | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018<br>(717) 921-8100                |
| Washington<br>Township<br>Dauphin County        | PAG2002208012     | Tyann Miller<br>Mooney & Associates<br>230 York Street<br>Hanover, PA 17331                            | Wiconisco Creek<br>WWF                    | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018<br>(717) 921-8100                |
| Centre County<br>Boggs Township                 | PAG2001408002     | Brian Soyka<br>Sheet No. 181<br>Rebuild/Sheet, Inc.<br>5700 Sixth Avenue<br>Altoona, PA 16602          | Bald Eagle Creek<br>TSF                   | Centre County<br>Conservation District<br>414 Holmes Avenue<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817              |
| Columbia County<br>Orange Township              | PAG2001907010     | Frank Perano<br>Stony Brook<br>Management<br>P. O. Box 677<br>Morgantown, PA 19543                     | Fishing Creek<br>CWF                      | Columbia County<br>Conservation District<br>702 Sawmill Road<br>Suite 204<br>Bloomsburg, PA 17815<br>(570) 784-1310, Ext. 102 |

| <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>  |
|---|-------------------------|---|--|--|
| Potter County<br>Coudersport<br>Borough                     | PAG2005308001           | Coudersport Area<br>School District<br>698 Dwight Street<br>Coudersport, PA 16915                       | Allegheny River<br>CWF                                   | Potter County<br>Conservation District<br>107 Market Street<br>Coudersport, PA 16915<br>(814) 274-8411, Ext. 4                               |
| Union County<br>East Buffalo<br>Township                    | PAG2006008002           | East Buffalo Township<br>589 Fairground Road<br>Lewisburg, PA 17837                                     | Limestone Run<br>WWF                                     | Union County<br>Conservation District<br>Union County<br>Government Center<br>155 North 15th Street<br>Lewisburg, PA 17837<br>(570) 524-3860 |
| Cambria County<br>Richland Township                         | PAG2001108001           | Jeffrey S. Long<br>R. R. 1<br>Box 426<br>Tyrone, PA 16686   | UNT Little Paint Creek<br>CWF                            | Cambria County CD<br>(814) 472-2120  |
| Fayette County<br>North Sewickley<br>Township               | PAG2002608004           | Kelly Piatti<br>P. O. Box 606<br>Smithfield, PA 15478   | UNT to Redstone Creek<br>WWF                             | Fayette County CD<br>(724) 438-4497  |
| Butler County<br>Adams Township                             | PAG20010060141          | Charles Vrabel<br>13 Dewey Lane<br>Gibsonia, PA 15044   | Breakneck Creek<br>CWF                                   | Butler Conservation<br>District<br>(724) 284-5270  |
| Mercer County<br>City of Hermitage                          | PAG2004308002           | Department of<br>Transportation<br>Donald Hall<br>255 Elm Street<br>P. O. Box 398<br>Oil City, PA 16301 | Pine Hollow Run<br>WWF<br>Allen Run<br>WWF               | Mercer Conservation<br>District<br>(724) 662-2242  |
| <i>General Permit Type—PAG-3</i>                            |                         |   |  |  |
| <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>  |
| Berks County<br>Muhlenberg<br>Township                      | PAR803661<br>(transfer) | Farm & Home Oil,<br>LLC—Tuckertown Petro<br>Storage Terminal<br>3115 State Road<br>Telford, PA 18969    | UNT Laurel Run<br>WWF<br>3C                              | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| City of Erie<br>Erie County                                 | PAR238320               | Englehard Corporation<br>1729 East Avenue<br>Erie, PA 16503   | Stormwater tributaries<br>to Motsch Run and Lake<br>Erie | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942  |
| <i>General Permit Type—PAG-4</i>                            |                         |   |  |  |
| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i>       | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>                               | <i>Contact Office &amp; Phone No.</i>  |
| Washington<br>Township<br>Schuylkill County                 | PAG042223               | Edward A. Redding<br>3432 Sweet Arrow Lake<br>Road<br>Pine Grove, PA<br>17963-9061                      | Upper Little<br>Swatara Creek<br>CWF                     | DEP—NERO<br>Water Management<br>Program<br>2 Public Square<br>Wilkes-Barre, PA<br>18711-0790<br>(570) 826-2511                               |
| North East<br>Township<br>Erie County                       | PAG048855               | Brian Sherman<br>265 Hidden Lane<br>North East, PA 16428  | UNT to Lake Erie<br>15                                   | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942  |

*Facility Location:  
Municipality &  
County*

| <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>                     | <i>Contact Office &amp;<br/>Phone No.</i>   |
|-------------------|--|--|---|
| PAG048837         | Lora T. and<br>Roger W. Kerry<br>1125 Slippery Rock Road<br>Grove City, PA 16127 | UNT to Swamp Run<br>20-C                           | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| PAG048501         | John J. Antalek<br>5844 Lunger Road<br>Erie, PA 16510-4843                       | UNT to Six Mile Creek<br>15-6M                     | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| PAG049405         | Floyd L. McClellan, Jr.<br>20871 Ross Road<br>Corry, PA 16407                    | UNT to the South<br>Branch of French Creek<br>16-A | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-10*

*Facility Location &  
Municipality*

| <i>Permit No.</i>       | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>                                 |
|-------------------------|--|--------------------------------|---|
| PAG103529<br>(transfer) | Farm & Home Oil,<br>LLC—<br>Tuckertown Petro<br>Storage Terminal<br>3115 State Road<br>Telford, PA 18969 | UNT Laurel Run<br>WWF<br>3C    | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707 |

**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. 1508502, Minor Amendment.** Public Water Supply.

|                            |  |
|----------------------------|--|
| Applicant                  | <b>Honey Brook Borough Authority</b>   |
| Borough                    | Honey Brook Borough  |
| County                     | <b>Chester</b>   |
| Type of Facility           | PWS  |
| Consulting Engineer        | Spotts, Stevens, & McCoy, Inc.<br>1047 North Park Road<br>P. O. Box 6307<br>Reading, PA 19610-0307 |
| Permit to Construct Issued | February 20, 2008  |

**Permit No. 4608502, Minor Amendment.** Public Water Supply.

|                     |  |
|---------------------|--|
| Applicant           | <b>Pennsylvania American Water Company</b>   |
| Township            | Worcester  |
| County              | <b>Montgomery</b>  |
| Type of Facility    | PWS  |
| Consulting Engineer | Pennsylvania American Water Company<br>852 Wesley Drive<br>Mechanicsburg, PA 17055 |



Permit to Construct Issued February 20, 2008

**Permit No. 2307503, Major Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
Township Springfield Township  
County **Delaware**  
Type of Facility PWS  
Consulting Engineer CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112-8004

Permit to Operate Issued February 19, 2008

**Permit No. 1507509, Major Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
Township Schuylkill  
County **Chester**  
Type of Facility PWS  
Consulting Engineer CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112-8004

Permit to Operate Issued February 20, 2008

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

**Permit No. 0607516,** Public Water Supply.

Applicant **Shinn Spring Water Company**  
Municipality Cumru Township  
County **Berks**  
Type of Facility Existing bottling company wishes to add Aqua Pa as a source of supply. This permit will also approve the addition of an onsite distillation unit.

Consulting Engineer Michael Hartman, P. E.  
McCarthy Engineering Associates  
1121 Snyder Road  
West Lawn, PA 19609

Permit to Construct Issued February 8, 2008

**Permit No. 0607518 MA, Minor Amendment,** Public Water Supply.

Applicant **The Caernarvon Township Authority**  
Municipality Caernarvon Township  
County **Berks**  
Type of Facility Construction of a new 750,000 gallon finished water storage tank to serve existing Caernarvon Township Authority distribution system.

Consulting Engineer Jennifer I. Kintzer, P. E.  
Great Valley Consultants  
75 Commerce Drive  
Wyomissing, PA 19610

Permit to Construct Issued February 15, 2008

**Permit No. 6707511,** Public Water Supply.

Applicant **Delta Borough**  
Municipality Delta Borough  
County **York**  
Type of Facility Corrosion control.

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

Permit to Construct Issued February 19, 2008

**Permit No. 2207516 MA, Minor Amendment,** Public Water Supply.

Applicant **United Water Pennsylvania**  
Municipality Lower Paxton Township  
County **Dauphin**  
Type of Facility Repainting of the Blue Meadows storage tank.

Consulting Engineer Thomas Schink  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Permit to Construct Issued February 19, 2008

**Permit No. 2207517 MA, Minor Amendment,** Public Water Supply.

Applicant **United Water Pennsylvania**  
Municipality Susquehanna Township  
County **Dauphin**  
Type of Facility Reconstruction of filter nos. 5 and 8 at the 6th Street treatment plant.

Consulting Engineer Arthur Saunders, P. E.  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Permit to Construct Issued February 14, 2008

**Operations Permit** issued to **Grier School**, 4310022, Warriors Mark Township, **Huntingdon County** on February 12, 2008, for the operation of facilities approved under Construction Permit No. 3107503 MA.

**Operations Permit** issued to **United Water Pennsylvania**, 7220015, Hummelstown Borough, **Dauphin County** on February 19, 2008, for the operation of facilities approved under Construction Permit No. 2205504.

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

**Permit No. 1406506—Operation, Public Water Supply.**

**Applicant** Penn State University  
**Township or Borough** College Township  
**County** Centre  
**Responsible Official** Ian Salada  
 Manager of Engineering Services  
 Penn State University  
 101P Physical Plant Building  
 University Park, PA 16802  
**Type of Facility** Public Water Supply—Operation  
**Consulting Engineer** N/A  
**Permit Issued Date** February 26, 2008  
**Description of Action** Operation of a raw water main and modification of the chlorination facility.

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

**Transfer of Operations Permit** issued to **Irontrac MHP1, LLC, d/b/a Beacon Lite, MHP**, PWSID No. 5100017, Center Township, **Butler County**. Permit Number 1088501-T1, issued February 21, 2008, for the operation of the public water system servicing Beacon Lite, MHP, according to specifications approved by Construction/Operation Permit No. 1088501, issued August 2, 1990.

**Transfer of Operations Permit** issued to **Irontrac MHP2, LLC, d/b/a Maple Manor MHP**, PWSID No. 5100071, Brady Township, **Butler County**. Permit Number 1088502-T1, issued February 21, 2008, for the operation of the public water system servicing Maple Manor, MHP, according to specifications approved by Operation Permit No. 1088502, issued July 19, 1990.

**Operations Permit** issued to **Pennsylvania American Water Company**, PWSID No. 6620020, Glade Township, **Warren County**. Permit Number 6205501, issued February 22, 2008, for the operation of Cobham Park Road Booster Station, according to specifications approved by Operation Permit No. 6205501, issued June 19, 2006.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>      | <i>County</i>    |
|----------------------------|---|------------------|
| Rapho Township             | 971 Colebrook Road<br>Manheim, PA 17545 | Lancaster County |

*Plan Description:* The approved plan provides for expansion of the Chiques Church of the Brethren from 500 to 700 seats. New flows will be 826 gpd equalized to 730 gpd tributary to a sewage treatment plant for denitrification and elevated sand mounds for disposal. The Department of Environmental Protection (Department) code number is A3-36948-438-3M and the APS number is 626474. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required

NPDES Permits or WQM Permits must be obtained in the name of the Chiques Church of the Brethren.

*Plan Location:* on the north and south sides of Lynwood Drive 600 feet east of its intersection with Oak Ridge Drive.

| <i>Borough or Township</i> | <i>Borough or Township Address</i>              | <i>County</i> |
|----------------------------|---|---------------|
| North Codorus Township     | 1986 Stoverstown Road<br>Spring Grove, PA 17362 | York County   |

*Plan Description:* Correction/Republication: The development proposed a 24 lot single-family residential subdivision on 20.3 acres that would utilize public water and onlot sewage disposal. The name of the project is Lynwood Phase II-C and the code number is B3-67946-264-2. The plan was disapproved because it failed to adequately mitigate contamination from the proposed onlot systems to the groundwater.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Jedidah Press Property**, Norristown Borough, **Montgomery County**. Mark Irani, Land Recycling Solutions, LLC, 3101 Mt. Carmel Avenue, Suite 3, Glenside, PA 19038 on behalf of Samuel Thomas, 119—121 East Lafayette Street, LLC, 521 Hermitage Street, Philadelphia, PA 19128 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Florence Remington Property**, West Bradford Township, **Chester County**. John Zatyzyk, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Jim Schofield, 6 Sheridan Drive, Princeton Junction, NJ 08550 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Anchor Glass Container**, Royersford Borough, **Montgomery County**. Craig Herr, RT Environmental, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Joseph Price, Granor Price Homes Royersford Corporation, 721 Dresher Road, Horsham PA 19044 has submitted a Final Report concerning remediation of site soil contaminated with arsenic, chromium, selenium, lead and benzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Accidental No. 3 Fuel Oil**, West Nottingham Township, **Chester County**. Gilbert Marshall, Marshall Geoscience, Inc. 170 East First Avenue, Collegeville, PA 19426 on behalf of Phil Robinson, 125 Baltimore Pike, Nottingham, PA 19362, Charles Reed, L. K. Bowman, Company, 12 Old Forge Road, P. O. Box 80, Nottingham, PA 19362, Richard Graybeal, BRT, Inc., 813 North Octorara Trail, Parkesburg, PA 19365 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**9222 Old Easton Road**, Nockamixon Township, **Bucks County**. Charlene Drake, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of George McLuckey, 9222 Old Easton Road, Ferndale, PA 18921 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Schmidt's Brewery**, City of Philadelphia, **Philadelphia County**. Charlene Drake, REPSG, 6901 Kingsessing Avenue, Philadelphia 19142 on behalf of Adam Lisausky, Northern Liberties Development, LP, 969 North Second Street, Philadelphia, PA 19123 has submitted a Remedial Investigation/Cleanup Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons, pcbs, pahs, metals and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Boulevard Plaza**, City of Philadelphia, **Philadelphia County**. James Mullan, Hocage Consulting Corporation, 987 Haddon Avenue, Collingswood, NJ 08108 has submitted a Remedial Investigation/Risk Assessment Final Report concerning remediation of site soil and groundwater contaminated with metals and organic compounds. The

report is intended to document remediation of the site to meet the Site Specific Standard.

**Imperial Plaza Shopping Center**, City of Philadelphia, **Philadelphia County**. John W. Fowler, GZA GeoEnvironmental, Inc., 501 Office Center Drive, Suite 220, Fort Washington, PA 19034 on behalf of John Liang, Imperial Aramingo, LLP c/o Lerner-Heidenberg Properties, 234 Closter Dock Road, Closter, NJ 07624 has submitted a Background Standard/Final Report concerning remediation of site groundwater and soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Background Standard Report and Statewide Health Standard.

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

**Former Hospital Central Services Corporation (HCSC) Property**, City of Scranton, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Final Report (on behalf of his client, Kelbri Development, LLC, 800 James Street, Second Floor, Scranton, PA 18510), concerning the remediation of site soils found to have been impacted by volatile and semiVOCs. The report was submitted to document attainment of the Residential Statewide Health Standard.

**Cranberry Creek Gateway Park Project—Northern Parcel**, Hazle Township, **Luzerne County**. Lori Girvan, Barry Isett & Associates, Inc., P. O. Box 2562, Hazleton, PA 18201 has submitted a Final Report (on behalf of her client, Can Do, Inc., 1 South Church Street, Suite 200, Hazleton, PA 18201), concerning the remediation of site soils found to have been contaminated with petroleum related compounds as the result of an equipment spillage near the former quarry. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. The future use of the property may include residential or commercial uses. A Notice of Intent to Remediate was simultaneously submitted.

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

**Standard Steel, LLC, Machine Shop No. 1**, Burnham Borough, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum products and Pahs. The reports are intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

**Standard Steel, LLC, Residual Waste Landfill**, Derry Township, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Remedial Investigation, Risk Assessment and Final Report concerning remediation of site soils and groundwater contaminated with petroleum products, VOCs and Chromium. The reports are intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

**Bethany Children's Home/Leinbach Cottage**, Heidelberg Township, **Berks County**. Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Bethany Children's Home, 1863 Bethany Road, Womelsdorf, PA 19562, submitted a Final

Report concerning remediation of groundwater contaminated with fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of 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 reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Girard Academy Music Program**, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleinfelder East, Inc., 800 East Washington Street, West Chester, PA 19380 on behalf of Francis Locke, School District of Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 21, 2008.

**Riverview Property Area D-1**, West Norriton Township, **Philadelphia County**. Jeffery Welsh, Penn E & R, 2755 Bergery Road, Hatfield, PA 19440 on behalf of Kevin Kyle, Riverview Residential Partners, II, LP, 2701 Renaissance Boulevard, Fourth Floor, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 13, 2008.

**Buckeye Partners, LP, Chelsea Station**, Aston Township, **Delaware County**. Matthew Brainard, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Robert Nigolian, Buckeye Partners, LP, 3186 Gates Road, Auburn, NY 13021 on behalf of Deborah Lamond, ConocoPhillips Company, 1400 Park Avenue, Room S-107, Linden, NJ 07036 has submitted a 90-day 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 of Environmental Protection on February 12, 2008.

**Jarrettown Elementary School**, Upper Dublin Township, **Philadelphia County**. Phillip Donmoyer, Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Dresher, PA 19025 on behalf of Jim Donahue, Upper Dublin School District, 1580 Fort Washington Avenue, Maple Glen, PA 19002 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 13, 2008.

**Market Square Cleaners**, City of Philadelphia, **Philadelphia County**. Stuart Wiswall, Keating Environmental Management, 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of James Kahn, KLH Market Square, LP, 1075 Virginia Drive, Suite 100, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department of Environmental Protection on February 7, 2008.

**1190 Church Road Site**, Lansdale Borough/Upper Gwynedd Township, **Montgomery County**. Gary Brown, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Anthony Lordi, Dewey Commercial, 435 Devon Park Drive, Suite 200, Wayne PA 19807 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents compounds, semiVOCs and metals. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on February 7, 2007.

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

**Turkey Hill Dairy**, Manor Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Turkey Hill Dairy, Inc., 2601 River Road, Conestoga, PA 17516, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on February 21, 2008.

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

**Eureka Packaging**, City of Williamsport, **Lycoming County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 on behalf of Henry Perciballi, Gunga Enterprises, LLC, 429 Market Street, Williamsport, PA 17701 has submitted a Remedial Investigation Report to remediate groundwater contaminated with tetrachloroethylene (PCE) and Trichloroethylene (TCE). The report was approved by the Department of Environmental Protection on February 20, 2008.

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

**ARG Refinery**, City of Bradford, **McKean County**. Conestoga-Rovers & Associates, 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2, on behalf of ARG Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701 has submitted a Remedial Investigation and Risk Assessment Reports concerning the remediation of site soils contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, benzo(a)pyrene, arsenic, cadmium, lead and groundwater contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, arsenic, iron, aluminum, cadmium, lead and chlorinated hydrocarbons. The Remedial Investigation Report and Risk Assessment Report were approved by the Department of Environmental Protection on October 29, 2007.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### HAZARDOUS WASTE TRANSPORTER LICENSE ISSUED

**N & D Transportation Co., Inc.**, 100 Ind. Drive, North Smithfield, RI 02896. License No. PA-AH 0741. Effective February 7, 2008.

#### HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

**Envirosolve, JV Limited Partnership**, 5502 Schaaf Road, Cleveland, OH 44131. License No. PA-AH 0456. Effective January 15, 2008.

**Universal Environmental Nevada, Inc.**, P. O. Box 10120, Reno, NV 89510. License No. PA-AH 0709. Effective January 23, 2008.

**Valley City Disposal, Inc., d/b/a Valley City**, 1040 Market Street SW, Grand Rapids, MI 49503. License No. PA-AH 0410. Effective January 23, 2008.

**Edward Armstrong & Sons, Inc.**, P. O. Box 10968, Lancaster, PA 17605. License No. PA-AH 0027. Effective January 25, 2008.

**Freehold Cartage, Inc.**, P. O. Box 5010, Freehold, NJ 07728-5010. License No. PA-AH 0067. Effective January 31, 2008.

**Carlucci Construction Co., Inc.**, 401 Meadow Street, Cheswick, PA 15024. License No. PA-AH 0297. Effective February 5, 2008.

**ETC Logistics, LLC**, P. O. Box 462, Parkman, OH 44080. License No. PA-AH 0688. Effective February 5, 2008.

**U. S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509. License No. PA-AH 0408. Effective February 8, 2008.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### HAZARDOUS WASTE TRANSPORTER LICENSE EXPIRED

**Von Roll America, Inc.**, 1250 George Street, East Liverpool, OH 43920. License No. PA-AH 0644. Effective January 31, 2008.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE VOLUNTARILY TERMINATED

**Sterilogic Waste Systems, Inc.**, 80 Industrial Park Road, Middletown, CT 06457. License No. PA-HC 0208. Effective January 9, 2008.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permits 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM034. PPL Renewable Energy, LLC**, Two North Ninth Street, Allentown, PA 18101.

This general permit General was issued on December 8, 2005, for the processing and beneficial use of landfill gas (LFG), generated at the Frey Farm/Creswell Landfill located in Lancaster County. The approved uses are (i) use of LFG as an alternate fuel for the power generators installed at this landfill, and (ii) the electricity produced will be transmitted to the local electric utility grid for consumers use.

Based on the information provided in the notification, the processing operations and beneficial use activity performed by PPL Distributed Generation, LLC is now under the ownership and management of PPL Renewable Energy, LLC.

Notice is hereby given of the re-issuance of the General Permit Numbered WMGM034 granting PPL Renewable Energy, LLC the processing and beneficial use of LFG, generated at the Frey Farm/Creswell Landfill located in Lancaster County, as specified in the general permit. Central Office approved the re-issuance of this general permit on February 26, 2008.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

#### **DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM034D002. PPL Distributed Generation, LLC, Two North Ninth Street, Allentown, PA 18101.**

This general permit General was issued on October 27, 2006, for the processing and beneficial use of landfill gas (LFG), generated at the Greater Lebanon Refuse Authority Landfill, located in Lebanon County. The approved uses are (i) use of LFG as an alternate fuel for the power generators installed at this landfill, and (ii) the electricity produced will be transmitted to the local electric utility grid for consumers use.

Based on the information provided in the notification, the processing operations and beneficial use activity performed by PPL Distributed Generation, LLC is now under the ownership and management of PPL Renewable Energy, LLC.

Notice is hereby given of the re-issuance of the General Permit Numbered WMGM034D002 granting PPL Renewable Energy, LLC the processing and beneficial use of LFG, generated at the Greater Lebanon Refuse Authority Landfill located in Lebanon County, as specified in the general permit. Central Office approved the re-issuance of this general permit on February 26, 2008.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

#### **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.**

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

**Permit ID No. 101534. Laurel Highlands Landfill, Inc., 260 Laurel Ridge Road, Johnstown, PA 15909.** Operation of a municipal waste landfill in Jackson Township, **Cambria County**. Permit renewal issued in the Regional Office on February 22, 2008.

#### **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, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**09-310-077GP: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on February 22, 2008, to relocate the portable nonmetallic mineral processing plant in West Rockhill Township, **Bucks County**.

**46-320-039GP: Sharp Corp.** (23 Carland Road, Conshohocken, PA 19428) on February 26, 2008, to operate a sheet-fed offset lithographic printing press in Plymouth Township, **Montgomery County**.

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

**54-329-005GP9: Haines & Kibblehouse** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 19, 2008, to install and operate a Diesel I/C Engine at their site at the Turnpike Site in New Castle Township, **Lehigh County**.

**39-310-039GP3: Kerns Crushing, Inc.** (180 Barns Road, Sinking Spring, PA 19608) on February 19, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site in Hanover Township, **Lehigh County**.

**39-329-010GP9: Kerns Crushing, Inc.** (180 Barns Road, Sinking Spring, PA 19608) on February 19, 2008, to install and operate an internal combustion engine at their site in Hanover Township, **Lehigh County**.

**45-310-049GP3: Papillon & Moyer Excavating LLC** (816 North 9th Street, Stroudsburg, PA 18360) on February 19, 2008, to construct and operate a Portable Crush-

ing Operation with watersprays at their site in Stroud Township, **Schuylkill County**.

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

**GP1-22-03054: Pinnacle Health System** (218 South 2nd Street, Harrisburg, PA 17104) on February 14, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Lower Paxton Township, **Dauphin County**. This is a renewal of the GP1 operating permit.

**GP9-28-02047A: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on February 21, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in St. Thomas and Peters Townships, **Franklin County**.

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

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

**23-0026A: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038-1089) on February 20, 2008, to operate a rotary drum replacement in Springfield Township, **Delaware County**.

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

**40-313-047: ALCOA KAMA Inc.** (600 Dietrich Avenue, Hazleton, PA 18201) on February 22, 2008, to operate their Polymerization Plant No. 2 at their facility in Hazleton, **Luzerne County**.

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

**24-083M: Carbone of America**, (215 Stackpole Street, City of Saint Marys, PA 15857) on February 20, 2008, to install an electric furnace with a thermal oxidizer control device at their facility site in the City of Saint Marys, **Elk County**. This is a Title V facility.

**43-270F: CCL Container** (One Llodio Drive, Hermitage, PA 16148-9015) on February 14, 2008, to modify conditions associated with the thermal oxidizer established in previous plan approvals in Hermitage City, **Mercer County**. This is a Title V facility.

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

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

**15-0004D: Alcoa Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) on February 22, 2008, to operate five film seamers, No. 9—13 in Downingtown Borough, **Chester County**.

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

**01-05029: Reliant Energy Wholesale Generation, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on February 18, 2008, for the natural gas-fired 900 MW combined cycle electric generating facility at the Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

**22-05007B: The Harrisburg Authority** (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on February 19, 2008, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

**36-05142A: Mars Snackfood US, LLC** (295 Brown Street, Elizabethtown, PA 17022-2192) on February 15, 2008, to install of a new roasting system at their candy manufacturing facility in Elizabethtown Borough, **Lancaster County**. This plan approval was extended.

**67-05079A: York Building Products Company, Inc.** (1020 North Hartley Street, P. O. Box 1708, York, PA 17405) on November 23, 2007, to replace the existing fabric filter baghouse at their existing asphalt plant in Jackson Township, **York County**. This plan approval was extended.

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

**17-00001C: Reliant Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317), located in Bradford Township, **Clearfield County**, on February 22, 2008, to authorize the construction and operation of a four selective noncatalytic reduction systems to June 21, 2008. The plan approval has been extended.

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

**24-083D: Carbone of America—Graphite Materials Division** (1032 Trout Run Road, St. Marys, PA 15857) on February 29, 2008, to construct a CBH Kiln in Benzinger Township, **Elk County**.

**24-123E: Veolia ES Solid Waste of North America** (635 Toby Road, Kersey, PA 15846) on February 29, 2008, to install an additional enclosed ground flare (6,000 cfm) similar in design to the existing flares in Fox Township, **Elk County**. This is a Title V facility.

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

**V07-004: PAID Steam Boiler Plant—Philadelphia Naval Business Center** (2000 Constitution Avenue, Philadelphia, PA 19112) on February 26, 2008, to operate a facility that acquires, holds, constructs, improves, maintains, operates, owns, finances and leases, either in the capacity of lessor or lessee, industrial, commercial or specialized development projects in the City of Philadelphia, **Philadelphia County**. The facility is operated by Duke Energy Generation Services of Philadelphia, LLC. The facility's air emission sources include three 217/207



mmBtu/hr boilers that can burn natural gas/No. 6, No. 2, or waste oil controlled by low NOx burners with associated flue gas recirculation.

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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.*

**06-03079: Interstate Container, LLC** (P. O. Box 317, Grace and Meade Streets, Reading, PA 19603-0317) on February 21, 2008, to operate a recycled paper manufacturing plant in the City of Reading, **Berks County**. The boiler is subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Source. This action is a renewal of the State-only operating permit.

**36-05107: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517-9112) on February 22, 2008, to operate a bakery at their Denver Plant in East Cocalico Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

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

**16-00043: JM Smucker of PA, Inc.** (300 Keck Avenue, New Bethlehem, PA 16242-1151) on February 20, 2008, for an administrative amendment of the State Operating Permit to incorporate the change of the responsible official Permit Contact. The Facility is in **Clarion County**.

**42-00178: Glenn O. Hawbaker, Inc.** (Route 155, Turtlepoint, PA 16750) on February 21, 2008, for an administrative amendment of the State Operating Permit to incorporate the conditions of Plan Approvals 42-178B and the addition of a drat slat conveyor, 3 batchers and RAP system that were previously exempted from plan approval the facility is located in **McKean County**.

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

**49-00005B: Hoeganaes Corp.** (4330 Paradise Road, Watsontown PA 17777) on February 20, 2008, to terminate the authorization to operate the insulated particles process identified in the respective plan approval, at the Watsontown Plant in Delaware Township, **Northumberland County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**56880101 and NPDES No. PA0599361. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal of reclamation only of a bituminous surface and auger mine in Paint Township, Somerset County, affecting 191.8 acres. Receiving streams: Shade Creek and UNTs to Shade Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 18, 2007. Permit issued February 15, 2008.

### Noncoal Permits Actions

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

**Permit No. 6577SM3A and NPDES Permit No. PA0120588. P & W Excavating, Inc.**, P. O. Box 712, McConnellsburg, PA 17233-0712, renewal of NPDES Permit, Todd Township, **Fulton County**. Receiving streams: UNT Kendall Run to Big Cove Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 12, 2007. Permit issued February 14, 2008.

**Permit No. 28070801. R. R. Miller & Sons, Inc.**, 10961 Worleystown Road, Greencastle, PA 17225, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Montgomery Township, **Franklin County**, affecting 5.0 acres. Receiving streams: West Branch Conocheague Creek. Application received October 3, 2007. Permit issued February 20, 2008.

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

**09070301. Haines & Kibblehouse, Inc.**, (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474-0196), commencement, operation and restoration of a quarry operation in Hilltown Township, **Bucks County** affecting 83 acres, receiving stream: none. Application received June 28, 2007. Permit issued February 19, 2008.

**58070845. James J. Foltz**, (R. R. 1, Box 66 F, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Brooklyn Township,



**Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received July 13, 2007. Permit issued February 20, 2008.

**38020301C and NPDES Permit No. PA0224227. Greater Lebanon Refuse Authority**, (1610 Russell Road, Lebanon, PA 17046), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in North Annville and North Lebanon Townships, **Lebanon County**, receiving stream: UNT to Swatara Creek and Union Canal. Application received January 8, 2008. Renewal issued February 21, 2008.

#### ABANDONED MINE RECLAMATION

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

|                  |   |
|------------------|---|
| Bond Forfeiture  | PBF 17803034.1  |
| Contract Awarded |   |
| Location         | Beccaria Township<br><b>Clearfield County</b>   |
| Description      | Act 181, Bond Forfeiture<br>Reclamation, Lyncroft Mine<br>Cambria Mills Coal Co., Inc.<br>Permit No. 17803034 |
| Contractor       | E. P. Bender Coal Co., Inc.<br>198 South Main Street<br>P. O. Box 594<br>Carrolltown, PA 15722                |
| Amount           | \$635,000.00  |
| Date of Award    | February 20, 2008   |

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

##### *Blasting Permits Actions*

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

**21084106. Warrens Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is February 15, 2009. Permit issued February 15, 2008.

**28084102. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for residential development in Shippensburg Borough, **Franklin County**. Blasting activity permit end date is June 11, 2008. Permit issued February 15, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17084001. Douglas Explosives, Inc.** (664 Graham Station Road, Philipsburg, PA 16866), blasting for Clearfield Co. SR 879, A01, Lick Run Bridge in Goshen and Lawrence Townships, **Clearfield County**. Permit issued February 21, 2008. Permit expires February 21, 2009.

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

**09084101. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Chapman Corners in Wrightstown Township, **Bucks County** with an expiration date of February 12, 2009. Permit issued February 19, 2008.

**36084121. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Crossroads Surgery Center in West Earl Township, **Lancaster County** with an expiration date of February 15, 2009. Permit issued February 19, 2008.

**35084107. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for Toyota Parking Lot Expansion in Moosic Borough, **Lackawanna County** with an expiration date of January 30, 2009. Permit issued February 20, 2008.

**35084108. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for Daron Block in Archbald Borough, **Lackawanna County** with an expiration date of January 30, 2009. Permit issued February 20, 2008.

**40084104. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for commercial development on Baltimore Drive in Plains Township, **Luzerne County** with an expiration date of February 11, 2009. Permit issued February 20, 2008.

**54084103. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for First Quality Nonwovens in East Union Township, **Schuylkill County** with an expiration date of February 11, 2009. Permit issued February 20, 2008.

**15084003. Anrich, Inc.**, (1271 South Gulph Road, Wayne, PA 19087) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for Coatesville Operation Sanitary Sewer Interceptor Replacement in the City of Coatesville, **Chester County** with an expiration date of August 21, 2008. Permit issued February 21, 2008.

**15084104. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Coatesville Waterlines in Coatsville City and South Coatsville Borough, **Chester County** with an expiration date of February 28, 2009. Permit issued February 22, 2008.

**22084101. Dyno-Nobel, Inc.**, (567 Main Street, Tremont, PA 17981), construction blasting for Spring Creek Cemetery in Derry Township, **Dauphin County** with an expiration date of February 28, 2009. Permit issued February 22, 2008.

**22084102. Dyno-Nobel, Inc.**, (567 Main Street, Tremont, PA 17981), construction blasting for Brickyard of Edgewater in Royalton Borough and Londonderry Township, **Dauphin County** with an expiration date of February 28, 2009. Permit issued February 22, 2008.

**36084122. Keystone Blasting Service**, (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for Richmond Square in Manheim Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued February 22, 2008.

**36084122. Keystone Blasting Service**, (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for The East Meadows at Wetherburn in Manheim Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued February 22, 2008.

**39084107. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting

for Graymoor Development in Lower Macungie Township, **Lehigh County** and Nazareth Borough and Lower Nazareth Township, Northampton County with an expiration date of February 15, 2009. Permit issued February 22, 2008.

**39084108 American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Graymoor Development in Lower Macungie Township, **Lehigh County** with an expiration date of February 20, 2009. Permit issued February 22, 2008.

**67084103. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Stapleton Development in Windsor Township, **York County** with an expiration date of February 18, 2009. Permit issued February 22, 2008.

**51084001. Controlled Demolition, Inc.**, (2737 Meryman's Mill Road, Phoenix, MD 21131), implosion of Mantua Hall Building in the City of Philadelphia, **Philadelphia County** with an expiration date of March 30, 2008. Permit issued February 25, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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.*

**E66-135. United States Department of the Interior, Fish and Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801. Eaton Township, **Wyoming County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain a 7,800-foot long stream channel restoration project in Bowman Creek consisting of the following work: bankfull benches, rock cross vanes and J-hook structures, fish enhancement structures such as random boulders and plantings along the stream banks and re-establishing the width and alignment of the historical stream channel at the downstream end of the project as identified on the design plans dated August 14, 2007. Gravel bar removal work, rock vane construction and stream bank stabilization work to protect a residence and water supply well were previously authorized by Emergency Permit No. EP6607401 on January 4, 2007. The work area is known as Jenks Road/Bowman Creek Stream Restoration Project-Section A, which extends from SR 0292 downstream to a point approximately 1,000-feet east of the confluence of Marsh Creek. (Center Moreland, PA Quadrangle N: 18.0 inches; W: 14.5 inches).

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

**E22-527: Cedar-Clock Tower, LLC, Blue Mountain Commons, Chris Fencel**, 3307 Trindle Road, Camp Hill, PA 17011, Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To fill a 1.089 acre pond and a 0.184 acre stormwater detention facility for the purpose of constructing a commercial building and related parking areas. The proposed impacts are associated with a UNT to the Paxton Creek (WWF). The project is located 2300 Linglestown Road (Harrisburg East, PA Quadrangle, N: 15.10; W: 15.30, Latitude 40° 20' 0"; Longitude 76° 51' 36") in Susquehanna Township, Dauphin County.

**E67-820: Mike Eden, Eden Properties, LLC**, 157 East Main Street, New Freedom, PA 17349, New Freedom Borough, **York County**, ACOE Baltimore District

To construct and maintain an 18" HDPE stormwater outfall pipe with a riprap rock apron that discharges to a UNT to the South Branch Codorus Creek (WWF); (2) to fill two wetlands for the construction of a building and parking area. The wetland impacts are associated with a UNT to the South Branch Codorus Creek (WWF) permanently impacting 0.012 acre (121 ft<sup>2</sup> and 414 ft<sup>2</sup>) of PEM wetland. The project is located at the northwest corner of the intersection of Constitution Avenue (SR 0851) and Pleasant Avenue (T-428) (New Freedom, PA Quadrangle, N: 21.6 inches; W: 9.8 inches, Latitude: 39° 44' 36";

Longitude: 76° 41' 52") in New Freedom Borough, York County. The wetland impact is considered diminimus and no mitigation is required.

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

**E14-503. Craig Micklow**, 913 San Saba Drive, Southlake, TX 76902. Micklow Residence Bridge, in Union Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 8.53 inches; W: 6.14 inches).

To construct and maintain a concrete bridge system with two 16-foot 2-inch wide by 5-foot 1-inch high arches over McCormick Run, plus the associated 200 cubic yards of clean approach ramp fill and right floodplain emergency spillway located 0.25 mile north on Bush Hollow Road from SR 220. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-440-A3. McKees Rocks Industrial Enterprises, Inc.**, 104 Broadway Avenue, Carnegie, PA 15106. (Pittsburgh West, PA Quadrangle N: 14.6 inches; W: 8.3 inches and Latitude: 40° 27' 19"; Longitude: 80° 03' 35"). To amend Permit No. E02-440-A2 to include construction and maintenance of existing facilities that should have already been permitted, including two river dolphins and a mooring cell, which will be replaced by adding two additional river dolphins in its place under this current amendment, for a total of four river dolphins, in the channel of and along the left bank of the Ohio River (WWF). This project will also consist of extending the existing wall approximately 200.0 feet, for a total barge mooring area of 786.0 feet long by 35.0 feet wide and a total facilities area of 654.5 feet long by 10.0 feet wide, in the channel of and along the left bank of Ohio River (WWF), as measured from normal pool elevation.

**E03-428. Jack Claypoole**, R. D. 2, Box 153, Dayton, PA 16222. To remove existing structures and to operate and maintain culvert crossing in Cowanshannock Township, **Armstrong County**, Pittsburgh ACOE District. (Rural Valley, PA Quadrangle N: 13.0 inches; W: 4.2 inches, Latitude: 40° 40' 18", Longitude 79° 16' 50"). To remove existing structures and to operate and maintain culvert crossing number 1, which is a 24" diameter culvert and to reset the last downstream section so that it is depressed 6", the culvert is approximately 50' long, located in the South Branch Pine Creek (HQ-CWF): to construct and maintain culvert number 2, which will be three-24" diameter culverts with the center culvert depressed 6" and each approximately 40' long, located in the same stream; to construct and maintain culvert number 3, which will be a 42" diameter culvert depressed 6" and approximately 120' long, located in the same stream, to remove fill from approximately 0.07 acre of wetlands near the downstream end of culvert number 2, to maintain fill in 0.77 acre of wetlands and to construct and maintain 0.82 acre of replacement wetlands, for the purpose of constructing a horse track. The project is located off of Bucktail Road.

**E26-229-A1. Matt Canestrale Contracting, Inc.**, P. O. Box 234, Belle Vernon, PA 15012. To construct and maintain barge dock in Luzerne Township, **Fayette County**, Pittsburgh ACOE District. (California, PA Quadrangle N: 2.3 inches; W: 14.6 inches, Latitude: 40° 00'

45.5"; Longitude: 79° 58' 52.2"). To amend permit number E26-229, which authorized the operation and maintenance of an existing 3,854 foot long by 211 foot wide barge mooring facility, a 720 foot long by 50 foot wide loading facility between mile points 62.8 and 63.5 along the right bank of the Monongahela River (WWF), a crane platform at Mooring Cell 26 and maintenance dredging, to construct and maintain a 175 foot long by 27 foot wide barge dock at the downstream end of the existing facilities at mile point 62.65, along the right bank of in Monongahela River (WWF).

**E63-588-A1. Canonsburg Borough**, 68 East Pike Street, Canonsburg, PA 15317. To construct and maintain bank protection in Canonsburg Borough, **Washington County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N: 1.34 inches; W: 10.25 inches, Latitude: 40° 15' 26.58"; Longitude: 80° 12' 2.28"). To amend permit E63-588, which was issued on October 19, 2006. To construct and maintain approximately 800 linear feet channel bank protection using R-6 rock riprap and switchgrass plantings along the right bank of Chartiers Creek (WWF) located north of Strabane Avenue.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D10-010EA. Borough of Zelienople**, 111 West New Castle Street, Zelienople, PA 16063. Jackson Township, **Butler County**, ACOE Pittsburgh District.

Project proposes to breach and remove Zelienople Reservoir Dam No. 3 and two unnamed nonjurisdictional dams in the Scholars Run watershed (WWF) for the purpose of eliminating a threat to public safety. The dam is located approximately 900 feet north of the intersection of SR 68 and US 19 (Zelienople, PA Quadrangle; Latitude: 40° 47' 58"; Longitude: 80° 8' 10").

#### WATER QUALITY CERTIFICATIONS

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

Certification request initiated by the **Borough of Lehighton**, P. O. Box 29, Municipal Building, Second and South Street, Lehighton, PA 18235.

Date of Initial *Pennsylvania Bulletin* Notice: November 10, 2007, Volume 37, Number 45.

**Beltzville Hydroelectric Project** (Federal Energy Regulatory Commission (FERC) Project No. P-12455-003), on Beltzville Lake and Pohopoco Creek, Franklin Township, **Carbon County**, United States Army Corps of Engineers — Philadelphia District.

Project Description: The Borough of Lehighton proposes to construct hydroelectric facilities with a generating capacity of 2.6 MW on the downstream side of the existing United States Army Corps of Engineers Beltzville Dam. The hydroelectric project would entail the installation of a steel liner in a portion of the existing dam conduit, installation of a closure gate at the end of the dam conduit and construction of a new penstock, powerhouse, tailrace and 12kV transmission line. Lehighton Quadrangle N: 17.9 inches; W: 2.3 inches.

Final Action on Request: Certification Granted on February 15, 2008

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**SPECIAL NOTICES**


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**HAZARDOUS SITES CLEANUP UNDER THE ACT  
OF OCTOBER 18, 1988**
**Public Notice of Proposed Consent  
Order and Agreement**
**Department of Environmental Protection  
Mays Properties, Inc., Phillips Lane Site  
Robinson Township, Allegheny County**

Under section 1113 of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101–6020.1305) (HSCA), notice is hereby given that the Department of Environmental Protection (Department) has entered into a proposed Consent Order and Agreement (CO&A) with Aristech Chemical Corporation, Ashland Inc., Beazer East, Inc., Mays Properties, Inc., Robert A. Mays and Neville Chemical Corporation concerning the environmental investigation and cleanup of the Mays Properties, Inc. Phillips Lane Site (Site). The Site is located in Robinson Township, Allegheny County.

The terms of the settlement are set forth in the CO&A, which is available for review at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA. The Department will receive and consider comments relating to the CO&A for 60 days from the date of this Public Notice. Comments may be submitted, in writing, to Terry Goodwald, Department of Environmental Protection, Hazardous Sites Cleanup, 400 Waterfront Drive, Pittsburgh, PA 15222. Further information may be obtained by contacting Terry Goodwald at (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

The Department has reserved the right to withdraw its consent to the CO&A if comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. A person adversely affected by the settlement may file an appeal with the Environmental Hearing Board.

**Act 181 Reclamation Proposals**

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

An unsolicited Act 181 Reclamation Proposal has been received from Coal Loaders, Inc., 210 East Main Street, P. O. Box 556, Ligonier, PA 15658 for the reclamation of the following abandoned strip mine project:

| <i>Project No.</i> | <i>Municipality</i> | <i>County</i> | <i>Acres</i> |
|--------------------|---------------------|---------------|--------------|
| PBF 56960111.1     | Stonycreek Township | Somerset      | 58.0         |

**Big J. Mining, Inc., SMP No. 56960111** on the Sorber, Swank, Gray Mining Company and Berwind Corporation properties requires backfilling and revegetation.

Coal Loaders, Inc. proposes to install erosion and sedimentation controls, backfill the existing pit and revegetate the disturbed areas.

Any questions or comments can be direct to Joseph L. Allison, Environmental Group Manager, Department of Environmental Protection, 286 Industrial Park Road, Ebensburg, PA 15931.

Telephone inquiries shall be directed to Joseph L. Allison at (814) 472-1900.

[Pa.B. Doc. No. 08-400. Filed for public inspection March 7, 2008, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

*Ordering Paper Copies of Department Technical Guidance*

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

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

*Changes to Technical Guidance Documents*

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

*Final Technical Guidance:*

DEP ID: 383-3301-107. Title: Laboratory Reporting Instructions for Lead and Copper under the Lead and Copper Rule. Description: This guidance, issued on February 1, 1999, provides instructions to community and nontransient, noncommunity water systems and certified laboratories for the reporting of drinking water lead and copper tap monitoring results as required by the Federal Lead and Copper Rule, published on June 7, 1991, and as implemented in 25 Pa. Code Chapter 109, Subchapter K (relating to lead and copper). Minor revisions to this rule became effective on August 10, 2002 (32 Pa.B. 3894). This guidance was revised to incorporate changes to reporting requirements under the revised regulations and to incorporate additional changes that were necessary for the Commonwealth to obtain primacy for the Lead and Copper Rule. Notice of the draft technical guidance was published in the 36 Pa.B. 1455 (March 25, 2006), with provision for a 30-day public comment period that concluded on April 25, 2006. The Department did not receive any public comments during the comment period, the Department made changes to the final document to enhance its clarity. Specifically, in sections 1, 3, 4 and 7 the statement, "both the lead and copper analyses must be conducted by the same lab" was added to clarify the instructions and to prevent future reporting errors. In sections 3 and 4, clarification was made that any result that is less than the EPA specified Practical Quantification Level (PQL) should report the result as zero. On Table 1 in section 7, PQL levels were added and approved methods were updated to be consistent with the Method Update Rule published by EPA in March 2007. Section 8 was added to clarify how to calculate the 90th percentile

value. Contact: Dawn Hissner, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105 (717) 787-0130; dhissner@state.pa.us. Effective Date: March 8, 2008.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-401. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Proposed Revisions to Pennsylvania's State Implementation Plan

Section 110 of the Federal Clean Air Act (CAA) requires states to develop State Implementation Plans (SIP) and programs to meet the National Ambient Air Quality Standards (NAAQS) established by the United States Environmental Protection Agency (EPA) to protect public health and welfare. Section 110 of the CAA sets forth general elements for the implementation of SIPs. Section 110(a)(2) of the CAA requires states to submit SIP revisions to the Environmental Protection Agency (EPA) Administrator that provide for implementation, maintenance and enforcement of the NAAQS.

The Department of Environmental Protection (Department) is seeking comment on a SIP revision that confirms the Commonwealth's compliance with section 110(a)(2)(K) of the CAA for fine PM<sub>2.5</sub>. Section 110(a)(2)(K) requires a state's SIP to provide for the performance of air quality modeling as EPA may prescribe to predict the effect on ambient air quality of emissions of air pollutants for which a NAAQS has been established. The SIP revision identifies the Commonwealth's legal authority and obligation to attain the PM<sub>2.5</sub> NAAQS and to perform the modeling, and describes the process the Department is using to prepare and submit modeling for PM<sub>2.5</sub>, including its work with a cooperative regional consortium.

The proposed SIP revision is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose Air Plans) or through the contact persons listed. The Department will hold a public hearing to receive comments on the proposals on Thursday, April 10, 2008, at 1 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Susquehanna Room A, Harrisburg, PA 17110.

Persons wishing to present testimony at the hearing on the proposed SIP revisions should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should limit testimony to 10 minutes and provide the Department with two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at [yhousestate.pa.us](mailto:yhousestate.pa.us) or (717) 787-9495. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than April 10, 2008. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [ashulman@state.pa.us](mailto:ashulman@state.pa.us)

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-402. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Proposed Revision to the State Implementation Plan for the Greene County 8-Hour Ozone Nonattainment Area; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. Ozone is not emitted directly to the atmosphere, but is formed by photochemical reactions between volatile organic compounds and oxides of nitrogen (NOx) in the presence of sunlight. Stationary point sources are the main source of NOx for Greene County. The Department of Environmental Protection (Department) has reexamined the methodology used to predict future emissions from stationary point sources and found that the methodology used for the 2007 State Implementation Plan (SIP) revision for Greene County submitted to the United States Environmental Protection Agency (EPA) over-predicted future emissions of NOx from electric generating units. The Department is proposing a SIP revision that explains why the methodology was changed, what new methodology is being used for evaluation, and what the revised emission predictions are. The Department is seeking comment only on the portions of the SIP that pertain to the methodology used to project future emissions from stationary point sources. The proposed SIP revision is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans) or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposed SIP revision only if a request for a public hearing is received from a member of the public. A request for a public hearing must be received by 4 p.m. on Monday, April 7, 2008. If a request for a public hearing is received by 4 p.m. on Monday, April 7, 2008, the public hearing will be held on Wednesday, April 9, 2008, at 1 p.m. at the Greene County Office Building, 93 East High Street, Waynesburg, PA 15370. If no request for public hearing is received by 4 p.m. on Monday, April 7, 2008, the hearing will be cancelled, and notice of the cancellation will be published on Tuesday, April 8, 2008, at 12 p.m., on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans). Interested parties may also call (717) 787-9495 to find out if the hearing has been cancelled.

Persons wishing to request a public hearing or who wish to present testimony at a scheduled hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. The Department will consider a request to present testimony at a scheduled hearing to be a request for a public hearing. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or yhouse@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Persons interested in this proposed SIP revision are invited to submit written comments on the proposed SIP revision. Written comments must be received by the Department no later than April 11, 2008. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, ashulman@state.pa.us. Please use "Greene County Ozone SIP Revision" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-403. Filed for public inspection March 7, 2008, 9:00 a.m.]

### State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss various technical issues impacting the development of the State Water Plan. The meeting will be held March 11, 2008, at 12:30 p.m., Department of Environmental Protection, Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-404. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Watershed Protection and Restoration Grants and Flood Protection Grants Through the Growing Greener Plus Program; Request for Applications

As part of the 2008 Department of Environmental Protection's (Department) Growing Greener Plus Program, applications are now being accepted for watershed protection and restoration grants. Under 27 Pa.C.S. §§ 6101—6113 (relating to Environmental Stewardship and Watershed Protection Act), the Department is authorized to allocate these grants to a variety of eligible applications including: counties, authorities and other municipalities; county conservation districts; watershed organizations recognized by the Department who promote

local watershed conservation efforts, council of governments and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth. Growing Greener II provides additional focus on capital improvement projects related to watershed protection, mine and abandoned mine remediation, and plugging of abandoned oil and gas wells.

For the upcoming grant round, the Department will invest in projects that will ultimately protect and/or restore this Commonwealth's watersheds from impairment due to nonpoint source pollution. Example of special priority areas include: Watershed Renaissance—comprehensive watershed plan implementation in a small watershed; projects located in "priority" watersheds that reduce the source of impairment; beneficial reuse of waste products and/or remining; and beneficial use of abandoned mine pools.

Examples of eligible projects could include reducing nonpoint source pollution in watersheds where streams are impaired; integrating stormwater management and flood protection into watershed management; encouraging the beneficial use of abandoned mine pool water; and water conservation strategies and projects that will help reduce Total Maximum Daily Load pollutants.

Through the same application, applicants can also apply for funding through the Department's Flood Protection Grant Program and Section 319 Nonpoint Source Grant. Flood protection grants are for communities that operate and maintain State and Federal flood protection projects. Section 319 grants focus on funding similar projects to Growing Greener but with special emphasis within targeted watersheds.

The deadline for submitting applications to the Department's Growing Greener Grants Center (Center) is May 16, 2008. Applications must be postmarked no later than May 16, 2008. If hand delivered, the package must be received to the Center by 4:30 p.m. on May 16, 2008, at the address that follows. Late submissions will not be considered.

To request or download an application or obtain more information concerning the Growing Greener Programs, visit the Growing Greener web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Growing Greener). Persons can send e-mails to [GrowingGreener@state.pa.us](mailto:GrowingGreener@state.pa.us) or contact the Center at (717) 705-5400. Written requests should be addressed to the Department of Environmental Protection, Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-405. Filed for public inspection March 7, 2008, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale  
Lehigh County

The Department of General Services (Department) has State-owned real estate for sale in the City of Allentown, Lehigh County, PA. The Department through its Broker,

Studley, Inc., will accept bids for the purchase of 4.2471 gross acres +/- of improved land zoned B-3 Highway Business District located at 1713 Lehigh Street in the City of Allentown. Bids are due May 28, 2008. Interested parties wishing to receive a copy of Solicitation No. 94190 should call Bradford Mills, Studley, Inc., at (267) 256-7575 or bmills@octaviahill.com.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 08-406. Filed for public inspection March 7, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Dermatologic SurgiCenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dermatologic SurgiCenter has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-407. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of Hamot Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hamot Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-408. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of Heritage Valley Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 557.1 and 557.4 (relating to policy; and quality assurance and improvement committee).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-409. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which

requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.3.3.1(2) (relating to stretcher holding stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-410. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of JC Blair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that JC Blair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.1.2(2) and (3) (relating to patient rooms) and 3.1.1.5 (relating to hand-washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-411. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of Lehigh Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-412. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of Lehigh Valley Hospital—Cedar Crest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital—Cedar Crest has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-Table 2.1-5 (relating to station outlets for oxygen, vacuum, and medical air systems).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.



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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-413. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of Reading Endoscopy Center, LLC for Exception; Correction

A notice for Reading Endoscopy Center, LLC was incorrectly published at 38 Pa.B. 943 (February 16, 2008) as a request for exception to 28 Pa. Code § 551.31 (relating to licensure). The request for exception should have been for 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-414. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Applications for Exception to 28 Pa. Code § 569.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.1 (relating to principle).

Plastic Surgical Associates of Johnstown, Inc.  
Ophthalmology Surgery Institute of Central Pennsylvania

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-415. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of Triumph Hospital Harrisburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Triumph Hospital Harrisburg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.2.1.2, 2.2.1.3 (relating to patient rooms or care areas), 3.1-3.1.1.1, 3.1.1.2, 3.1.1.5, 3.1.1.6, 3.1.5.5, 3.1.5.9 (relating to medical surgical nursing units), 7.1-7.1.2.3, 7.1.2.5 (relating to administrative and public areas), Table 2.1-5 (relating to station outlets for oxygen, vacuum and medical air systems).

This facility is also requesting exception from NFPA 101, 2000, specifically, Section 19.1.6.1 (relating to minimum construction requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-416. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Application of UPMC Horizon for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1.3 (relating to examination/treatment room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-417. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a) and (b), 205.36(h) and 205.38(a) and (b) (relating to function of building; bathing facilities; and toilet facilities).

United Zion Retirement Community  
722 Furnace Hill Pikes  
Lititz, PA 17543  
FAC ID 470402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24(a) and 205.27 (relating to dining room; and lounge and recreation rooms).

John J. Kane Regional Center—Scott Township  
300 Kane Boulevard  
Pittsburgh, PA 15243  
FAC ID 364902

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

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

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-418. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 26, 2008, from 10 a.m. to 2 p.m. The meeting will be held at the Civil War Museum, 1 Lincoln Circle, Harrisburg, PA 17103.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Jessica Zilka, Public Health Educator, Health Education and Information Program, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-419. Filed for public inspection March 7, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Medical Assistance Program Fee Schedule Revisions; 2007 HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule and prior authorization requirements. These changes are effective for dates of service on and after March 15, 2008.

#### *Fee Schedule Revisions*

The Department is adding and end-dating procedure codes as a result of implementing the 2007 updates made by the Centers for Medicare and Medicaid Services to the Healthcare Common Procedure Coding System (HCPCS). The Department is also adding procedure codes, and procedure code and modifier combinations, to the MA Program Fee Schedule as a result of significant program exception requests.

Fees for the new procedure codes, and procedure code and modifier combinations, will be published in a *Medical Assistance Bulletin* that will be issued to all providers.

Procedure codes being added to the MA Program Fee Schedule as a result of the 2007 HCPCS updates which are effective and compensable for dates of service as of March 15, 2008.

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 00625                               | 35303                               | 67346 (SG)                          | 77078 (26)                          |
| 00626                               | 35303 (80)                          | 72291 (26)                          | 77078 (TC)                          |
| 15002                               | 35304                               | 72292 (26)                          | 77079                               |
| 15002 (SG)                          | 35304 (80)                          | 76776                               | 77079 (26)                          |
| 15003                               | 35305                               | 76776 (26)                          | 77079 (TC)                          |
| 15004                               | 35305 (80)                          | 76776 (TC)                          | 77080                               |
| 15004 (SG)                          | 35306                               | 76813                               | 77080 (26)                          |
| 15005                               | 35306 (80)                          | 76813 (26)                          | 77080 (TC)                          |
| 15731                               | 35537                               | 76813 (TC)                          | 77081                               |
| 15731 (SG)                          | 35537 (80)                          | 76814                               | 77081 (26)                          |
| 15830                               | 35538                               | 76814 (26)                          | 77081 (TC)                          |
| 15830 (80)                          | 35538 (80)                          | 76814 (TC)                          | 77083                               |
| 15830 (SG)                          | 35539                               | 76998 (26)                          | 77083 (26)                          |
| 15847                               | 35539 (80)                          | 77001                               | 77083 (TC)                          |
| 15847 (80)                          | 35540                               | 77001 (26)                          | 77084                               |
| 17311                               | 35540 (80)                          | 77001 (TC)                          | 77084 (26)                          |
| 17312                               | 35637                               | 77002                               | 77084 (TC)                          |
| 17313                               | 35637 (80)                          | 77002 (26)                          | 77371                               |
| 17314                               | 35638                               | 77002 (TC)                          | 77372                               |
| 17315                               | 35638 (80)                          | 77003                               | 77373                               |
| 19105                               | 35883                               | 77003 (26)                          | 77435                               |
| 19300                               | 35883 (80)                          | 77003 (TC)                          | 82107                               |
| 19300 (SG)                          | 35884                               | 77011                               | 83698                               |
| 19301                               | 35884 (80)                          | 77011 (26)                          | 83913                               |
| 19301 (SG)                          | 37210                               | 77011 (TC)                          | 86788                               |
| 19302                               | 37210 (SG)                          | 77012                               | 86789                               |
| 19302 (80)                          | 44157                               | 77012 (26)                          | 87305                               |
| 19302 (SG)                          | 44157 (80)                          | 77012 (TC)                          | 87498                               |
| 19303                               | 44158                               | 77013 (26)                          | 87640                               |
| 19303 (80)                          | 44158 (80)                          | 77014                               | 87641                               |
| 19303 (SG)                          | 47719                               | 77014 (26)                          | 87653                               |
| 19304                               | 47719 (80)                          | 77014 (TC)                          | 87808                               |
| 19304 (80)                          | 48105                               | 77021                               | 91111                               |

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 19304 (SG)                          | 48105 (80)                          | 77021 (26)                          | 91111 (26)                          |
| 19305                               | 48548                               | 77021 (TC)                          | 91111 (TC)                          |
| 19305 (80)                          | 48548 (80)                          | 77022 (26)                          | 92025                               |
| 19306                               | 49324                               | 77031                               | 92025 (26)                          |
| 19306 (80)                          | 49324 (80)                          | 77031 (26)                          | 92025 (TC)                          |
| 19307                               | 49324 (SG)                          | 77031 (TC)                          | 94002                               |
| 19307 (80)                          | 49325                               | 77032                               | 94003                               |
| 25109                               | 49325 (80)                          | 77032 (26)                          | 94610                               |
| 25109 (SG)                          | 49325 (SG)                          | 77032 (TC)                          | 94644                               |
| 25606                               | 49326                               | 77051                               | 94645                               |
| 25606 (SG)                          | 49326 (80)                          | 77051 (26)                          | 94777                               |
| 25607                               | 49402                               | 77051 (TC)                          | 96040                               |
| 25607 (80)                          | 49402 (SG)                          | 77052                               | A4461                               |
| 25607 (SG)                          | 49435                               | 77052 (26)                          | A4463                               |
| 25608                               | 49435 (80)                          | 77052 (TC)                          | A4600                               |
| 25608 (80)                          | 49436                               | 77053                               | A8000                               |
| 25608 (SG)                          | 49436 (80)                          | 77053 (26)                          | A8001                               |
| 25609                               | 49436 (SG)                          | 77053 (TC)                          | A8002                               |
| 25609 (80)                          | 54865                               | 77054                               | A8003                               |
| 25609 (SG)                          | 54865 (SG)                          | 77054 (26)                          | A8004                               |
| 27325                               | 55875                               | 77054 (TC)                          | D0273                               |
| 27325 (80)                          | 55875 (SG)                          | 77055                               | D1206                               |
| 27325 (SG)                          | 55876                               | 77055 (26)                          | D1555                               |
| 27326                               | 55876 (SG)                          | 77055 (TC)                          | G0392                               |
| 27326 (80)                          | 56442                               | 77056                               | G0392 (SG)                          |
| 27326 (SG)                          | 56442 (SG)                          | 77056 (26)                          | G0393                               |
| 28055                               | 57296                               | 77056 (TC)                          | G0393 (SG)                          |
| 28055 (SG)                          | 57296 (80)                          | 77057                               | G0394                               |
| 32998                               | 57558                               | 77057 (26)                          | J7345                               |
| 32998 (80)                          | 57558 (SG)                          | 77057 (TC)                          | K0738 (RR)                          |
| 32998 (SG)                          | 58541                               | 77058                               | L1001                               |
| 33202                               | 58541(80)                           | 77058 (26)                          | L3806                               |
| 33203                               | 58541 (SG)                          | 77058 (TC)                          | L3808                               |
| 33254                               | 58542                               | 77059                               | L3915                               |
| 33254 (80)                          | 58542 (80)                          | 77059 (26)                          | L6611                               |
| 33255                               | 58542 (SG)                          | 77059 (TC)                          | L6624                               |
| 33255 (80)                          | 58543                               | 77072                               | L6639                               |
| 33256                               | 58543 (80)                          | 77072 (26)                          | L6703                               |
| 33256 (80)                          | 58543 (SG)                          | 77072 (TC)                          | L6704                               |
| 33265                               | 58544                               | 77073                               | L6706                               |
| 33265 (80)                          | 58544 (80)                          | 77073 (26)                          | L6707                               |
| 33266                               | 58544 (SG)                          | 77073 (TC)                          | L6708                               |
| 33266 (80)                          | 58548                               | 77074                               | L6709                               |
| 33675                               | 58548 (80)                          | 77074 (26)                          | L7007                               |
| 33675 (80)                          | 58957                               | 77074 (TC)                          | L7008                               |
| 33676                               | 58957 (80)                          | 77075                               | L7009                               |
| 33676 (80)                          | 58958                               | 77075 (26)                          | L8691                               |

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 33677                               | 58958 (80)                          | 77075 (TC)                          | Q4081                               |
| 33677 (80)                          | 64910                               | 77076                               | T4543                               |
| 33724                               | 64910 (80)                          | 77076 (26)                          |                                     |
| 33724 (80)                          | 64910 (SG)                          | 77076 (TC)                          |                                     |
| 33726                               | 64911                               | 77077                               |                                     |
| 33726 (80)                          | 64911 (80)                          | 77077 (26)                          |                                     |
| 35302                               | 64911 (SG)                          | 77077 (TC)                          |                                     |
| 35302 (80)                          | 67346                               | 77078                               |                                     |

Procedure codes being end-dated from the MA Program Fee Schedule as a result of the 2007 HCPCS updates and which will not be compensable for services provided after March 14, 2008:

| <i>Procedure Codes</i> |       |       |       |       |       |
|------------------------|-------|-------|-------|-------|-------|
| 15000                  | 31708 | 76003 | 76355 | L0110 | L6808 |
| 15001                  | 31710 | 76005 | 76360 | L3902 | L6809 |
| 15831                  | 33200 | 76012 | 76362 | L3914 | L6825 |
| 17304                  | 33201 | 76013 | 76370 | L6700 | L6830 |
| 17305                  | 33245 | 76020 | 76393 | L6705 | L6835 |
| 17306                  | 33246 | 76040 | 76394 | L6710 | L6840 |
| 17307                  | 33253 | 76061 | 76400 | L6715 | L6845 |
| 17310                  | 35381 | 76062 | 76778 | L6720 | L6850 |
| 19140                  | 35507 | 76065 | 76986 | L6725 | L6855 |
| 19160                  | 35541 | 76066 | 78704 | L6730 | L6860 |
| 19162                  | 35546 | 76071 | 78715 | L6735 | L6865 |
| 19180                  | 35641 | 76075 | 78760 | L6740 | L6867 |
| 19182                  | 44152 | 76077 | 91060 | L6745 | L6868 |
| 19200                  | 44153 | 76082 | 92573 | L6750 | L6870 |
| 19220                  | 47716 | 76083 | 94656 | L6755 | L6872 |
| 19240                  | 48005 | 76086 | 94657 | L6765 | L6873 |
| 21300                  | 48180 | 76088 | A4348 | L6770 | L6875 |
| 25611                  | 49085 | 76090 | A4359 | L6775 | L6880 |
| 25620                  | 54152 | 76091 | E0164 | L6780 | L7010 |
| 26504                  | 54820 | 76092 | E0166 | L6790 | L7015 |
| 27315                  | 56720 | 76093 | E0180 | L6795 | L7020 |
| 27320                  | 57820 | 76094 | E0701 | L6800 | L7025 |
| 28030                  | 67350 | 76095 | E0977 | L6806 | L7030 |
| 31700                  | 75998 | 76096 | L0100 | L6807 | L7035 |

Procedure codes being added by the Department to the MA Program Fee Schedule as a result of significant program exception requests, which are effective and compensable for dates of service as of March 15, 2008.

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 17111                               | 59514                               | 78608                               | 95810 (TC)                          |
| 17111 (SG)                          | 59514 (80)                          | 78608 (26)                          | 95811                               |
| 43644                               | 59820 (U7)                          | 78608 (TC)                          | 95811 (26)                          |
| 43644 (80)                          | 69710                               | 86361                               | 95811 (TC)                          |
| 43770                               | 69710 (80)                          | 92135                               | 95930                               |
| 43770 (80)                          | 69710 (SG)                          | 92135 (26)                          | 95930 (26)                          |
| 43771                               | 69711                               | 92135 (TC)                          | 95930 (TC)                          |
| 43771 (80)                          | 69711 (80)                          | 92250                               | 99239                               |

| <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> | <i>Procedure Code and Modifiers</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 43772                               | 69711 (SG)                          | 92250 (26)                          | A4231                               |
| 43772 (80)                          | 69714                               | 92250 (TC)                          | A4230                               |
| 43773                               | 69714 (SG)                          | 95805 (26)                          | C1300                               |
| 43773 (80)                          | 69715                               | 95805 (TC)                          | E0619 (RR)                          |
| 43774                               | 69715 (SG)                          | 95807 (26)                          | S3818                               |
| 43774 (80)                          | 69717                               | 95807 (TC)                          | S3819                               |
| 59025 (26)                          | 69717 (SG)                          | 95808 (26)                          | S3820                               |
| 59025 (TC)                          | 69718                               | 95808 (TC)                          | S3822                               |
| 59409                               | 69718 (SG)                          | 95810 (26)                          | S3823                               |

*Prior Authorization Requirements*

The Department has determined that the following procedure codes currently on the MA Program Fee Schedule will require prior authorization, as authorized under section 443.6(b)(7) (relating to reimbursement for certain medical assistance items and services) of the act of June 13, 1967 (P. L. 31, No. 21) (62 P. S. §§ 101—1503) known as Public Welfare Code (code):

|       |  |
|-------|--|
| 72159 | Magnetic resonance angiography, spinal canal and contents, with or without contrast materials  |
| 72198 | Magnetic resonance angiography, pelvis, with or without contrast materials   |
| 73225 | Magnetic resonance angiography, upper extremity, with or without contrast materials  |
| 76936 | Ultrasound guided compression repair of arterial pseudoaneurysm or arteriovenous fistulae (includes diagnostic ultrasound evaluation, compression of lesion and imaging) |
| 78647 | Cerebrospinal fluid flow, imaging (not including introduction of material); tomographic (SPECT)  |
| 78807 | Radiopharmaceutical localization of inflammatory process; tomographic (SPECT)  |

The following procedure codes that are being added to the MA Program Fee Schedule are prostheses and orthoses that require prior authorization under section 443.6(b)(1) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(1)), as amended by the act of July 7, 2005 (P. L. 177, No. 42).

|       |   |
|-------|---|
| L1001 | Cervical thoracic lumbar sacral orthosis, immobilizer, infant size, prefabricated, includes fitting and adjustment  |
| L3806 | Wrist hand finger orthosis, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface material, straps, custom fabricated, includes fitting and adjustment |
| L3808 | Wrist hand finger orthosis, rigid without joints, may include soft interface material; straps, custom fabricated, includes fitting and adjustment   |
| L3915 | Wrist hand orthosis, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, prefabricated, includes fitting and adjustment                     |
| L6611 | Addition to upper extremity prosthesis, external powered, additional switch, any type   |
| L6624 | Upper extremity addition, flexion/extension and rotation wrist unit   |
| L6639 | Upper extremity addition, heavy duty feature, any elbow   |
| L6703 | Terminal device, passive hand/mitt, any material, any size  |
| L6704 | Terminal device, sport/recreational/work attachment, any material, any size   |
| L6706 | Terminal device, hook, mechanical, voluntary opening, any material, any size, lined or unlined  |
| L6707 | Terminal device, hook, mechanical, voluntary closing, any material, any size, lined or unlined  |
| L6708 | Terminal device, hand, mechanical, voluntary opening, any material, any size  |
| L6709 | Terminal device, hand, mechanical, voluntary closing, any material, any size  |
| L7007 | Electric hand, switch or myoelectric controlled, adult  |
| L7008 | Electric hand, switch or myoelectric, controlled, pediatric   |
| L7009 | Electric hook, switch or myoelectric controlled, adult  |
| L8691 | Auditory osseointegrated device, external sound processor, replacement  |

The Department has determined that the following new procedure codes being added to the MA Program Fee Schedule will require prior authorization as authorized under § 443.6(b)(7) of the code:

| <i>Procedure Code</i> | <i>Procedure Description</i>  |
|-----------------------|---|
| C1300                 | Hyperbaric oxygen under pressure, full body chamber, per 30 minute interval |

| <i>Procedure Code</i> | <i>Procedure Description</i>   |
|-----------------------|--|
| 15830                 | Excision, excessive skin and subcutaneous tissue (includes lipectomy); abdomen, infraumbilical panniculectomy  |
| 15847                 | Excision, excessive skin and subcutaneous tissue (includes lipectomy), abdomen (e.g., abdominoplasty) (includes umbilical transposition and fascial plication) (list separately in addition to code for primary procedure) |
| 19300                 | Mastectomy for gynecomastia  |
| 19304                 | Mastectomy, subcutaneous   |
| 43644                 | Laparoscopy, surgical, gastric restrictive procedure; with gastric bypass and Roux-en-Y gastroenterostomy (roux limb 150 cm or less)   |
| 43770                 | Laparoscopy, surgical, gastric restrictive procedure; placement of adjustable gastric band (gastric band and subcutaneous port components)   |
| 43771                 | Laparoscopy, surgical, gastric restrictive procedure; revision of adjustable gastric band component only   |
| 43772                 | Laparoscopy, surgical, gastric restrictive procedure; removal of adjustable gastric band component only  |
| 43773                 | Laparoscopy, surgical, gastric restrictive procedure; removal and replacement of adjustable gastric band component only  |
| 43774                 | Laparoscopy, surgical, gastric restrictive procedure; removal of adjustable gastric band and subcutaneous port components  |
| 69710                 | Implantation or replacement of electromagnetic bone conduction hearing device in temporal bone   |
| 69711                 | Removal or repair of electromagnetic bone conduction hearing device in temporal bone   |
| 69714                 | Implantation, osseointegrated implant, temporal bone, with percutaneous attachment to external speech processor/cochlear stimulator; without mastoidectomy   |
| 69715                 | Implantation, osseointegrated implant, temporal bone, with percutaneous attachment to external speech processor/cochlear stimulator; with mastoidectomy  |
| 69717                 | Replacement (including removal of existing device), osseointegrated implant, temporal bone, with percutaneous attachment to external speech processor/cochlear stimulator; without mastoidectomy                           |
| 69718                 | Replacement (including removal of existing device), osseointegrated implant, temporal bone, with percutaneous attachment to external speech processor/cochlear stimulator; with mastoidectomy                              |
| 78608                 | Brain imaging, positron emission tomography (PET); metabolic evaluation  |

The following procedure code being added to the MA Program Fee Schedule is durable medical equipment and will require prior authorization, as authorized under § 443.6(b)(3) of the code:

|            |                                       |
|------------|---------------------------------------|
| E0619 (RR) | Apnea monitor, with recording feature |
|------------|---------------------------------------|

*Fiscal Impact*

The estimated cost for Fiscal Year 2007-2008 is \$0.537 million (\$0.254 million in State funds). The estimated cost for Fiscal Year 2008-2009 is \$3.220 (\$1.515 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-543. (1) General Fund:

MA-Outpatient

- (2) Implementing Year 2007-08 is \$254,000
- (3) 1st Succeeding Year 2008-09 is \$1,515,000
- 2nd Succeeding Year 2009-10 is \$1,515,000
- 3rd Succeeding Year 2010-11 is \$1,515,000
- 4th Succeeding Year 2011-12 is \$1,515,000
- 5th Succeeding Year 2012-13 is \$1,515,000
- (4) 2006-07 Program— \$671,472,000
- 2005-06 Program— \$945,950,000
- 2004-05 Program— \$842,991,000

(7) Medical Assistance Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 08-420. Filed for public inspection March 7, 2008, 9:00 a.m.]

## 2007 Group Two Exception Requests; Medical Assistance Long-Term Care Participation Review

The purpose of this notice, published under 55 Pa. Code § 1187.21a(e)(4) (relating to nursing facility exception requests—statement of policy), is to announce the 2007 Group Two Exception Requests received by the Department of Public Welfare covering the submission period of July 1, 2007, through December 31, 2007.

### Expansion Requests

| <i>Number</i> | <i>Name</i>                         | <i>Address</i>                                | <i>County</i> | <i>Beds</i> |
|---------------|-------------------------------------|---|---------------|-------------|
| JD07001       | William Penn Care Center            | 2020 Ader Road<br>Jeanette, PA 15644          | Westmoreland  | 1           |
| JD07002       | Lakeside Nursing Center             | Box 357, R. D. 4<br>Dallas, PA 18612          | Luzerne       | 30          |
| JD07003       | Presbyterian Homes At Hollidaysburg | 220 Newry Street<br>Hollidaysburg, PA 16648   | Blair         | 8           |
| JD07004       | Sycamore Manor Health Center        | 1445 Sycamore Road<br>Montoursville, PA 17754 | Lycoming      | 8           |

A copy of the previously listed exception requests is available for review during the 30-day comment period. The public may review the requests during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Barry Farrell, Office of Long-Term Living, Bureau of Community Development, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-542. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-421. Filed for public inspection March 7, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Fairview Township Authority v. DEP; EHB Doc. No. 2008-048-L

Fairview Township Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Fairview Township Authority for a facility in Fairview Township, York County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's

rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-422. Filed for public inspection March 7, 2008, 9:00 a.m.]

### Lancaster Area Sewer Authority v. DEP; EHB Doc. No. 2008-043-L

Lancaster Area Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lancaster Area Sewer Authority for a facility in Manor Township, Lancaster County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.



Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-423. Filed for public inspection March 7, 2008, 9:00 a.m.]

### York City Sewer Authority v. DEP; EHB Doc. No. 2008-044-L

York City Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to York City Sewer Authority for a facility in Manchester Township, York County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-424. Filed for public inspection March 7, 2008, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The March 18, 2008, meeting of the Environmental Quality Board (Board) is cancelled. The next meeting of the Board is scheduled for April 15, 2008, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the April 15, 2008, meeting will be available on the Department of Environmental Protection's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Key-words: EQB).

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@state.pa.us](mailto:mtate@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-425. Filed for public inspection March 7, 2008, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Time Restrictions at Union Access, Susquehanna River and Mountain Springs Lake in Luzerne County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(a) (relating to limiting access to Commission property and other restrictions), has closed the following Commission access areas to the public during the hours of 10 p.m. to 5 a.m.: Union Access on the Susquehanna River and Mountain Springs Lake, Luzerne County. These time restrictions are effective when posted at the sites. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use without the express written consent of the Executive Director or designee.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 08-426. Filed for public inspection March 7, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, February 21, 2008, and announced the following:

*Regulation Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective February 20, 2008:*

Pennsylvania Gaming Control Board #125-71: Bureau of Investigation and Enforcement; and Slot Machine Testing and Control (amends Chapters 405a and 461a)

*Regulation Approved:*

Department of Revenue #15-442: Repeal of Sales and Use Tax Exclusion for Tangible Personal Property Used in the Production of Commercial Motion Pictures (deletes 61 Pa. Code § 32.38)

### Approval Order

Public Meeting held  
February 21, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; David J. DeVries, Esq.; Nancy Sabol Frantz, Esq.; John F. Mizner, Esq., by Phone

*Department of Revenue—Repeal of Sales and Use Tax Exclusion for Tangible Personal Property Used in the Production of Commercial Motion Pictures;*  
*Regulation No. 15-442 (#2667)*

On January 18, 2008, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rulemaking deletes 61 Pa. Code § 32.38. Notice of pro-

posed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation updates existing rules to reflect a statutory change in Act 55 of 2007 which removed the sales and use tax exclusion for commercial motion pictures from the Tax Reform Code.

We have determined this regulation is consistent with the statutory authority of the Department (72 P.S. §§ 7201(c)(8) and 7204(54)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-427. Filed for public inspection March 7, 2008, 9:00 a.m.]

**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in 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 our web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final-Omit*

| <i>Reg. No.</i> | <i>Agency/Title</i>   | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|---|-----------------|-----------------------|
| 16A-6512        | State Board of Physical Therapy<br>Deletion of Athletic Trainer Regulations | 2/27/08         | 4/3/08                |

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-428. Filed for public inspection March 7, 2008, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Liberty Mutual Fire Insurance Company; Liberty Insurance Corporation and The First Liberty Insurance Corporation; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing**

On February 15, 2008, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company, Liberty Insurance Corporation and The

First Liberty Insurance Corporation (company) a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 2.97% increase amounting to \$7.3 million annually, to be effective June 30, 2008, for new business and August 4, 2008, for renewals.

Unless formal administrative action is taken prior to April 15, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, 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 Eric Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-429. Filed for public inspection March 7, 2008, 9:00 a.m.]

**Nationwide Insurance Company of America; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing**

On February 18, 2008, the Insurance Department (Department) received from Nationwide Insurance Company of America (company) a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 3.1% increase amounting to \$6.2 million annually, to be effective July 31, 2008, for renewal business only.

Unless formal administrative action is taken prior to April 18, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, 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 Eric Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-430. Filed for public inspection March 7, 2008, 9:00 a.m.]

**Nationwide Mutual Fire Insurance Company and  
Nationwide Property and Casualty Insurance  
Company; Homeowners; Rate and Rule Revi-  
sion; Rate Filing**

On February 11, 2008, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company and Nationwide Property and Casualty Insurance Company (company) a filing for a rate level and rule change for homeowners insurance.

The companies request an overall 2.1% increase amounting to \$5,053,100 annually, to be effective July 28, 2008.

Unless formal administrative action is taken prior to March 12, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, 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, 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*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-431. Filed for public inspection March 7, 2008, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### Meeting Date and Cut-Off Change

The Fiscal Year 2007-2008 regular meeting scheduled for Tuesday, April 15, 2008 has been changed to Monday, April 14, 2008. The application cut-off date of February 19, 2008, has already occurred. The Pennsylvania Infrastructure Investment Authority Board Meeting will begin at 10 a.m. instead of the 10:30 a.m. on the stated meeting date.

| <i>Application<br/>Cut-Off Date</i> | <i>Board<br/>Meeting Date</i> | <i>Location</i>               |
|-------------------------------------|-------------------------------|-------------------------------|
| February 19, 2008                   | Monday,<br>April 14, 2008     | Dixon<br>University<br>Center |

Dixon University Center  
Richards Hall  
Recital Room  
2986 North  
Second Street  
Harrisburg, PA

Persons requiring ADA accommodations at the Board meeting should contact Kathlyn Domitrovich at (717) 783-4493 or [kdomitrovi@state.pa.us](mailto:kdomitrovi@state.pa.us).

PAUL K. MARCHETTI,  
*Executive Director*

[Pa.B. Doc. No. 08-432. Filed for public inspection March 7, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### 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 24, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2008-2014168. (Corrected) Steffany L. Turns** (P. O. Box 537, Halifax, Dauphin County, PA 17032)—persons, upon call or demand, in the Counties of Snyder, Perry, Northumberland, Schuylkill and Northern Dauphin County to include Halifax, Millersburg, Elizabethville, Gratz, Lykens and Wiconisco, and the City of Williamsport, Lycoming County.

**A-2008-2014173. Clarion Medical, LLC** (1000 Valley Forge Circle, Suite 110 B, King of Prussia, Montgomery County, PA 19406)—in paratransit service, from points in Montgomery and Bucks Counties, to points in Pennsylvania, and return.

### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

**A-2008-2022192. VA Five Star, Inc.** (26 Nancy Drive, Richboro, Bucks County, PA 18954), a corporation of the Commonwealth—for the right to transport, as a common carrier, by motor vehicle, persons in limousine service, which is to be a transfer of all of the operating rights under the certificate issued at A-00108814, F.5, to Bucks Transit Co., Inc., subject to the same limitations and conditions. *Attorney:* Brandon R. Wind, Esquire, Petrille Wind, PC, 1206 Swamp Road, Fountainville, PA 18923.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2008-2021410. Graefe Moving Services, Inc.** (2173 Limestone Street, Coplay, Lehigh County, PA 18037)—a corporation of the Commonwealth—household goods in use, from points in Lehigh County, to points in Pennsylvania, and vice versa.

**A-2008-2024691. 4N Enterprises, LLC, t/a Units Mobile Storage of Eastern PA** (4165 Fawn Trail Road, Allentown, Lehigh County, PA 18104)—a limited liability corporation of the Commonwealth—household goods in use, from points in the Counties of Lehigh, Northampton and Bucks; the municipalities of Green Lane, Harleysville, Hatfield, Kulpsville, Lansdale, Pennsburg, Souderton and Telford in Montgomery County; and the municipality of Hereford in Bucks County, to points in Pennsylvania, and vice versa.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-2008-2023229. Simonik Transportation & Warehousing Group, LLC** (103 Gaither Drive, Mt. Laurel, Burlington County, NJ 08054)—a limited liability corporation of the State of New Jersey—household goods in use, which is to be a transfer of all rights authorized under the certificates issued at A-00115142, F.2 to Simonik Moving & Storage, Inc., subject to the same limitations and conditions.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-433. Filed for public inspection March 7, 2008, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project No. 08-020.P, Trash Removal, Tioga Marine Terminal, LMSR Project until 2 p.m. on Thursday, March 20, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 11, 2008. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 08-434. Filed for public inspection March 7, 2008, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v. Thomas W. Shaffer Barber Shop; Doc. No. 0047-42-2008**

On January 8, 2008, Thomas W. Shaffer Barber Shop, of Uniontown, Fayette County, had its license suspended for noncompliance with a previously issued State Board of Barber Examiners (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 08-435. Filed for public inspection March 7, 2008, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v. La' Salon Expression of You; Doc. No. 0095-45-2008**

On January 15, 2008, La' Salon Expression of You, of Philadelphia, Philadelphia County, had its license suspended for failure to comply with a previously issued State Board of Cosmetology (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-436. Filed for public inspection March 7, 2008, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Barbara Rusz, LPN; Doc. No. 2368-51-2007

On January 14, 2008, Barbara Rusz, LPN, a/k/a Barbara Rusz Fabry, LPN, of Apollo, Armstrong County, was suspended, based on her noncompliance of a previously issued State Board of Nursing (Board) order.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

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

[Pa.B. Doc. No. 08-437. Filed for public inspection March 7, 2008, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

### Bureau of Professional and Occupational Affairs v. Andre Johnson, Sr.; Doc. No. 2471-60-2007

On December 14, 2007, Andre Johnson, Sr., license no. MV-207431, of Philadelphia, Philadelphia County, was

suspended under the Order of the Court of Common Pleas of Philadelphia County dated December 7, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 08-438. Filed for public inspection March 7, 2008, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### Bureau of Professional and Occupational Affairs v. Lionel Yates; Doc. No. 0123-56-2008

On January 16, 2008, Lionel Yates, license no. RS-212462, of Norristown, Montgomery County, was suspended under the Order of the Court of Common Pleas of Montgomery County dated January 7, 2008, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH MCGETTIGAN, Sr.,  
*Chairperson*

[Pa.B. Doc. No. 08-439. Filed for public inspection March 7, 2008, 9:00 a.m.]