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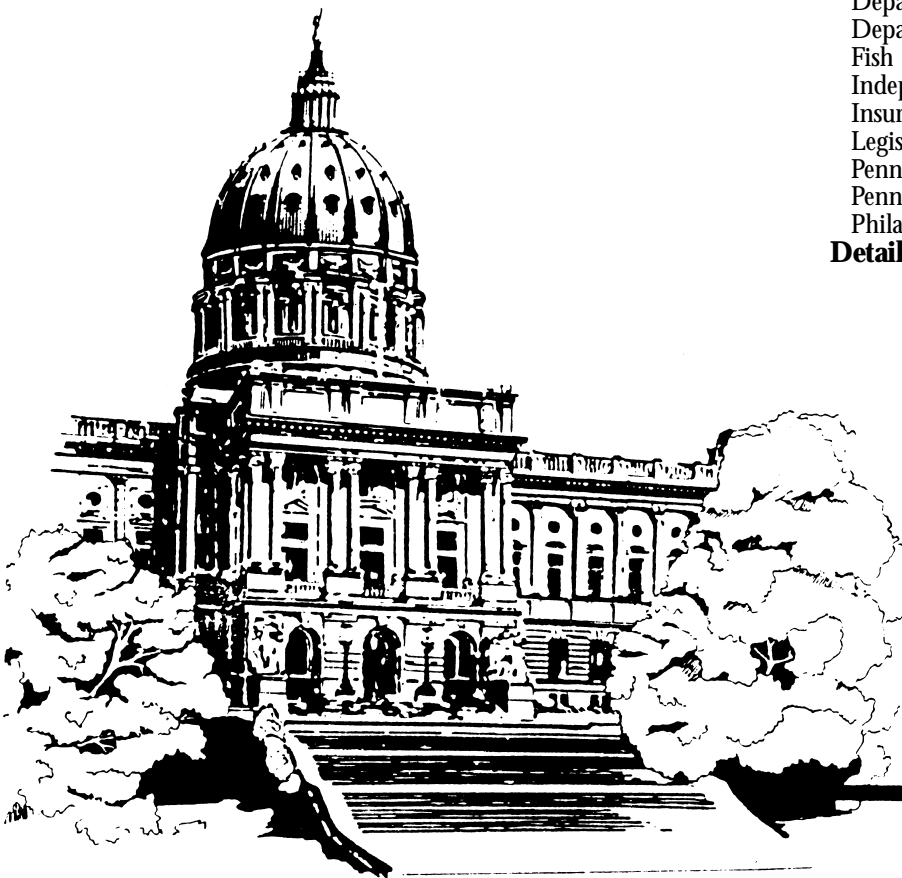
# PENNSYLVANIA BULLETIN

Volume 37  
Saturday, March 17, 2007 • Harrisburg, PA  
Number 11  
Pages 1207—1292

## Agencies in this issue

The Courts  
Department of Agriculture  
Department of Banking  
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Department of Environmental Protection  
Department of General Services  
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Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority

**Detailed list of contents appears inside.**



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

**No. 388, March 2007**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Local Rule 208.3(a)(2); Civil 96-1335

##### Order

*And Now*, this 27th day of February, 2007, Local Rule 208.3(a)(2) which currently reads:

2. The motion shall name each Judge who has ruled upon any other issue on the same or related matter, and shall specify the issue.

is hereby amended to clarify the information being sought. The rule, as amended, shall read:

2. The motion shall state whether or not a judge has ruled upon any other issue in the same or related matter, and, if so, shall specify the judge and the issue.

The Court Administrator is directed to forward and file certified copies of this order in accordance with Pa.R.C.P. 239(c) and to forward a copy to the *Cumberland Law Journal*.

*By the Court*

EDGAR B. BAYLEY,  
*President Judge*

[Pa.B. Doc. No. 07-429. Filed for public inspection March 16, 2007, 9:00 a.m.]

### LEHIGH COUNTY

#### Administrative Order for Amendment of Local Rule of Civil Procedure 205.2(a) Pertaining to Filing of Legal Papers with the Clerk of Courts; No. 2007-J-30

##### Amended Order

*And Now*, this 26th day of February, 2007, *It Is Ordered* that the following Lehigh County Rule of Civil Procedure 205.2(a) for Filing of Legal Papers with the Clerk of Courts be amended as hereinafter set forth, said amendment to become effective upon posting of the rule on the UJS Web Portal.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

*By the Court*

ALAN M. BLACK,  
*President Judge*

#### Rule 205.2(a). Filing of Legal Papers with the Clerk of Courts.

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

1. The use of backers and/or toppers is prohibited.

2. All documents shall be fastened together by staples.

3. The text of original documents shall not be highlighted by the use of colored markers. Highlighting of text can be done by **bolding** or by using a different *style* and **SIZE** of font.

4. All documents shall be single-sided and double-spaced, except that quotations, footnotes and exhibits may be single-spaced.

5. The font size of all documents shall be not less 12 points.

6. Paper shall be of good quality and shall not exceed 8-1/2" × 11" in size.

7. Attachments smaller than 8-1/2" × 11" shall be attached to regular size paper by using scotch tape.

8. All exhibits shall be identified as such on the bottom center of each document as well as by exhibit tabs.

9. All pages shall be numbered consecutively. The number shall appear at the bottom center position of each page.

10. All copies attached to documents shall be clear and legible.

11. All documents shall contain the following: (i) the correct caption of the case, including the names of the parties, the docket number, the division of the court, and the name of the assigned judge, if any; (ii) a title indicating the nature of the document; (iii) the name, address, telephone number, fax number and Supreme Court identification number of the attorney filing the document; and (iv) if the party filing the document is not an attorney, the name, address, telephone number of such party.

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

[Pa.B. Doc. No. 07-430. Filed for public inspection March 16, 2007, 9:00 a.m.]

### LUZERNE COUNTY

#### Order Amended Rule of Civil Procedure 206.4(C); No. 1707/07

##### Order

*Now*, this 23rd day of February, 2007, Luzerne County Rules of Civil Procedure are hereby revised as follows:

1. Luzerne County Rule of Civil Procedure 206.4(c) is hereby amended as provided in the following copy of the same.

2. It is further ordered that the Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Criminal Procedural Rules Committee, once (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

3. It is further ordered that the effective date of this order shall be effective immediately after the date of publication in the *Pennsylvania Bulletin*.

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

*By the Court*

MARK A. CIAVARELLA, Jr.,  
*President Judge*

**L.R.CIV.P.206.4(c) Procedure for Issuance of Rule to Show Cause. Issuance as of Course. Discretionary Issuance.**

**(A) Procedure for Issuance of Rule to Show Cause. Issuance As of Course.**

(1) With the exception of those matters governed by sub-section (B) of this Local Rule, a party seeking a Rule to Show Cause shall present the same along with the underlying Motion/Petition, a comprehensive Brief in Support and Proposed Order, to the Office of Court Administration.

(2) There is no requirement to present a Rule to Show Cause under this subsection to Motions Court, except matters governed by subsection (B).

(3) The Court Administrator will assign a return date for the Rule to Show Cause, no less than 20 days, in accordance with internal operating procedures of the Court of Common Pleas and issue the Rule to Show Cause.

(4) Upon issuance of the Rule to Show Cause, the moving party shall follow the procedures outlined in subsection (C) of this Local Rule.

(5) The Office of Court Administration is **HEREBY AUTHORIZED** to sign and schedule Rules to Show Cause subject to this subsection as part of their administrative duties and this action shall carry the same force and effect as if it was Ordered directly by this Court.

**(B) Procedure for Issuance of Rule to Show Cause. Discretionary Issuance. (Immediate Relief/Stay)**

(1) Where the moving party is seeking immediate relief *in addition to* the issuance of the Rule to Show Cause and/or where the relief requested has the effect of a Stay of Proceedings pending the resolution of the matter subject to the Rule to Show Cause, a party seeking the same shall present the Rule to Show Cause along with the underlying Motion/Petition, a comprehensive Brief in support and Proposed Order, to Motions Court for consideration.

(i) Motions Court is held Monday through Friday 8:30 am to 9:15 am, with the exception of legal holidays.

(ii) The assignment of a Judge of the Court of Common Pleas to Motions Court is made on a rotating basis and available at the Office of Court Administration.

(2) If the Motions Court Judge issues the Rule to Show Cause, the moving party shall:

(i) Serve a time-stamped copy of the executed Rule to Show Cause, the underlying Motion/Petition, the comprehensive Brief in Support and Proposed Order upon the Court Administrator, who will assign a return date for the Rule to Show Cause no less than 20 days in accordance with internal operating procedures of the Court of Common Pleas.

(3) Upon issuance of the Rule to Show Cause, the moving party shall follow the procedures outlined in subsection (C) of this Local Rule.

**(C) Procedure Upon the Issuance of A Rule To Show Cause.**

(1) Once a Rule to Show Cause has been issued and a return date has been assigned, the moving party shall file the executed Rule to Show Cause indicating the assigned return date, the underlying Motion/Petition, the comprehensive Brief in Support and Proposed Order with the Prothonotary and shall *immediately* serve a time-stamped copy of the aforementioned upon all opposing parties and the Office of Court Administration.

(2) Within (15) days of service of the Rule to Show Cause, Motion/Petition, Brief in Support and Proposed Order, the opposing party must file an Answer and a comprehensive Brief in Opposition with the Prothonotary and immediately serve the same upon all parties and the Office of Court Administration.

(3) If the moving party fails to file a comprehensive Brief in Support as required by this Rule, the opposing attorney must present a Motion to Dismiss to Motions Court for dismissal of the matter.

(4) Service shall be made *immediately* after filing by delivering a copy or by mailing a copy of the party's counsel of record or where the party is unrepresented, to that party either personally or at the party's last known address.

(5) Proof of Service shall be filed and shall be by written acknowledgment of service, by affidavit of the person making service or by certification of counsel.

[Pa.B. Doc. No. 07-431. Filed for public inspection March 16, 2007, 9:00 a.m.]

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

**Order**

*And Now*, this 26th day of February, 2007; *It Is Hereby Ordered* that the Local Custody Rules L-1915.29 Pre-Custody Conciliation Meeting Procedure; L-1915.30 Pre-Custody Conciliation Meeting; and L-1920.55-2 Master's Report, Notice, Exceptions, Final Decree be amended as follows.

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

*By the Court*

DEBBIE O'DELL SENECA,  
*President Judge*

**L-1915.29 Pre-Custody Conciliation Meeting Procedure.**

(a) The parties shall make a good faith effort to resolve the custody and/or visitation issues prior to the meeting. If resolution occurs prior to or at the time of the meeting, a proposed order may be drafted in accordance with Pa.R.C.P. No. 1915.7 and submitted to the Court for approval through the Child Custody Conference Officer, or the parties may follow L-1915.30(b).

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

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

**L-1915.30 Pre-Custody Conciliation Meeting.**

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

(b) The parties may also at any time present a Consent Custody Order to the Family Court Judge to whom the case is assigned. If a Pre-Custody Conciliation Meeting or Custody Conciliation Conference has been previously scheduled at the time a party presents the Consent Custody Order to the Family Court Judge, the party shall provide a copy of the signed Consent Custody Order to the Civil Division of the Court Administrator's Office to ensure the Pre-Custody Conciliation Meeting or Custody Conciliation Conference is cancelled.

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

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

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

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

**L-1920.55-2 Master's Report. Notice. Exceptions. Final Decree.**

(a) Reserved.

(b) Reserved.

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

argument on the exceptions, if one is scheduled, by first class mail to the counsel for the parties or to the parties if unrepresented.

(c)(2) Exceptions may be filed to a Preliminary Master's Report and Recommendations only if the Preliminary Report and Recommendations addresses the underlying basis for the divorce and must be limited to that issue only. In such a case, exceptions must be filed within twenty (20) days after the Preliminary Report and Recommendations are mailed or received by the parties, whichever occurs first. The parties must then comply with paragraphs (c)(3) and (c)(4) below. No exceptions may be taken to any other issues included in the Preliminary Master's Report and Recommendations. Such issues will be included in the Final Master's Report and Recommendations, and parties may take exceptions thereto at that time.

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

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

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

[Pa.B. Doc. No. 07-432. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Irwin Jay Fredman having been disbarred by consent from the practice of law in the District of Columbia by Order of the District of Columbia Court of Appeals filed August 24, 2006, the Supreme Court of Pennsylvania issued an Order on March 2, 2007, disbaring Irwin Jay Fredman from the Bar of this Commonwealth, effective April 1, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 07-433. Filed for public inspection March 16, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

### Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking pertains to Sugar Lake, Crawford County and Cloe Lake, Jefferson County.

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7827. This proposed rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed amendments to §§ 111.20 and 111.33 (relating to Crawford County; and Jefferson County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purposes of the proposed amendments are described in more detail under the summary of proposals.

#### E. Summary of Proposals

(1) *Section 111.20.* The Commission received a petition to amend the regulations to increase the horsepower limit on Sugar Lake, Crawford County, from the current 6 horsepower to 10 horsepower. At its July 2006 meeting, the Commission directed staff to prepare a report with recommendations concerning the merits of the petition. The staff report was considered and reviewed by the Boating Advisory Board (Board) at its October 2006 meeting. The Board recommended that the horsepower be increased as proposed by the petitioner. The increase in horsepower is consistent with other lakes in Crawford County. The Commission therefore proposes to amend § 111.20 to read as set forth in Annex A.

(2) *Section 111.33.* Cloe Lake, Jefferson County, is a Commission-owned lake. Under § 53.8(a) (relating to boats), the operation of internal combustion engines is prohibited on Commission lakes. In accordance with this regulation, Cloe Lake has been regulated as an electric motors only lake. A recent review of the Commission's regulations in Chapter 111 revealed that they do not include Cloe Lake as being electric motors only. The Commission therefore proposes that § 111.33 be amended to add this restriction. The Commission proposes to amend § 111.33 to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** 48A-189. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 111. SPECIAL REGULATIONS COUNTIES

#### § 111.20. Crawford County.

\* \* \* \* \*

(d) *Sugar Lake.* The use of motors in excess of [ 6 ] 10 horsepower is prohibited.

\* \* \* \* \*

#### § 111.33. Jefferson County.

(a) *Kyle Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Cloe Lake.* The operation of boats powered by internal combustion motors is prohibited.

[Pa.B. Doc. No. 07-434. Filed for public inspection March 16, 2007, 9:00 a.m.]

### [58 PA. CODE CH. 69]

#### Fishing; Fishing in Lake Erie and Boundary Lakes

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S.

(relating to the Fish and Boat Code) (code). The proposed rulemaking prohibits the transportation of live fish out of the Lake Erie watershed.

*A. Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

*B. Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposed rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The proposed addition of § 65.3 (relating to transportation of live fish out of the Lake Erie watershed) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

*D. Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

*E. Summary of Proposal*

Lake Erie and the Great Lakes contain invasive species, including zebra mussels, round goby, ruffe, spiny water flea and others, that have been introduced. Many of these introductions are believed to have occurred from ballast water exchange. An infectious fish disease, caused by a variant of Viral Hemorrhagic Septicemia Virus (VHS), has caused mortalities of muskies, yellow perch and gizzard shad. These mortalities were first reported from Lake St. Clair, the St. Clair River in Michigan and western Lake Erie near Detroit in spring 2006. As spring progressed, freshwater drum, white bass and yellow perch were reported from western and central Lake Erie, including areas near the Pennsylvania/Ohio border. The disease also has been reported from Lake Ontario. Other variant of forms of VHS known from Europe and the western United States have caused significant mortality in hatchery fish.

On October 24, 2006, the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) issued an emergency order prohibiting the importation of certain live fish species from the Canadian provinces of Ontario and Quebec into the United States. In addition, export of live fish of the 37 species listed was prohibited from the eight Great Lake boundary states: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. On November 14, 2006, the APHIS issued an amended order that allowed restricted movement under requirements for testing and certification that fish are VHS free.

To contain the spread of invasive species and this disease, live fish from the portion of the Lake Erie watershed in this Commonwealth should not be transported out of the watershed and released into other waters. Therefore, the Commission proposes to make it unlawful to transport live fish out of the portion of the Lake Erie watershed in this Commonwealth and proposes to add § 69.3 (relating to transportation of live fish out of the Lake Erie watershed) to read as set forth in Annex A. Waters included in the portion of the Lake Erie watershed in this Commonwealth are Twentymile Creek, Orchard Beach Run, Sixteenmile Creek, Twelvemile Creek,

Eightmile Creek, Sevenmile Creek, Sixmile Creek, Fourmile Creek, Millcreek, Cascade Creek, Walnut Creek, Trout Run, Godfrey Run, Elk Creek, Crooked Creek, Raccoon Creek, Turkey Creek, Conneaut Creek, Ashtabula Creek and their tributaries.

By separate notice published at 37 Pa.B. 731 (February 10, 2007), the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), already has taken immediate action to make it unlawful to transport or cause the transportation of live fish out of the portion of the Lake Erie watershed in this Commonwealth. The temporarily modification went into effect immediately and will remain in effect in effect until January 1, 2008, unless the Commission, by appropriate action, adopts the new regulation.

*F. Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in another manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** 48A-191. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

**§ 69.3. Transportation of live fish out of the Lake Erie watershed.**

**It is unlawful to transport or cause the transport of live fish out of the portion of the Lake Erie watershed in this Commonwealth.**

[Pa.B. Doc. No. 07-435. Filed for public inspection March 16, 2007, 9:00 a.m.]

**[58 PA. CODE CH. 65]  
Fishing; Special Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking removes a special fishing regulation applicable to Sugar Lake, Crawford County.

*A. Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2008.

*B. Contact Person*

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7827. This proposed rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

*D. Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

*E. Summary of Proposal*

Sugar Lake is a 90-acre natural lake in southeastern Crawford County. A miscellaneous special regulation has been in place on this lake that provides for a 36-inch minimum size limit and 1 per day creel limit on muskellunge. The Commission recently amended Chapter 61 (relating to seasons, sizes and creel limits) to implement a 40-inch minimum size and 1 per day creel limit for muskellunge Statewide. The Commission therefore proposes that Sugar Lake be removed from management under the miscellaneous special regulations and be managed under the new Statewide regulation for muskellunge. The Commission proposes to amend § 65.24 to read as set forth in Annex A.

*F. Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic com-

ments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in another manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** 48A-190. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * *	* * *
<b>[ Crawford</b>	<b>Sugar Lake</b>	<b>Muskellunge—36-inch minimum size limit and a 1 muskellunge daily a creel limit. Other species—inland regulations apply. ]</b>
	* * *	* * *

[Pa.B. Doc. No. 07-436. Filed for public inspection March 16, 2007, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**[1 PA. CODE CHS. 301, 303, 305, 307, 309, 311, 311a, 313 AND 315]**

**Practices and Procedures of the Commission**

The Independent Regulatory Review Commission (Commission) proposes to amend Chapters 301, 305, 307 and 309, 311, 313 and 315 and to add 311a to read as set forth in Annex A.

*Statutory Authority*

This rulemaking is proposed under section 11(a) of the Regulatory Review Act (act) (71 P. S. § 745.11(a)).

*Purpose*

The primary purpose of this proposed rulemaking is to implement the provisions of the act regarding the timelines for the delivery of regulations, comments, Commission orders and reports immediately preceding and after the end of the legislative session. Other amendments establish timelines for delivery of Commission comments when the public comment period has been extended or reopened. In addition, editorial amendments have been made for improved readability.

*Summary of Amendments*

Amendments to § 301.2 (relating to regulation files) establish procedures for accessing and copying documents in the Commission's regulation files and set fees.

New §§ 305.1a and 307.3a (relating to formatting the text of a proposed regulation; and formatting the text of a final regulation) are added to clarify formatting requirements for proposed and final regulations.

Section 305.3 (relating to Commission review period) is amended to add provisions from § 305.4 (relating to Commission comments on a proposed regulation) for greater clarity. Section 305.4 will be rescinded. Proposed § 305.3 allows agencies to extend or reopen the public comment period and provides new timelines for the issuance of Commission comments after the end of the extended or reopened public comment period. Proposed § 305.3(b) provides that if the agency extends or reopens the public comment period before the Commission's review period ends, the Commission may have 30 days after the close of the extended or reopened public comment period to deliver Commission comments to the agency and the committees. Proposed § 305.3(r)(2) provides that if the agency reopens the public comment period after the Commission's review period ends, the Commission may have 30 days after the close of the reopened public comment period to deliver Commission comments to the agency and the committees which, at the Commission's discretion, will either supplement or replace the original Commission comments. If the Commission does not deliver Commission comments within 30 days after the close of the reopened public comment period, the original Commission comments will remain the official Commission comments. Proposed § 305.3(c)(8) provides that the 2-year period for promulgation will begin on the day after the extended or reopened public comment period ends.

Section 307.4 (relating to tolling the review period) has been renamed "Amending by withdrawing the regulation or tolling the review period." As rewritten, this section clarifies that there are two methods for revising a final regulation after it has been submitted to the Commission and the committees.

Section 307.5 (relating to procedure for tolling) has been renamed "Tolling the review period." This section establishes a much more streamlined method for tolling and revising a regulation.

Section 309.1 (relating to Commission and committee action on a final regulation) has been amended to allow a regulation which meets the statutory criteria of section 5(g) of the act (71 P. S. § 745.5(g)) to be deemed approved 30 days after receipt, even if the Commission does not have a public meeting in that time. This will eliminate delay in promulgating regulations which are not at all controversial.

Chapter 311a (relating to procedures for review of disapproved final regulations) has been added to clarify the time frames and deadlines for delivering regulations, comments, reports and orders immediately preceding and after the end of the legislative session.

*Contact Person*

Written comments, suggestions or objections will be accepted for 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. The Commission invites comments from the General Assembly, executive and independent agencies and interested parties. Comments and questions should be sent to Leslie Lewis Johnson, Esq., Deputy Chief Counsel, Independent Regu-

latory Review Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17101, (717) 783-5417, fax (717) 783-2664, irrc@irrc.state.pa.us. This proposed rulemaking is posted on the Commission's website at www.irrc.state.pa.us.

Alternative means of providing public comments and alternative formats of the proposed rulemaking, such as large print or cassette tape, may be made available to persons with disabilities upon request by calling Kristine M. Shomper, (717) 783-5417.

*Regulatory Review*

Under sections 5(a) and 11(a) of the act, on March 7, 2007, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Joint Committee on Documents and to the Chairpersons of the House State Government Committee and the Senate Rules and Executive Nominations Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the act, the Joint Committee on Documents 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 that have not been met. Prior to final-form publication, the Joint Committee on Documents, the General Assembly and the Governor are afforded the opportunity, under the procedures detailed in the act, to review all comments and recommendations received and objections raised.

ARTHUR COCCODRILLI,  
*Chairperson*

**Fiscal Note:** 70-8. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 1. GENERAL PROVISIONS**

**PART III. INDEPENDENT REGULATORY REVIEW COMMISSION**

**CHAPTER 301. GENERAL PROVISIONS**

**§ 301.1. Definitions.**

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

\* \* \* \* \*

*Commission*—[ **As defined in section 3 of the act** ]  
The Independent Regulatory Review Commission.

\* \* \* \* \*

*Commonwealth Attorneys Act*—[ **As defined in section 3 of the act** ] **The act of October 15, 1980 (P. L. 950, No. 164).**

*Commonwealth Documents Law*—[ **As defined in section 3 of the act** ] **The act of July 31, 1968 (P. L. 769, No. 240)** (71 P. S. §§ 732-101—732-506).

\* \* \* \* \*

*Delivery*—

(i) The deposit of regulations, correspondence or other documents with the Commission or committees through postal or other delivery service, hand delivery, [ **electronic mail** ( [e-mail] ) ] or facsimile.



(ii) The deposit of orders, **Commission** comments, **public comments**, correspondence or other documents with agencies, committees or persons through postal or other delivery service, hand delivery, e-mail or facsimile.

\* \* \* \* \*

*End of the legislative session*—The adjournment *sine die* or the expiration of the regular legislative session in an even-numbered year.

\* \* \* \* \*

[ **Form letters**—Letters which contain verbatim text. ]

\* \* \* \* \*

**Website**—The Commission’s website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

\* \* \* \* \*

**§ 301.2. Regulation files.**

\* \* \* \* \*

(b) [ **The** ] Regulation files [ **shall** ] will include the following materials:

\* \* \* \* \*

(2) Comments received from the time a proposed [ , ] or final [ **or existing** ] regulation is delivered until the Commission takes action on the regulation under section 5.1(e), (g)(3) or 7(c.1) of the act (71 P. S. § 745.5a(e), (g)(3) and 7(c.1)), or until the regulation is withdrawn or deemed withdrawn.

\* \* \* \* \*

(d) [ **Upon request, a** ] Any person may examine or obtain copies of the materials contained in [ **the** ] regulation files [ **during the Commission’s normal business hours** ]. The Commission will make regulation files available by doing one or more of the following:

- (1) **Posting on the Commission’s website.**
- (2) **Sending by means of e-mail or First Class Mail upon request.**
- (3) **Allowing inspection in the Commission office during normal business hours upon request.**

(e) The Commission may charge reasonable fees for [ **copies of** ] copying, certifying and mailing material contained in a regulation file. Fees will be posted on the website.

**§ 301.4. Expiration of time period for delivery of regulations or reports.**

(a) The time period for an agency to deliver a regulation or report to the Commission or a committee will [ **expire** ] end on the first business day after the expiration day established in the act or this part if [ **that** ] the expiration day is one of the following:

\* \* \* \* \*

**§ 301.5. Expiration of Commission review period.**

(a) The Commission review period will [ **expire** ] end on the first business day after the expiration day established under the act or this part if [ **that** ] the expiration day is one of the following:

\* \* \* \* \*

(4) **A day on which the Commission office is officially closed.**

(5) A Saturday or Sunday.

\* \* \* \* \*

§ 301.6. Delivery of a regulation to [ **the wrong** ] a committee **other than the committee designated to review the agency’s regulation.**

(a) Immediately upon discovery that the agency has delivered a regulation to a committee other than the [ **designated** ] committee [ **as defined in § 301.1 (relating to definitions)** ] designated to review its regulations, the agency shall deliver the regulation to the designated committee.

\* \* \* \* \*

(d) The review period of the Commission will begin as follows:

(1) For proposed regulations, the day after the close of the public comment period **under § 305.3 (relating to Commission comments)** or the day after delivery to the designated committee, whichever is later.

\* \* \* \* \*

**§ 301.8. Agency contact person.**

An agency may notify the Commission, in writing, of the name, title, address, e-mail address, telephone number and facsimile number of a single agency representative or office designated to receive comments, orders, embargoed material and other documents relating to a regulation, which the Commission delivers by facsimile or e-mail to the agency. If the agency does not designate a representative, the Commission will deliver documents to the agency head. [ **Delivery is deemed made if sent by facsimile or e-mail to the agency head, designated agency representative or office, and delivery is confirmed.** ]

**CHAPTER 303. MEETINGS OF THE COMMISSION**

**§ 303.1. Notice of Commission public meetings; participation; minutes.**

(a) The Commission will give notice of [ **its** ] public meetings in accordance with the Sunshine Act.

(b) The Commission will deliver notice of a [ **rescheduled** ] public meeting to the committees and [ **affected** ] agencies **whose regulations are on the agenda** at least 10-calendar days prior to the meeting date.

(c) [ **Commission public** ] **Public** meetings are conducted in compliance with the Sunshine Act.

(d) [ **Minutes of public meetings will be available for public inspection at the Commission office during regular business hours.** ] **The Commission will make minutes of public meetings available by doing one or more of the following:**

- (1) **Posting on the Commission’s website.**
- (2) **Sending by means of e-mail or First Class Mail upon request.**
- (3) **Allowing inspection in the Commission office during normal business hours upon request.**

(e) **The Commission may charge reasonable fees for copying, certifying and mailing minutes. Fees will be posted on the website.**

**§ 303.2. Blackout period.**

(a) During the blackout period, Commissioners and Commission staff may [ **initiate** ] contact [ **with** ] or

request information from any person regarding the substance of a regulation on the Commission's public meeting agenda.

(b) [ Comments may be delivered by agency staff, a member of the General Assembly, or legislative staff during the blackout period. Comments delivered by any other person during the blackout period will be embargoed, unless the comments are delivered at the request of the Commission. ] During the blackout period, the Commission will continue to accept comments submitted by agency staff, a member or staff person of the General Assembly, or a person submitting information at the request of the Commission. Comments submitted by any other person will be embargoed.

(c) [ Upon receipt, the ] Commission staff will deliver embargoed material and comments received during the blackout period to the agency and the committees within 24 hours of receipt.

\* \* \* \* \*

§ 303.3. Quorum.

\* \* \* \* \*

(b) Once a quorum is established, Commissioners who subsequently leave the meeting may continue to participate in meetings and vote on regulations by teleconference or proxy.

CHAPTER 305. PROCEDURES FOR DELIVERY AND REVIEW OF PROPOSED REGULATIONS

§ 305.1. Delivery of a proposed regulation.

\* \* \* \* \*

(b) The agency shall include the following material with the regulation:

\* \* \* \* \*

(2) A face sheet signed by the agency head, the Office of Attorney General and the Office of General Counsel or the chief counsel of an independent agency.

\* \* \* \* \*

[ (c) Proposed changes in an existing regulation shall be indicated using the following format:

(1) Brackets to indicate language proposed to be deleted from the existing regulation.

(2) Underscoring to indicate new language proposed to be added to the existing regulation.

(d) If the proposed regulation is new, and is not amending an existing regulation, no formatting is needed. ]

§ 305.1a. Formatting the text of a proposed regulation.

(a) Proposed amendments to an existing regulation shall be illustrated as follows:

(1) Brackets to indicate language proposed to be deleted.

(2) Underscoring or bolding to indicate new language proposed to be added.

(b) The formatting described in subsection (a) is not required if the entire regulation is new and is not amending an existing regulation.

§ 305.2. Delivery of comments and information by an agency; notification to commentators.

(a) From the date of delivery of the proposed regulation until the date the Commission takes final action on the regulation, the agency shall deliver to the Commission and committees copies of the following material relating to the regulation:

(1) [ Comments received. ] If a comment indicates that a copy has been sent to the Commission and the agency verifies that the comment was delivered to the Commission, the agency is not required to deliver an additional copy of that comment.

(2) Reports from advisory groups which the Commission or a committee has requested.

(3) Public notices or announcements regarding solicitation of public comments and information regarding meetings the agency has held or will hold which the Commission or a committee has requested.

(4) Transcripts of public hearings which the Commission or a committee has requested.

\* \* \* \* \*

(c) The agency [ shall ] may deliver one copy of form letters received, and indicate the number of copies of that form letter it has received as of the date of delivery.

(d) The agency shall inform each commentator of the following:

\* \* \* \* \*

(2) [ Upon ] That upon request, the agency will notify the commentator when the final-form regulation is delivered to the Commission.

(3) [ Upon ] That upon request, the agency will provide the commentator with either a copy of the final-form regulation or a summary of the changes to the proposed regulation which are incorporated in the final-form regulation.

§ 305.3. Commission [ review period ] comments.

[ The ] (a) Within 30 days after the close of the public comment period, the Commission may [ have 30 days after the expiration of the public comment period to review the regulation and ] deliver [ its ] Commission comments to the agency and the committees. The Commission will calculate its review period as beginning on the day after the expiration of the public comment period.

(b) An agency may extend or reopen the public comment period by delivering notice to the Commission and the committees, and publishing a notice in the Pennsylvania Bulletin that specifies the close of the extended or reopened public comment period.

(c) When an agency extends or reopens the public comment period, the following apply:

(1) If the agency extends or reopens the public comment period before the Commission review period expires, the Commission may have 30 days after the close of the extended or reopened public comment period to deliver Commission comments to the agency and the committees.

(2) If the agency reopens the public comment period after the Commission's review period expires, the Commission may have 30 days after the

close of the reopened public comment period to deliver Commission comments to the agency and the committees. The Commission comments, at the Commission's discretion, will either supplement or replace the original Commission comments delivered to the agency and the committees within the time prescribed in subsection (a). If the Commission does not deliver comments within 30 days after the close of the reopened public comment period, the original Commission comments delivered to the agency and the committees in accordance with subsection (a) will remain the official Commission comments.

(3) The 2-year period for promulgation under § 307.1 (relating to two-year period for promulgation) will begin on the day after the extended or reopened public comment period ends.

(d) The agency shall verify receipt of Commission comments in the following manner:

(1) If the Commission comments are hand delivered, by signing the Commission's receipt card.

(2) If the Commission comments are delivered by facsimile, by signing and transmitting by facsimile the cover page to the Commission.

(3) If the Commission comments are e-mailed, by sending a return e-mail to the Commission confirming receipt.

(e) Commission comments will specify the regulatory review criteria that are the basis for the Commission's objections, recommendations, statements or questions.

§ 305.4. [ Commission comments on a proposed regulation ] (Reserved).

[ (a) The Commission will deliver its comments on a proposed regulation to the agency on or before the date the comments are due.

(b) To verify receipt of the comments by hand delivery, the agency staff person shall sign the Commission's receipt card. To verify receipt of the comments by facsimile, the agency staff person shall sign the cover sheet and transmit it to the Commission by facsimile. To verify receipt of the comments by e-mail, the agency staff person shall send an e-mail message to the Commission indicating receipt of the comments.

(c) Commission comments will specify the regulatory review criteria that are the basis for the Commission's objections, recommendations, statements or questions. ]

CHAPTER 307. PROCEDURES FOR DELIVERY AND REVIEW OF FINAL REGULATIONS

§ 307.1. Two-year period for promulgation.

[ (a) ] If an agency does not deliver, or withdraws and does not resubmit, a final-form regulation within 2 years of the close of the original, extended or reopened public comment period for the proposed regulation, the agency is deemed to have withdrawn the regulation.

[ (b) An agency may extend or reopen the public comment period by publishing a notice in the *Pennsylvania Bulletin* prior to the date when the public comment period was originally scheduled to close.

(c) An agency may reopen a public comment period which has closed by publishing a notice in the *Pennsylvania Bulletin* prior to the expiration of the Commission review period under section 5(g) of the act (71 P. S. § 745.5(g)).

(d) If the public comment period is extended or reopened, the 2-year period for promulgation will begin on the day after the extended or reopened public comment period ends. ]

§ 307.2. Delivery of a final-form regulation.

\* \* \* \* \*

(b) On the same date that the agency submits the regulation to the committees and the Commission, the agency shall send, by first-class or [ electronic mail ] e-mail, a notice of submission and a copy of the text of the final-form regulation or a copy of all changes to the proposed regulation which are incorporated into the final-form regulation, to those commentators who requested information on the final-form regulation.

(c) The agency shall include the following documents with the regulation:

\* \* \* \* \*

(2) A face sheet signed by the agency head and the Office of General Counsel or chief counsel of an independent agency.

\* \* \* \* \*

[ (d) Changes to a new proposed regulation shall be indicated using the following format:

(1) Brackets to indicate language which is being deleted from the proposed regulation.

(2) Underscoring to indicate new language which is being added to the proposed regulation.

(e) Changes to a proposed amendment to an existing regulation shall be indicated using the following format:

(1) Strikeout type to indicate language in the existing or proposed regulation which is deleted in the final-form regulation.

(2) Capital letters to indicate new language in the final-form regulation which was not included in the existing or proposed regulation. ]

§ 307.3. Delivery of a final-omitted regulation.

\* \* \* \* \*

(b) The agency shall include the following documents with the regulation:

\* \* \* \* \*

(2) A face sheet signed by the agency head and the Office of General Counsel or chief counsel of an independent agency.

\* \* \* \* \*

[ (c) Amendments to an existing regulation shall be indicated using the following format:

(1) Brackets to indicate language deleted from the existing regulation.

(2) Underscoring to indicate new language added to the existing regulation. ]

**§ 307.3a. Formatting the text of a final regulation.**

(a) If the proposed regulation was published in the format prescribed in § 305.1a(a) (relating to formatting the text of a proposed regulation) as an amendment to an existing regulation, amendments in the final-form regulation shall be illustrated as follows:

(1) Strikeout type to indicate language in the existing or proposed regulation which is being deleted.

(2) Capital letters to indicate new language which is being added to the final-form regulation which was not included in the existing or proposed regulation.

(b) If the entire proposed regulation was published in the format set forth in § 305.1a(b) as new, and not an amendment to an existing regulation, amendments in the final-form regulation shall be illustrated as follows:

(1) Brackets to indicate language in the proposed regulation which is being deleted.

(2) Underscoring or bolding to indicate new language which is being added in the final-form regulation.

(c) If the entire final-omitted regulation is new, and not an amendment to an existing regulation, the formatting described in subsections (a) and (b) is not required.

(d) If the final-omitted regulation is an amendment to an existing regulation, amendments in the final-omitted regulation shall be illustrated as follows:

(1) Brackets to indicate language in the existing regulation which is being deleted.

(2) Underscoring or bolding to indicate new language which is being added in the final-omitted regulation.

**§ 307.4. [ Tolling ] Amending by withdrawing the regulation or tolling the review period.**

[ (a) After delivery of a final regulation to the Commission and committees, an agency may revise the regulation only if it tolls the review period in compliance with section 5.1(g) of the act (71 P. S. § 745.5a(g)) and this section.

(b) An agency may toll the review period only one time.

(c) The agency may toll the review period only to consider revisions recommended by the Commission or a committee.

(d) The agency shall toll the review period prior to the day on which either committee takes action on the regulation or the expiration of the Commission's review period under section 5.1(e) of the act (71 P. S. § 745.5a(e)) if neither committee takes action.

(e) The agency may toll the review period for up to 30 days.

(f) The agency may not toll the review period if the Commission objects. The Commission may object if the agency indicates in its notice of intent to toll that it is considering revisions that are broader

than or inconsistent with those recommended by the Commission or a committee. ]

After delivery of a final regulation to the Commission and committees, an agency may revise the regulation only if it does either of the following:

(1) Withdraws the final regulation in compliance with § 301.7 (relating to withdrawal of a regulation) and later submits the regulation with revisions. A revised final-form regulation shall be submitted within the 2-year time period under section 5.1(a) of the act (71 P. S. § 745.5a(a)) and §§ 305.3, 307.1 and 307.2 (relating to Commission comments; two-year period for promulgation; and delivery of a final-form regulation). A revised final-omitted regulation shall be submitted under § 307.3 (relating to delivery of a final-omitted regulation).

(2) Tolls the review period in compliance with section 5.1(g) of the act and § 307.5 (relating to tolling the review period).

**§ 307.5. [ Procedure for tolling ] Tolling the review period.**

[ (a) The Commission or a committee may deliver a recommendation for revising a final regulation to the agency.

(b) If the agency decides to toll the review period upon receipt of the recommendation, the agency shall deliver written notice of its intention to toll to the Commission and the committees on the same date.

(c) The written notice shall include the following:

(1) A citation to the section the agency is considering revising.

(2) A description of the revisions the agency is considering.

(3) An explanation of how the revisions the agency is considering will satisfy the Commission's or committee's concerns.

(d) The agency shall deliver the written notice of its intention to toll prior to the day on which either committee takes action on the regulation or the expiration of the Commission's review period under section 5.1(j.2) of the act (71 P. S. § 745.5a(j.2)) if neither committee takes action.

(e) If the Commission objects to the the agency's decision to toll the review period, it will notify the agency and the committees of its objections within 2 business days after its receipt of the agency's notice.

(f) If the Commission objects, the review period will not be tolled and the regulation will be reviewed within the time period established under section 5.1(e)—(j.3) of the act (71 P. S. § 745.5a(e)—(j.3)).

(g) The Commission will notify the agency, the committees, the Attorney General and the General Counsel of the first and 30th day of the tolled review period.

(h) Before the expiration of the tolled review period, the agency shall deliver a revised regulation, or a written notice that the regulation will not be revised, to the committees, the Commission and the Attorney General (for a final-omitted regulation) on the same date.

(i) The agency shall include a transmittal sheet signed by the committees with the regulation, or written notice that the regulation will not be revised.

(j) If the agency does not deliver a revised regulation, or written notice that the regulation will not be revised, before the expiration of the tolled review period, the agency is deemed to have withdrawn the regulation. The Commission will notify the agency, the committees, the Attorney General and the Office of General Counsel that the regulation is deemed withdrawn.

(k) Upon receipt of the revised regulation, or written notice that the regulation will not be revised, the Commission will notify the agency, the committees, the Attorney General and the Office of General Counsel of the beginning and ending dates of the Commission's review period.

(l) If the review period is tolled, the Commission's and the committees' review under section 5.1(e) and (j.1) of the act (71 P. S. § 745.5a(e) and (j.1)) is suspended until the agency delivers the revised regulation or notice that the regulation will not be revised.

(m) When the agency delivers the revised regulation or the notice that the regulation will not be revised, the Commission and the committees will resume their review. The Commission will have the remainder of the time provided by section 5.1(e) of the act or the time provided by section 5.1(g)(3) of the act (71 P. S. § 745.5a(g)(3)), whichever is greater, to take action on the regulation. The committees will have the time provided by section 5.1(j.1) of the act to take action on the regulation. ]

(a) The agency may toll the review period for up to 30 days only to consider revisions recommended by a committee or the Commission in compliance with section 5.1(g) of the act (71 P. S. § 745.5a(g)).

(b) If the agency decides to toll the review period, the agency shall notify the committees and the Commission under section 5.1(g)(1) of the act. The notice from the agency shall be in writing and include:

(1) A citation to each section the agency is considering revising.

(2) A description of the revisions the agency is considering.

(3) An explanation of how the revisions the agency is considering will respond to the Commission's or committee's recommendations.

(c) The agency may not toll the review period if the Commission objects. The Commission may object if the agency indicates in its notice of intent to toll that it is considering revisions that are broader than or inconsistent with those recommended by the Commission or a committee, or that do not meet the criteria in section 5.2 of the act (71 P. S. § 745.5b).

(d) If the Commission objects, the review period will not be tolled and the regulation will be reviewed within the time period established under section 5.1(e)—(j.3) of the act.

(e) Before the expiration of the 30-day tolled review period, the agency shall deliver a revised regulation or notice that the review period will not

be tolled to the committees, the Commission and the Attorney General (for a final-omitted regulation) on the same date, or notify the Commission, the committees and the Attorney General (for a final-omitted regulation) that it will not revise the regulation.

(f) The agency shall include a transmittal sheet signed by the committees with its delivery of the revised regulation or notice that the regulation will not be revised.

(g) If the revised regulation contains provisions that were not recommended by the Commission or a committee, the Commission may disapprove the regulation.

(h) The agency may toll the review period only one time.

§ 307.6. Commission [and committee] review of a final regulation; time period for Commission review.

(a) The Commission may not act on a final regulation [for at least 20 days after delivery of the final regulation] until the expiration of the time for committee review under section 5.1(j.1) of the act (71 P. S. § 745.5a(j.1)).

\* \* \* \* \*

(d) To determine whether the final regulation meets the regulatory review criteria, the Commission will consider [comments from interested parties, members of the General Assembly and the committees, and the agency's response to those comments.] the following:

- (1) Comments from the committees.
- (2) Comments from members of the General Assembly.
- (3) Pertinent opinions issued by Pennsylvania and Federal courts.
- (4) Comments from the public.
- (5) The agency's response to comments and Commission comments.

CHAPTER 309. ACTION ON REGULATIONS

§ 309.1. Commission and committee action on a final regulation.

\* \* \* \* \*

(c) The Commission is deemed to have approved a final-form regulation if one of the following conditions [apply] applies:

- (1) All of the following events occur:
  - (iii) A committee has not conveyed to the Commission or agency any recommendations, comments or objections after the expiration of the Commission comment period under section 5(g) of the act (71 P. S. § 745.5(g)) but within the time frame for committee review under section 5.1(j.2) of the act.

\* \* \* \* \*

(v) The Commission's next public meeting occurs more than 30 days after receipt of the final-form regulation.

\* \* \* \* \*

(d) The Commission will notify the LRB, the committees, and the agency of its action on or deemed approval of a regulation.

\* \* \* \* \*

§ 309.2. Committee disapproval or notification of intent to review/Commission approval of a final regulation.

\* \* \* \* \*

(b) If a committee disapproves a regulation, or notifies the Commission and the agency that it intends to review the regulation, the agency may not promulgate the regulation until the time for reporting and adopting a concurrent resolution expires in accordance with section 5.1(j.2) and (j.3) and section 7(d) of the act (71 P. S. § 745.7(d)).

CHAPTER 311. PROCEDURES FOR REVIEW OF DISAPPROVED FINAL REGULATIONS

§ 311.1. Commission disapproval of a final regulation.

\* \* \* \* \*

(b) The Commission will deliver its disapproval order to the LRB, the committees, the agency[, ] and the Attorney General [ and the ]. The Commission may notify commentators listed by the agency as having requested information on the final regulation by delivery of the disapproval order or by publication of a legal notice under 45 Pa.C.S. Chapter 3 (relating to Newspaper Advertising Act).

\* \* \* \* \*

§ 311.2. Response by an agency to Commission disapproval.

(a) Upon receipt of the Commission's disapproval order, the agency may select one of the following three options:

(1) To proceed with promulgation of the regulation without revisions, under § 311.3 (relating to report for a disapproved regulation submitted without revisions or modifications).

(2) To revise the regulation in order to respond to the Commission's objections, under § 311.4 (relating to report for a disapproved regulation submitted with revisions).

(3) To withdraw the regulation, under subsection (b).

(b) If the agency does not deliver a report to the Commission and the committees within [ 40 days after receipt of the Commission's disapproval order, in accordance with ] the time prescribed in section 7(b) or (c) of the act (71 P. S. § 745.7(b) [ or ] and (c)) and § 311a.7 (relating to delivery of the report for subsequent review of a disapproved regulation), the agency is deemed to have withdrawn the regulation.

§ 311.3. Report for a disapproved regulation submitted without revisions or modifications.

If the agency chooses to proceed with promulgation of the regulation without revision under § 311.2(a)(1) (relating to response by an agency to Commission disapproval), the report [ shall ] must contain the following:

\* \* \* \* \*

(4) A signed transmittal sheet indicating the report was delivered to the committees on the same date [ that ] on which it was delivered to the Commission.

§ 311.4. Report for a disapproved regulation submitted with revisions.

If the agency chooses to revise or modify the final regulation under § 311.2(a)(2) (relating to response by an agency to Commission disapproval), the report [ shall ] must contain the following:

(1) The revised final regulation, formatted in accordance with § 307.3a (relating to formatting the text of a final regulation).

\* \* \* \* \*

(4) A signed transmittal sheet [ signed by the committees ] indicating that the report was delivered to the committees on the same day on which it was delivered to the Commission.

§ 311.5. Subsequent review of disapproved regulation.

\* \* \* \* \*

[ (h) If the agency is prevented from delivering its report to the committees because of the end of the legislative session, the agency shall proceed in accordance with section 7(c) of the act (71 P. S. § 745.7(c)).

(i) If the Commission is prevented from delivering its approval or disapproval order to the committees because of the end of the legislative session, the Commission will deliver its order in accordance with section 7(c) of the act. ]

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

CHAPTER 311a. DELIVERY OF REGULATIONS, COMMENTS, REPORTS AND ORDERS BEFORE AND AFTER THE END OF THE LEGISLATIVE SESSION

- Sec. 311a.1. Delivery of a proposed regulation after the end of the legislative session.
311a.2. Delivery of public comments after the end of the legislative session.
311a.3. Delivery of Commission comments after the end of the legislative session.
311a.4. Delivery of a final regulation within 20 days before the end of the legislative session.
311a.5. Delivery of a final regulation after the end of the legislative session.
311a.6. Delivery of notice of intent to toll the review period after the end of the legislative session.
311a.7. Delivery of the report for subsequent review of a disapproved regulation.
311a.8. Notification of Commission action on or deemed approval of a regulation or report after the end of the legislative session.

§ 311a.1. Delivery of a proposed regulation after the end of the legislative session.

(a) An agency may deliver a proposed regulation and required material to the Commission and the LRB after the end of the legislative session. The public comment period will begin upon publication of the proposed regulation in the Pennsylvania Bulletin. The Commission may submit comments within the time frame set forth in § 305.3 (relating to Commission comments).

(b) An agency may not deliver the proposed regulation and required material to the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the agency does not deliver the proposed regulation and required material to the committees by the

second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, the regulation will be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency shall submit a new proposed regulation to the Commission, committees and LRB in accordance with section 5(a) of the act (71 P. S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation).

(d) The agency is not required to redeliver the regulation to the Commission when it delivers the regulation to the committees.

(e) The agency shall deliver the transmittal sheet signed by the committees to the Commission on the same day that it delivers the regulation to the committees.

(f) The agency may not make any changes in the regulation after delivery to the Commission. If the agency wants to amend the proposed regulation prior to delivery to the committees, the agency shall withdraw the regulation from the Commission and submit a new proposed regulation to the Commission, committees and LRB in accordance with section 5(a) of the act and § 305.1.

**§ 311a.2. Delivery of public comments after the end of the legislative session.**

(a) The agency shall deliver public comments to the Commission in accordance with § 305.1a (relating to formatting the text of a proposed regulation).

(b) The agency may not deliver public comments to the committees which are received after the end of the legislative session until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the agency does not deliver public comments received after the end of the legislative session to the committees by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, the agency may be in violation of the act and this part, under section 5.2(b)(6) of the act (71 P. S. § 745.5(b)(6)).

**§ 311a.3. Delivery of Commission comments after the end of the legislative session.**

(a) The Commission will deliver comments to the agency issued after the end of the legislative session in accordance with section 5(g) of the act (71 P. S. § 745.5(g)).

(b) The Commission may not deliver Commission comments issued after the end of the legislative session to the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) The Commission will deliver Commission comments issued after the end of the legislative session to the committees by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*.

**§ 311a.4. Delivery of a final regulation within 20 days before the end of the legislative session.**

(a) An agency may deliver a final regulation to the Commission and the committees up to the end of the legislative session.

(b) If the end of the legislative session occurs before the committees have had at least 20 days to review the regulation, the agency shall redeliver the final regulation

and required material to the Commission and committees in the next legislative session.

(c) The agency may not redeliver the final regulation and required material to the Commission and the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(d) If the agency does not redeliver the final regulation by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, the regulation shall be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency shall submit either a new proposed regulation to the Commission, committees and LRB in accordance with section 5(a) of the act (71 P. S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation), a new final-form regulation to the Commission and the committees in accordance with section 5.1(a) of the act (71 P. S. § 745.5a(a)) and § 307.2 (relating to delivery of a final-form regulation), or a final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act and § 307.3 (relating to delivery of a final-omitted regulation).

**§ 311a.5. Delivery of a final regulation after the end of the legislative session.**

(a) An agency may not deliver a final regulation and required material to the Commission and the committees after the end of the legislative session.

(b) The agency may not deliver the final regulation and required material to the Commission and the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the 2-year period for promulgation of a final-form regulation under section 5.1(a) of the act (71 P. S. § 745.5a(a)) and § 307.1 (relating to two-year period for promulgation) expires after the end of the legislative session, the agency shall deliver the final-form regulation and required material to the Commission and the committees by the second Monday after publication of both committee designations in the *Pennsylvania Bulletin*. If the agency does not deliver the final-form regulation and required material by this date, the regulation shall be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency shall submit a new proposed regulation to the Commission, committees and LRB in accordance with section 5(a) of the act (71 P. S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation), or a final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act and § 307.3 (relating to delivery of a final-omitted regulation).

**§ 311a.6. Delivery of notice of intent to toll the review period after the end of the legislative session.**

After the end of the legislative session, an agency may not deliver notice of its intention to toll the review period until the committees resume their review in accordance with section 5.1(j.1) of the act (71 P. S. § 745.5(j.1)).

**§ 311a.7. Delivery of the report for subsequent review of a disapproved regulation.**

(a) An agency may not deliver its report and required material under section 7(b) or (c) of the act (71 P. S. § 745.7(b) and (c)) and § 311.3 or § 311.4 (relating to report for a disapproved regulation submitted without

revisions or modifications; and report for a disapproved regulation submitted with revisions) after the end of the legislative session.

(b) The agency may not deliver its report and required material until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the agency does not deliver its report and required material by the second Monday after both committee designations have been published in the *Pennsylvania Bulletin*, the disapproved final regulation shall be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency shall submit either a new proposed regulation to the Commission, committees and LRB in accordance with section 5(a) of the act (71 P. S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation), a new final-form regulation to the Commission and the committees in accordance with section 5.1(a) of the act (71 P. S. § 745.5a(a)) and § 307.2 (relating to delivery of a final-form regulation), or a final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act and § 307.3 (relating to delivery of a final-omitted regulation).

**§ 311a.8. Notification of Commission action on or deemed approval of a regulation or report after the end of the legislative session.**

(a) The Commission may not notify the committees of its approval, disapproval or deemed approval of a regulation or report after the end of the legislative session.

(b) The Commission may not notify the committees of its approval, disapproval or deemed approval of a regulation or report until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the Commission does not deliver its order disapproving the agency's report to the committees by the second Monday after both committee designations have been published in the *Pennsylvania Bulletin*, the Commission will be deemed to have approved the agency's report and final regulation.

**CHAPTER 313. EMERGENCY CERTIFIED REGULATIONS**

**§ 313.1. General.**

(a) An agency may deliver a final regulation as an emergency certified regulation, **under section 6(d) of the act (71 P. S. § 745.6(d))**, in either of the following situations:

\* \* \* \* \*

**§ 313.2. Review of an emergency certified final regulation.**

\* \* \* \* \*

(b) Review of an emergency certified regulation shall be in accordance with the procedures of Chapters 307, 309 [and], 311 and 311a [relating to procedures for delivery and review of final regulations; action on regulations; and procedures for review of disapproved final regulations]. If the emergency certified regulation is disapproved, the regulation shall be rescinded after 120 days or upon final disapproval under section 7(d) of the act (71 P. S. § 745.7(d)), whichever occurs later.

\* \* \* \* \*

**CHAPTER 315. EXISTING REGULATIONS AND UNPUBLISHED DOCUMENTS**

**§ 315.1. Review of an existing regulation.**

(a) The Commission, on its own motion or at the request of any person or member of the General Assembly, may review an existing regulation which has been in effect for at least 3 years, **under section 8.1 of the act (71 P. S. § 745.8a)**. If a committee of the Senate or House of Representatives requests the review, the Commission will assign it high priority.

\* \* \* \* \*

[Pa.B. Doc. No. 07-437. Filed for public inspection March 16, 2007, 9:00 a.m.]

**INSURANCE DEPARTMENT**

[31 PA. CODE CH. 133]

**Preparation and Filing of Forms for Approval (Fire and Casualty)**

The Insurance Department (Department) proposes to delete Chapter 133 (relating to preparation and filing of forms for approval (fire and casualty)) to read as set forth in Annex A. This rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 422 and 412) and section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b).

*Purpose*

The purpose of this proposed rulemaking is to rescind Chapter 133 to eliminate obsolete, unnecessary regulations. The provisions of this chapter were adopted at 1 Pa.B. 364 (October 10, 1970).

Chapter 89b (relating to approval for life insurance, accident and health insurance and property and casualty insurance filing and form) was adopted at 32 Pa.B. 5747 (November 23, 2002) and renumbered at 32 Pa.B. 6128 (December 14, 2002), which revised the regulations for property and casualty insurers filing provisions and preparation of forms. The regulations prescribed the submission requirements for fire and casualty forms filed for automobile, glass, general liability, homeowners, package, and the like, and fire lines of insurance. The standards were incorporated into Chapter 89b and, therefore, the regulations in Chapter 133 are outdated and no longer needed.

*Affected Parties*

The proposed rescission of Chapter 133 affects property and casualty insurers, the State Workmen's Insurance Fund and title insurers.

*Fiscal Impact*

There is no fiscal impact as a result of the rescission of Chapter 133.

*Paperwork*

The rescission of Chapter 133 would impose no additional paperwork requirements on the Department or insurers.

*Effectiveness/Sunset Date*

The rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to rescind Chapter 133, no sunset date has been assigned.



*Contact Person*

Questions or comments regarding the proposed rulemaking should be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@state.pa.us within 30 days following the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the Department is required to write to all commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve the stakeholders, the Department has made a determination that all commentators will receive a copy of the final-form rulemaking when it is made available to the Independent Regulatory Review Commission (IRRC) and the Legislative Standing Committees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 2, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Committee on Insurance. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the

close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

**Fiscal Note:** 11-234. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 31. INSURANCE****PART VIII. MISCELLANEOUS PROVISIONS****CHAPTER 133. [ PREPARATION AND FILING OF FORMS FOR APPROVAL (FIRE AND CASUALTY) ]  
(Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Department is proposing to rescind Chapter 133, which appears in 31 Pa. Code pages 133-1—133-4, serial pages (254713) to (254716).)

**§§ 133.1—133.12. (Reserved).**

[Pa.B. Doc. No. 07-438. Filed for public inspection March 16, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Vegetable Marketing and Research Program; Referendum Order

A referendum will be held to vote on a recommended increase to the Pennsylvania Vegetable Marketing and Research Program (Program) assessment fee by changing the threshold for assessing the additional \$1.50 per acre assessment from 10 acres to 5 acres (or for greenhouse vegetable growers from 10,000 square feet to 5,000 square feet). This has the net effect of increasing the assessment by \$1.50 for growers with 6 acres (or with 6,000 square feet of greenhouse vegetables); by \$3.00 for growers with 7 acres (or with 7,000 square feet of greenhouse vegetables); by \$4.50 for growers with 8 acres (or with 8,000 square feet of greenhouse vegetables); by \$6.00 for growers with 9 acres (or with 9,000 square feet of greenhouse vegetables) or by \$7.50 for growers with 10 or more acres (or with 10,000 square feet of greenhouse vegetables). No hearing is scheduled for this referendum unless a producer member requests one in writing. To request a hearing notify Ron Walker, in writing, at the Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110 within 7 days of the signed date of this referendum.

(I) The Program was established under the provisions of the act of March 24, 1998 (P. L. 217, No. 39) known as the Agricultural Commodities Marketing Act (act). The act requires that the Secretary of Agriculture (Secretary) call a referendum of affected producers any time there is a proposed change to the Program order. The referendum to be held for the Program will determine whether a majority of those voting and majority of production volume of those voting want the requested assessment increase.

(II) *Referendum Period:* The referendum period shall be March 26, 2007, until 4 p.m. on April 9, 2007. Completed ballots must be mailed or hand-delivered to the Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, PA

17110. Hand-delivered ballots must be received by 4 p.m. on April 9, 2007. Ballots that are mailed must be postmarked no later than April 9, 2007, and received no later than April 12, 2007.

(III) *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 23, 2007, to all affected producers whose names appear on the list of vegetable growers maintained in this Commonwealth maintained in the Office of the Secretary. Additional copies of the same materials shall be made available at the Office of the Secretary.

(IV) *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is March 23, 2007. All vegetable producers who grew 1 or more acres of vegetables for sale and/or 1,000 square feet of greenhouse vegetables for sale in this Commonwealth during the growing season of October 15, 2005, to October 14, 2006, are eligible to vote on the referendum.

(V) *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary. The counting of the ballots will begin at 10 a.m., Friday, April 13, 2007, at the Department of Agriculture building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum. The results will be published in the *Pennsylvania Bulletin* and Harrisburg *Patriot-News*, and disseminated to the news media.

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

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

(VIII) *Effective Date:* The foregoing order is effective immediately.

DENNIS C WOLFF,  
Secretary

[Pa.B. Doc. No. 07-439. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 6, 2007.

### BANKING INSTITUTIONS

#### Interim Charter Application

Date	Name of Bank	Location	Action
2-28-07	Sussex Interim Bank Westfall Township Pike County	Westfall Township, PA	Effective

Interim bank is being chartered solely to facilitate the ability of Sussex Bank, Franklin, NJ, a New Jersey State-chartered bank, to establish a branch office in PA.

**Holding Company Acquisitions**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-1-07	Northwest Bancorp, Inc., Warren, to acquire 100% of the voting shares of Penn Laurel Financial Corporation, Curwensville	Warren	Filed

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-1-07	Northwest Savings Bank, Warren, and CSB Bank, Curwensville Surviving Institution— Northwest Savings Bank, Warren	Warren	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-20-07	Citizens Bank of Pennsylvania Philadelphia County Philadelphia	400 Adams Shoppes Mars Butler County	Opened
3-5-07	Gateway Bank of Pennsylvania McMurray Washington Street	Commonwealth Drive at Freedom Road Cranberry Township Butler County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-07	Mid Penn Bank Millersburg Dauphin County	<i>To:</i> 4642 State Route 209 Elizabethville Dauphin County  <i>From:</i> 2 East Main Street and 11-13 East Main Street (Drive-Up) Elizabethville Dauphin County	Effective
3-5-07	AmeriServ Finanacial Bank Johnstown Cambria County	<i>Into:</i> 179 Lovell Avenue Ebensburg Cambria County  <i>From:</i> 104 South Center Street Ebensburg Cambria County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
2-28-07	Pennsylvania Business Bank Philadelphia Philadelphia County	Provides for the amendment and revision of Article Fifth in its entirety to provide for an increase in the number of shares of common stock and also provide for the issuance of preferred stock.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Community Charter Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-2-07	Lancaster Red Rose Credit Union Lancaster Lancaster County	Lancaster	Filed

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
	Represents the credit union's notice to amend its Articles of Incorporation in order to serve a field of membership limited to people, businesses, organizations, associations and other legal entities who live, work, worship or attend school in Lancaster County, PA.		

VICTORIA A. REIDER,  
*Acting Secretary*

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

[Pa.B. Doc. No. 07-440. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will hold a meeting on Wednesday, March 28, 2007, 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-441. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0021555 Minor Sewage	Weatherly Municipal Authority 10 Wilbur Street Weatherly, PA 18255	Weatherly Borough Carbon County	Black Creek 02B	Y
PA0044270 Minor Sewage	Keystone Mobil Home Park P. O. Box 295 Birdsboro, PA 19508	North Whitehall Township Lehigh County	Lehigh River 2C	Y
PAS212208 Industrial Waste	Frank Casilio & Sons, Inc. 1035 Mauch Chunk Road Bethlehem, PA 18016	Lehigh Upper Macungie Township	Little Lehigh Creek 02C	Y
PAS212209 Industrial Waste	Frank Casilio & Sons, Inc. 1035 Mauch Chunk Road Bethlehem, PA 18016	Northampton Bethlehem City	Saucon Creek 02C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PAS144813 IW	Centre Concrete Inc. P. O. Box 859 State College, PA 16804-0859	College Township Centre County	UNT Spring Creek 9C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221902	Matson Timberland Co., LLP 143 Main Street Brookville, PA 15825	Union Township Jefferson County	UNT to Little Mill Creek and Coder Run 17-C	Y
PA0222160	Patricia L. Piela Hemlock Mobile Home Park 2213 Martin Road New Castle, PA 16101	Wolf Creek Township Mercer County	UNT to East Branch Wolf Creek 20-C	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.*

**PA0051268**, Sewage, SIC 712, **Historical and Museum Commission**, P. O. Box 103, Washington Crossing, PA 18977. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: Discharge of 35,000 gpd of treated sewage into the Delaware River.

The receiving stream, the Delaware River, is in the State Water Plan Watershed 2E and is classified for special protection waters. The nearest downstream public water supply intake for the PA American Water Company is located on the Delaware River and is (F—number of miles) miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 35,000 gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			25		50
Total Suspended Solids			30		60
Ammonia as N			20		40
Fecal Coliform			200 #/100 ml		
pH			6.0 (min.)		9.0
Total Residual Chlorine			0.5		1.2

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

1. Discharges into special protection waters.

**NPDES Permit No. PA0050466**, Sewage, SIC 4952, **East Vincent Municipal Authority—Veterans Center Sewage Treatment Plant**, 262 Ridge Road, Spring City, PA 19475. This proposed facility is located in East Vincent Township, **Chester County**.

Description of Activity: Renewal of Sewage Treatment Plant's NPDES permit to discharge effluent to a UNT of the Schuylkill River.

The receiving water, a UNT of the Schuylkill River, is in the State Water Plan Watershed 3E-Perkiomen and is classified for WWF. The nearest downstream public water supply intake for Aqua-PA (Phoenixville) is located on the Schuylkill River and is approximately 3.5 miles below the point of discharge.

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

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	10	15		20
Ammonia as N	3.0			6.0
Total Residual Chlorine	0.5			1.2
Fecal Coliform	200 #/100 ml (as Geometric Mean)			1,000 #/100 ml
Dissolved Oxygen	3.0 (Minimum)			
pH (Standard Units)	6.0 (Min.)			9.0 (Max.)

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

1. Dry stream discharge.
2. Proper sludge disposal.

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

**Application No. PA 0020648**, Sewage, **Port Royal Municipal Authority**, P. O. Box 236, Port Royal, PA 17082. This facility is located in Milford Township and Port Royal Borough, **Juniata County**.

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

The receiving stream, Juniata River, is in Watershed 12-A, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.200 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	1.5		2.5
Total Phosphorus		Monitor lbs per year annual	
Total Nitrogen		Monitor lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	

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

The EPA waiver is not in effect.

**Application No. PA 0021491**, Sewage, **Williamstown Borough Sewer Authority**, P. O. Box 44, Williamstown, PA 17098. This facility is located in Williams Township, **Dauphin County**.

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

The receiving stream, Wiconisco Creek, is in Watershed 6-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.375 mgd are:

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

The proposed effluent limits for Outfall 001 for a design flow of 0.450 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
NH <sub>3</sub> -N	Monitor and Report	Monitor and Report	Monitor and Report
Total Phosphorus		974 lbs per year annual	
Total Nitrogen		7,306 lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	

In addition to the effluent limits, the permit contains the following major special conditions: Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is not in effect.

**Application No. PA 0009253**, Industrial waste, sewage, groundwater and stormwater, SIC Code 3795, **BAE Systems Land and Armaments, LP, Ground Systems Division**, 1100 Bairs Road, York, PA 17404. This facility is located in West Manchester Township, **York County**.

Description of activity: The application is for the renewal of an NPDES permit for existing discharges of industrial waste, sewage, treated groundwater and stormwater.

The receiving streams, Codorus Creek and UNTs thereto, are in Watershed 7-H, and are classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake, Wrightsville Water Supply Company, is located approximately 28 miles downstream on the Susquehanna River. The discharge is not expected to affect the water supply.

The proposed effluent limitations for Outfall 102 based on a design flow of 0.0071 mgd and discharge to Codorus Creek are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (Standard Unit)		From 6.0 to 9.0 inclusive	
Dissolved Oxygen		Minimum of 5.0 mg/l at all times	
Total Suspended Solids	30		60
CBOD <sub>5</sub>	25		50
NH <sub>3</sub> -N (5-1 to 10-31)	23		46
(11-1 to 4-30)	Monitor and Report		
Total Phosphorus	2.0		4.0
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed effluent limitations for Outfall 002 based on a design flow of 0.0288 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (Standard Unit)		From 6.0 to 9.0 inclusive	
Tetrachloroethylene	0.0008	0.0016	0.002

The proposed effluent limitations for Outfall 003 based on a design flow of 0.0288 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (Standard Unit)		From 6.0 to 9.0 inclusive	
Tetrachloroethylene	0.0008	0.0016	0.002

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

The EPA waiver is in effect.

**Application No. PA 0248398**, Concentrated Animal Feeding Operation (CAFO), **Mason Dixon Farms, Inc.**, 1800 Mason Dixon Road, Gettysburg, PA 17325.

Mason Dixon Farms, Inc. has submitted an NPDES permit renewal application for Mason Dixon Farms, an existing dairy operation located in Freedom Township, **Adams County**. The CAFO is situated near Marsh Creek (Watershed 13-D), which is classified as a CWF. The CAFO has a target animal population of approximately 4,415 animal equivalent units consisting of 2,300 adult dairy cows, 1,940 heifers and 315 calves. Manure storage facilities at the operation have a total capacity exceeding 40 million gallons.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

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

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

**PA0043648**, Industrial Waste, SIC, 1221, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748. This application is for renewal of an NPDES permit to discharge treated process water, sewage and stormwater from a coal cleaning plant in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT of Cherry Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is EME Homer City Power Station, 1.5 miles below the discharge point on Two Lick Creek.

*Outfall 001: existing discharge, design emergency overflow of intermittent flow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			35		70
Iron			3.5		7.0



## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Manganese			2.0		4.0
Selenium			0.017		0.034
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, average flow of 0.0021 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
CBOD <sub>5</sub>			25.0		50.0
Suspended Solids			30.0		60.0
Total Residual Chlorine			0.5		1.25
Ammonia					
(5-1 to 10-31)			8		16
(12-1 to 4-30)			24		48
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a geometric mean		
(10-1 to 4-30)			2,000/100 ml as a geometric mean		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0216593**, Industrial Waste, SIC, 4922, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056. This application is for renewal of an NPDES permit to discharge treated contaminated groundwater and stormwater from the Holbrook Compressor Station in Richhill Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, North Fork of Dunkard Fork Creek, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is N/A, located at N/A, N/A miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0454 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Polychlorinated Biphenyls (PCBs)			$9.75 \times 10^{-7}$	$2.00 \times 10^{-6}$	
Oil and Grease			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above water quality based limits are below the minimum detection level and are not quantifiable using EPA approved analytical methods. Thus, a special condition is included in the permit to address this issue. Refer to Part C, Condition No. 6.

The EPA waiver is in effect.

**PA0028452**, Sewage, **Dunkard-Bobtown Municipal Authority**, P. O. Box 352, Bobtown, PA 15315. This application is for renewal of an NPDES permit to discharge treated sewage from Dunkard Bobtown STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunkard 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 Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.15 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5.5	8.3		11.0
(11-1 to 4-30)	16.5	24.8		33.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204340**, Sewage, **Brett Weimer**, 181 Newhouse Road, New Alexandria, PA 15670. This application is for renewal of an NPDES permit to discharge treated sewage from New Alexandria Mobile Home Park STP in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Loyalhanna 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 Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

*Outfall 001*: existing discharge, design flow of 0.00589 mgd.

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

The EPA waiver is in effect.

**PA0205061**, Sewage, **Hopewell Area School District**, 2354 Broadhead Road, Aliquippa, PA 15000-4501. This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Elementary School STP in Raccoon Township, **Beaver County**.

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

*Outfall 001*: existing discharge, design flow of 0.00854 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	3.0			6.0
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	0.02			0.04
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 1406408**, Sewerage, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801. This proposed facility is located in Ferguson Township, **Centre County**.

Description of Proposed Action/Activity: Upgrades to the existing Scott Road Pump Station to include two new dual submersible pump systems along with related valves and piping.

**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****V. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*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>
PAI011507007	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	UNT Pickering Creek HQ
PAI011507008	Binkley and Ober, Inc. P. O. Box 7 East Petersburg, PA 17520	Chester	Upper Oxford and West Fallowfield Townships	Big Elk Creek HQ-TSF-MF
PAI011507009	John Daniel Reid 480 West Christine Road Nottingham, PA 19362	Chester	West Nottingham Township	Black Run EV
PAI014607001	Westrum Urban Construction, LLC 370 Commerce Drive Fort Washington, PA 19034	Montgomery	Ambler Borough	Wissahickon Creek/Schuylkill Watershed TSF

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507003	Pocono Community Church, Inc. 4 Fork Street Suite 2080 Mt. Pocono, PA 18344	Monroe	Coolbaugh Township	Red Run HQ-CWF
PAI024507002	M.I.B. Group, LLC HC 1, Box 88 Swiftwater, PA 18370	Monroe	Pocono Township	Tributary to Scot Run HQ-CWF
PAI024507004	Kenneth A. Schuchman P. O. Box 404 Marshalls Creek, PA 18335	Monroe	Smithfield Township	Marshalls Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q207R	Department of Transportation 1002 Hamilton Street Allentown, PA 18101	Lehigh	Upper Macungie, Lower Macungie and South Whitehall Townships	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807003	Nolan A. Perin P. O. Box 639 Wind Gap, PA 18091	Northampton	Bushkill and Plainfield Townships	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033607003	JPM Keller, LLC P. O. Box 291 Lititz, PA 17543	Lancaster	Elizabeth Township	UNT Furnace Run/HQ

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

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

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 5407502**, Public Water Supply.

Applicant	<b>Charles Header</b> Barry Township <b>Schuylkill County</b>
Responsible Official	Charles Header 82 Mabel Road Ashland, PA 17921
Type of Facility	BVRB
Consulting Engineer	Edward E. Davis, P. E. Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608
Application Received Date	2/09/2007

Description of Action	The proposed project will consist of the construction of a spring water collection, transfer, treatment and storage system for a bulk water hauling operation.
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*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3606518**, Public Water Supply.

Applicant	<b>Tucquan Park Family Campground</b>
Municipality	Martic Township
County	<b>Lancaster</b>
Responsible Official	David A. Roberts, Owner 917 River Road Holtwood, PA 17532
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates Inc. 18 South George Street York, PA 17401
Application Received:	11/27/2006
Description of Action	Installation of an anion exchange system to remove elevated levels of nitrates in the source water.

**Permit No. 3606512**, Public Water Supply.

Applicant	<b>Oregon Dairy, Inc.</b>
Municipality	Manheim Borough
County	<b>Lancaster</b>
Responsible Official	Wilmer M. Hurst Owner/Manager 2900 Oregon Pike Lititz, PA 17543
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received:	10/10/2006
Description of Action	Installation of an anion exchange system to remove elevated levels of nitrates in the source water.

**Permit No. 2806504**, Public Water Supply.

Applicant	<b>Deerwood Community Homeowners Association (Whitetail LLP)</b>
Municipality	Montgomery Township
County	<b>Franklin</b>

Responsible Official Nick Hodges  
11375 Deerwood Drive  
Mercersburg, PA 17236

Type of Facility Public Water Supply

Consulting Engineer Todd N. Stager, P. E.  
Civil & Environmental Design  
Group  
5010 Ritter Road  
Mechanicsburg, PA 17055-4828

Application Received: 7/3/2006

Description of Action The construction of a new water system to serve the proposed Deerwood Development. The system would consist of one well, treatment by means of disinfection, storage and distribution.

**Permit No. 3606521**, Public Water Supply.

Applicant **Timber Villa, Inc.**

Municipality West Donegal Township

County **Lancaster**

Responsible Official David G. Heisey, President  
1898 North Market Street  
P. O. Box 408  
Elizabethtown, PA 17022

Type of Facility Public Water Supply

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

Application Received: 12/19/2006

Description of Action The addition of caustic soda to address the elevated levels of copper in the distribution system. Application is for compliance with the Lead and Copper Rule.

**Permit No. 3607501**, Public Water Supply.

Applicant **East Cocalico Township Authority**

Municipality East Cocalico Township

County **Lancaster**

Responsible Official S. Eugene Heft, Chairperson  
102 Hill Road  
Denver, PA 17517

Type of Facility Public Water Supply

Consulting Engineer George H. Wagner Jr., P. E.  
Camp Dresser & McKee, Inc.  
205 Granite Run Drive  
Lancaster, PA 17601

Application Received: 1/8/2007

Description of Action The addition of Well F at 800 gpm to augment the existing system. Treatment consists of nanofiltration, nitrate removal and disinfection.

**Permit No. 3607502**, Public Water Supply.

Applicant **Terre Hill Borough**

Municipality East Earl Township

County **Lancaster**

Responsible Official Robert R. Rissler  
Public Works Superintendent  
P. O. Box 250  
300 Broad Street  
Terre Hill, PA 17581-0250

Type of Facility Public Water Supply

Consulting Engineer David Bright, P. E.  
Spotts, Stevens & McCoy, Inc.  
1047 North Park Road  
300 Broad Street  
Reading, PA 19610-0307

Application Received: 1/24/2007

Description of Action The addition of a treatment building for existing Well No. 6. Treatment will consist of disinfection by means of hypochlorite.

**Permit No. 3807504**, Public Water Supply.

Applicant **Harpers Tavern**

Municipality East Hanover Township

County **Lebanon**

Responsible Official Kelly Lee Kinkaid, Agent for  
Harper's Tavern, Inc.  
10486 Jonestown Road  
Annville, PA 17003

Type of Facility Public Water Supply

Consulting Engineer James P. Cinelli, P. E.  
Liberty Environmental Inc.  
10 North 5th Street  
Reading, PA 19601

Application Received: 2/12/2007

Description of Action Installation of nitrate treatment along with softening and UV disinfection.

**Application No. 3606519 MA**, Minor Amendment, Public Water Supply.

Applicant **Getty Petroleum Marketing Inc.**

Municipality Leacock Township

County **Lancaster**

Responsible Official Scott Hanley,  
Environmental & Compliance  
Manager  
1500 Hempstead Turnpike  
East Meadow, NY 11554

Type of Facility Public Water Supply

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

Application Received: 12/6/2006

Description of Action Installation of an anion exchange system to remove elevated levels of nitrates in the source water.

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

**Permit No. 6507502, Public Water Supply.**

**Applicant** **Rolling Rock Farms**  
P. O. Box 717  
Ligonier, PA 15658

**Township or Borough** Ligonier

**Responsible Official** Dan Fritz, Manager  
Rolling Rock Farms  
P. O. Box 717  
Ligonier, PA 15658

**Type of Facility** Water treatment plant

**Consulting Engineer** The EADS Group, Inc.  
1126 Eighth Avenue  
Altoona, PA 16602

**Application Received Date** January 29, 2007

**Description of Action** Liquid chlorine for disinfection. The chlorine will be separated from the caustic soda and injected at an earlier time in the process. The addition of two backwash settling tanks will be used to further purify the discharged water from the facility. The treated backwash supernatant ultimately discharges to the Rolling Rock Stream.

**MINOR AMENDMENT**

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

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

**Application Minor Amendment.**

**Applicant** **Upper Saucon Township**  
Upper Saucon Township  
Lehigh County

**Responsible Official** Thomas Beil, Manager  
Upper Saucon Township  
5500 Camp Meeting Road  
Center Valley, PA 18034

**Type of Facility** PWS

**Consulting Engineer** Steven Henning, P. E.  
The Pidcock Company  
2451 Parkwood Drive  
Allentown, PA 18103

**Application Received Date** 2/16/2007

**Description of Action** Application is for the construction of 1.0 mg ground level prestressed, concrete, finished water storage tank.

**WATER ALLOCATIONS**

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth.**

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

**WA45-89B, Water Allocations. Borough of East Stroudsburg, 24 Analomink Street, P. O. Box 303, East Stroudsburg, PA 18301, East Stroudsburg Borough, Monroe County.**

The applicant is requesting the right to continue to withdraw from the following sources:

	<i>Name of Source</i>	<i>Requested Withdrawal</i>	<i>Type</i>
(1)	Sambo Creek	2.0 mgd	Peak Day
(2)	Michael Creek	2.48 mgd	Peak Day (with no taking between June 1st and Labor Day of each year)

**WA54-44B, Water Allocations, Municipal Authority of the Borough of Shenandoah (MABS), 26-89 Lloyd Street, P. O. Box 110, Shenandoah, PA 17976-0110, Shenandoah Borough, Schuylkill County.**

MABS is requesting the right to continue to withdraw from the following sources:

	<i>Name of Source</i>	<i>Requested Withdrawal</i>	<i>Type</i>
(1)	Ringtown No. 6 (Whiskey Mill Run)	1.5 mgd	Peak Day
(2)	Ringtown No. 5 (Dreshers Run)	0.50 mgd	Peak Day
(3)	Raven Run No. 2	0.50 mgd	Peak Day

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

**WA2-1007, Water Allocations. Borough of Aspinwall, 217 Commercial Avenue, Aspinwall, PA 15215, Allegheny County.** The applicant is requesting the right to withdraw 574,000 gpd, peak day, from their wells along the Allegheny River.

**WA2-1007A, Water Allocations. Borough of Aspinwall, 217 Commercial Avenue, Aspinwall, PA 15215, Allegheny County.** The applicant is requesting the right to purchase 450,000 gpd, on an emergency basis, from the Fox Chapel Authority.

**WA2-1007B, Water Allocations. Borough of Aspinwall, 217 Commercial Avenue, Aspinwall, PA 15215, Allegheny County.** The applicant is requesting the right to purchase 574,000 gpd, on an emergency basis, from Pittsburgh Water & Sewer Authority.

**WA32-1004, Water Allocations. Indiana County Municipal Services Authority (Coy System), 827 Water Street, Indiana, PA 15701, Indiana County.** The applicant is requesting the right to purchase 100,000 gpd, peak month, from the Central Indiana County Water Authority.

**WA32-1005, Water Allocations. Indiana County Municipal Services Authority (Lucerne System), 827 Water Street, Indiana, PA 15701, Indiana County.** The applicant is requesting the right to purchase 100,000 gpd, peak month, from the Central Indiana County Water Authority.

## 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:

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

**Sun Clnrs**, Lower Merion Township, **Montgomery County**. Samuel Kucia, Env. Consulting, Inc., 500 E. Washington Street, Norristown, PA 19401 on behalf of Kevin McClernon, KMACK, LLC—Kevin McClernon, 1200 Liberty Ridge Drive, Suite 320, Wayne, PA 19087 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of chlorinated solvents. The future use of the site is planned to be redeveloped commercial use.

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

**Joe Kinn Property**, Valley Township, **Montour County**, United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 on behalf of Leighow Oil Co., Inc., 18 Eyer Road, Danville, PA 17821 has submitted a Notice of Intent to Remediate soil and surface water contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will continue to be used as a private residence.

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

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#### **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.**

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*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 100265. Grand Central Sanitary Landfill**, Grand Central Sanitary Landfill, Inc., 910 West Pennsylvania Avenue, Pen Argyl, PA 18072. A Permit Renewal application for this municipal waste landfill located in Plainfield Township, **Northampton County**. The application was received in the Regional Office on January 4, 2007; and as of January 31, 2007, it was found to be administratively complete.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

**67-05079A: York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) for replacement of a baghouse at their Thomasville Blacktop Plant at 5460 Lincoln Highway West, Thomasville, PA in Jackson Township, **York County**. Existing sources will be controlled by the use of a new fabric filter baghouse.

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

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

**23-0109: Catalyst International, Inc.** (80 Morris Street, Philadelphia, PA 19148) for installation of three Solvent Based Laminators (laminators) at the Catalyst International gasket liner manufacturing new facility at 1050 Ashland Avenue, Folcroft Borough, **Delaware County**. The installation of laminators may result in the emissions of 23 tpy of VOC and 22 tpy of HAPs. 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.

**23-0108A: FPI Food Processing International, Inc.** (903 Industrial Highway, Eddystone, PA 19022) for modi-

fication of a cocoa processing facility, to install an alkalization process and a thermal oxidizer and to increase production from 40% to 100% capacity in Eddystone Borough, **Delaware County**. This facility is a non-Title V facility. As the facility is requesting to increase their production from 40% capacity to 100%, a thermal oxidizer will be installed to reduce VOC emissions by 95% or to a maximum concentration of 20 ppm, as propane. The facility will continue to utilize various cyclones and a mist eliminator to control emissions of PM from the facility. PM emissions will be kept to less than 0.04 grains per dry standard cubic feet, and less than 14 tpy. Total VOCs from the facility are not expected to exceed 18 tpy. NOx emissions from combustion sources shall not exceed 22 tpy. CO emissions from the facility will be less than 8 tpy and facility-wide emissions of SOx will be less than 5 tpy. The Plan Approval will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**07-03049B: A.P. Green Refractories, Inc.** (R. D. No. 1, Box 588D, Claysburg, PA 16625) for replacement of a fabric collector that controls particulate emissions from the No. 2 Castable Product Process at their facility in Greenfield Township, **Blair County**. This is a non-Title V (State-only) facility. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

**36-02004A: Masterfoods USA—Division of Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) to receive comments on the proposed Reasonably Available Control Technology Plan and amendment to the State Implementation Plan for the Masterfoods USA manufacturing facility in Elizabethtown Borough, **Lancaster County**. The proposed SIP revision does not adopt any new regulations. It incorporates the requirements that include emission limitations for the significant VOC sources at the plant. The Department of Environmental Protection will hold one public hearing on April 30, 2007, at the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, from 9 a.m. until all scheduled comments are received. Persons wishing to present testimony should contact Ronald Davis, Southcentral Regional Office at (717) 705-4702. Written comments may be submitted to the Southcentral Regional Office until May 30, 2007.

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

**20-123A: Lord Corp.** (124 Grant Street, Cambridge Springs, PA 16403-1014) for installation of a new filter system to control emissions from an existing spray booth filtering system at the Lord Corporation, Cambridge Springs Facility, in the municipality of Cambridge Springs, **Crawford County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for installation of a new filter system to control emissions from an existing spray booth filtering system at the Lord Corporation, Cambridge Springs Facility, in the municipality of Cambridge Springs, **Crawford County**. The facility currently has a Title V Permit that was issued 1/12/2004.



This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

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

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

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

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

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

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

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

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

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

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

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

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

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

Each written comment must contain the following:

1. Name, address and telephone number of the person submitting the comments.

2. Identification of the proposed permit (No.20-123A).

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

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

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

**24-083J: Carbone America Ind. Corp.** (215 Stackpole Street, St. Marys, PA 15857) Notice is hereby given, under 25 Pa. Code §§ 127.44(a) and 127.424(b), that the Department of Environmental Protection intends to issue a Plan Approval for their plant located in the City of St. Marys, **Elk County**. This plan approval will authorize the installation of a process furnace with appropriate emission control equipment.

Based on the information provided by the applicant and Department of Environmental Protection's (Department) own analysis, the process will emit 7.5 tpy of PM.

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

1. Name, address and telephone number of the person submitting comments.

2. Identification of the proposed Plan Approval; No. PA-10-062C.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

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

**AMS 06181: Kraft Foods Global, Inc.—Nabisco Biscuit Division** (12000 Roosevelt Boulevard, Philadelphia, PA 19116) for modification of the RACT Plan Approval VOC control requirement for the Catalytic Oxidizer from 90% destruction efficiency to 90% destruction efficiency or to a concentration of 20 ppmv at 3% or less in the City of Philadelphia, **Philadelphia County**. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**15-00015: Sartomer Co., Inc.** (610 Bolmar Street, West Chester, PA 19382) for renewal of the Title V Operating Permit in West Chester Borough, **Chester County**. The initial permit was issued on October 10, 2001. The facility manufactures acrylate and methacrylate oligomers and polymers that are used in inks, coatings and adhesives. As a result of potential emissions of VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit will contain Compliance Assurance Monitoring conditions pursuant to 40 CFR Part 64 for certain reactors and strippers in the Title V Operating Permit. This addition of regulatory requirements does not reflect any change in air emissions from this facility.

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

**04-00059: IPSCO Koppel Tubulars Corp.—Koppel Plant** (P. O. Box 750, Beaver Falls, PA 15010) for a steel melting operation and subsequent production of hot rolled bars in both carbon and alloy grades in Beaver Falls, **Beaver County**. The melt shop features an electric arc furnace, a ladle refining station and a continuous caster. Other sources at this major facility include a rotary hearth furnace and other natural gas sources that support the steel making operations. The facility has the potential to emit greater than 100 tons of the following pollutants: NO<sub>x</sub>, CO, SO<sub>x</sub> and VOCs respectively. This is a Title V Facility.

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

**V06-012: United States Mint** (151 North Independence Mall East, Philadelphia, PA 19106) for production of medal and coin dies, coins of all denominations for general circulation and a limited amount of commemorative coins in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three natural gas-fired annealing gas generators each rated less than 1.0 mmBtu/hr controlled by three catalytic oxidizer, five natural gas-fired rotary annealing furnaces each rated at 4.048 mmBtu/hr, two natural gas-fired die shop furnaces each rated at 200,000 Btu/hr, a diesel-fired emergency generator, a hard chromium electroplating system consisting of a 50 gallon strip tank and two 67 gallon plating tanks controlled by a composite mesh

pad/scrubbing system, two spray booths with filters for lacquer medal coating, and alcohol and aerosol wipe cleaners and nine cold cleaning degreasers.

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

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

#### 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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00143: Naceville Materials—Sellersville Quarry** (1028 Ridge Road, West Rockhill Township, PA 19446) for operation of the crushing and screening and wet suppression equipment at their quarry in West Rockhill Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The proposed permit will incorporate conditions from the previously issued Plan Approval Nos. 09-0143 and 09-0143A. The permit will include 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.*

**36-05073: Bollman Hat Co.** (110 East Main Street, Adamstown, PA 19501) for operation of a hat manufacturing plant in Adamstown Borough, **Lancaster County**. This action is a renewal of the previous permit issued in 2002 and all permit requirements remain in effect.

**38-03025: TYCO Electronics Corp.** (3155 SR 72, Jonestown, PA 17038-9708) for a natural minor operating permit renewal for electroplating and connector component production, two boilers, natural gas fired, eight mmBtu/hr each and an emergency generator, natural gas fired, in Union Township, **Lebanon County**. The annual emissions of VOC and NO<sub>x</sub> from the operation are approximately 10 tons each, and the annual emissions of the PM and SO<sub>x</sub> are about a ton each. The natural minor operating permit renewal will contain additional monitoring, recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**38-05028: Milprint, Inc.** (5 Keystone Drive, Lebanon, PA 17042) for operation of printing presses used in the production of polymer-based flexible packaging at their plant in South Lebanon Township, **Lebanon County**. This is an administrative amendment of the plant's operating permit to reflect a corporate realignment. All of the requirements from the previous permit remain in effect.

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

**56-00298: Garrett Limestone Co., Inc.** (451 Stoystown Road, Somerset, PA 15501) for limestone processing at Romesburg Quarry in Summit Township, **Somerset County**.

**32-00395: CQ Hardwood Finishers, LLC** (28 Kendall Road, Blairsville, PA 15717) for hardwood finishing operation at facility in Burrell Township, **Indiana County**.

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

**33-00145: Huntington Foam Corp.** (222 Industrial Park Drive, Brockway, PA 15824) for re-issuance of a Synthetic Minor Permit to operate a molded foam plastic shapes manufacturing facility in Brockway, **Jefferson County**. The significant sources included: 1) Bead Expander; 2) Molding press; 3) Boilers; and 4) Bead storage. The facility has taken a restriction on emission of VOC from the facility not more than 49.9 tpy to become a Synthetic Minor facility.

**43-00290: Winner Steel, Inc.** (277 North Sharpsville Avenue, Sharon, PA 16146-2153) for issuance of a Synthetic Minor Operating Permit to operate a hot dip zinc galvanizing facility in the City of Sharon, **Mercer County**. The facility's primary emission sources include three natural gas fueled furnace lines, two emergency diesel generators, a parts washer and miscellaneous natural gas use (facility heating). The requirements of Plan Approval 43-0290B have been incorporated into the permit.

**61-00007: IA Construction Corp.—Franklin Plant** (24 Gibb Road, Franklin, PA 16323) for re-issuance of a Synthetic Minor Operating Permit, to operate a continuous asphalt plant in Sugarcreek Borough and **Venango County**. The significant source included one continuous asphalt plant of 180 tons per hour capacity. The facility has taken a throughput restriction of 495,000 tons of product per year to maintain the status of synthetic minor.

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

**N06-008: Pomco Graphic Arts** (4411-27 Whitaker Avenue, Philadelphia, PA 19120) for operation of a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include six lithographic presses and one natural gas fired 5 mmBtu/hr boiler.

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 above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice

will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

**S04-010: Department of Veteran's Affairs Medical Center and Nursing Home Care Unit** (University and Woodland Avenues, Philadelphia, PA 19104) for operation of a hospital and nursing home in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 29.4 mmBtu/hr boilers with low NOx burners, one 17.3 mmBtu/hr boiler, two 6.35 mmBtu/hr boilers, two hot water heaters, seven emergency generators and an ethylene oxidizer.

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

## OPERATING PERMITS

### PUBLIC HEARINGS

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

**36-02004A: Masterfoods USA—Division of Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) to receive comments on the proposed Reasonably Available Control Technology Plan and amendment to the State Implementation Plan (SIP) for the Masterfoods USA manufacturing facility in Elizabethtown Borough, **Lancaster County**. The proposed SIP revision does not adopt any new regulations. It incorporates the requirements that include emission limitations for the significant VOC sources at the plant. The Department will hold one public hearing on April 30, 2007, at the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, from 9 a.m. until all scheduled comments are received. Persons wishing to present testimony should contact Ronald Davis, Southcentral Regional Office at (717) 705-4702. Written comments may be submitted to the Southcentral Regional Office until May 30, 2007.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on dis-

charge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

*Coal Applications Received*

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

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

\*The parameter is applicable at all times.

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

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

**31070101 and NPDES No. PA0262315. Ferlitch Construction Company, Inc.**, 1655 Juniata Lane, Box 205, Altoona, PA 16602, commencement, operation and restoration of a bituminous surface mine in Wood Township, **Huntingdon County**, affecting 41.0 acres. Receiving streams: UNTs to Great Trough Creek, Roaring Run Basin classified for the following uses: TSF, HQ-CWF. The first downstream potable water supply intake from the point of discharge is N/A. The application also includes a request for a variance to the 100-foot barrier of UNT to Great Trough Creek No. 1. The variance is being requested to use and maintain an existing access road. The variance begins at a point approximately 2,700 feet northeast of the intersection of SR 913 and the existing access road and continues northeastward for a distance of

approximately 200 feet and extends 50 feet on either side of the centerline of the access road. Application received February 21, 2007.

**32070101 and NPDES No. PA0262323. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface auger mine in Center Township, **Indiana County**, affecting 63.9 acres. Receiving streams: UNT to Yellow Creek and UNTs to Tearing Run both to Two Lick Creek to Blacklick Creek to Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 21, 2007.

**32070102 and NPDES No. PA0262331. Thomas J. Smith, Inc.**, 2340 Smith Road, Shelocta, PA 15774 commencement, operation and restoration of a bituminous surface auger mine in Burrell Township, **Indiana County**, affecting 183.3 acres. Receiving streams: UNTs to Toms Run and Toms Run to Conemaugh River and UNTs to Weirs Run to Blacklick Creek to Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. A variance SR 22—Beginning at a point 1,200 feet west of the common intersection of SR 22 and SR 2017 (Palmerton Road) thence continuing easterly along the southern side of SR 22 a distance of 4,800 feet. SR 22—Beginning at a point 1,850 feet east of the common

intersection of SR 22 and SR 2017 (Palmerton Road), thence continuing easterly along the northern side of SR 22 a distance of 2,050 feet. Application received February 26, 2007.

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

**03070101 and NPDES Permit No. PA0251089. AMFIRE Mining Co., Inc.** (One Energy Place, Suite 2800, Latrobe, PA 15650). Application for commencement, operation and reclamation of a bituminous surface mine, located in Burrell Township, **Armstrong County**, affecting 120.1 acres. Receiving streams: UNTs to Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received February 27, 2007.

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

**33900111 and NPDES Permit No. PA0208124. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface

strip and auger operation in Gaskill Township, **Jefferson County** affecting 168.6 acres. Receiving streams: Lost Run to Clover Run, East Branch Mahoning Creek to Mahoning Creek and two UNTs to East Branch Mahoning Creek, classified for the following use: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company-Big Run. Application for reclamation only. Application received February 28, 2007.

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

**54940203R2. Wilbur White Coal Co., Inc.** (44 South Maple Avenue, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 23.0 acres, receiving stream: none. Application received February 28, 2007.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**1000305. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403). Renewal of NPDES Permit No. PA0241792, Worth Township, **Butler County**. Receiving streams: UNT to Black Run and Black Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received February 26, 2007.

**10010306. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403). Renewal of NPDES Permit No. PA0241903, Worth Township, **Butler County**. Receiving streams: UNT to Slippery Rock Creek and Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received February 26, 2007.

**37990301. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403). Renewal of NPDES Permit No. PA0241474, Plain Grove Township, **Lawrence County**. Receiving streams: UNTs to Taylor Run and Taylor Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received February 26, 2007.

**37910305. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403). Renewal of NPDES Permit No. PA0208485, Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run and UNT to Taylor Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received February 26, 2007.

**43820603 and NPDES Permit No. PA0604607. Larry G. Temple** (228 Georgetown Road, Hadley, PA 16130). Revision to an existing sandstone and shale operation in Mill Creek Township, **Mercer County** affecting 11.8 acres. Receiving streams: UNT to Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to mine deeper. Application received March 1, 2007.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments,

suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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**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)).**

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

**E46-1002. Montgomery County Planning Commission**, P. O. Box 311, Norristown, PA 19404-0311, Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District. To construct and maintain a 5.7-mile long by 12-foot wide, paved recreational trail within the 100-year floodplain of Plymouth Creek, and across Lorraine Run, Plymouth Creek, UNT to the Wissahickon Creek and the Wissahickon Creek, associated with the construction of the Montgomery County Cross Trail which will be constructed in three phases. This permit is associated with Phase I and will begin at the existing Schuylkill River Trail near Elm Street and reach it's northern terminus at Fort Washington State Park, near Lafayette Avenue. (USGS Quadrangle Norristown, PA—starting point N: 14.25 inches; W: 9.00 inches, ending point N: 18.00 inches; W: 12.75 inches). The trail will also traverse Conshohocken Borough Plymouth Township and Whitemarsh Township, Montgomery County.

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

**E39-474. Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA, in Lower Milford, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structures and to construct and maintain a road crossing for SR 2027 (Kings Highway) over Hosensack Creek (CWF) consisting of a 22-foot wide by 5.5 foot high reinforced concrete box culvert depressed 1.0 foot below stream bed with fish baffles and impacting no wetlands. The project is located along SR 2027 (Kings Highway) Section 02B, Segment 0060, Offset 0566 in Lower Milford Township, Lehigh County. (Milford Square, PA Quadrangle N: 14.5 inches; W: 17.1 inches).

**E64-265. Department of Transportation, Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, in Paupack Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a UNT outlet stream from Moc-A-Tek Lake (HQ-CWF) consisting of an 18-foot by 9-foot precast concrete box culvert with fish baffles depressed 1-foot below streambed elevation. There are no wetlands impacts. The project is located on SR 3015 (Finn Swamp Road), Section 670, Segment 0040, Offset 0012, located approximately 0.2 mile east of the intersection with Peifer Road. (Lakeville, PA Quadrangle N: 7.5 inches; W: 3.4 inches).

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

**E17-426. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 4019 Section A01, (DuBois Street) Bridge replacement over Sandy Lick Creek, City of DuBois, **Clearfield County**, ACOE Susquehanna River Basin District, (Falls Creek, PA Quadrangle N: 0.15 inch; W: 1.94 inches).

To remove an existing three span steel multi-girder bridge having a length of approximately 97 linear feet and a hydraulic opening of 805 square feet, and construct, operate, and maintain a two span continuous P/S spread box beam bridge having a span of approximately 98 linear feet and a hydraulic opening of 931 square feet, on a skew of 83° over Sandy Lick Creek located along SR 4019. This project proposes to have a minimal impact on Sandy Lick Creek, which is designated a CWF. This project does not propose to impact any jurisdictional wetlands.

**E17-429. Dubois Area School District**, 500 Liberty Boulevard, Dubois, PA 15801. Expansion of the Dubois Area School District athletic fields, in the City of Dubois, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 0.75 inch; W: 16.75 inches).

The applicant proposes to modify an existing stream enclosure, place and maintain fill within 0.30 acre of PEM wetlands and along 300 feet of the floodway of an ephemeral/intermittent UNT to Beaver Run, for the purposes of expanding the existing athletic field complex adjacent to the Dubois Area Senior High School. Beaver Run has a 25 Pa. Code Chapter 93 water use protection designation of CWF. Onsite wetlands are classified as "other wetlands" by the Department. The applicant is proposing to replace the 0.30 acre wetland impact onsite through the construction of 0.30 acre of PEM wetlands.

The project is sited immediately north of the Dubois Area Senior High School approximately 1,700 feet east of the intersection of SR 255 and SR 219 in Dubois, PA.

**E19-256. Judy Garber**, 120 Park Avenue, Ephrata, PA 17522. Garber Cottage, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 18 inches; W: 0.2 inch).

To construct and maintain an elevated cabin. The existing cabin is to be raised above the base flood elevation for Fishing Creek in accordance with municipal regulations. The cabin is located north of Orangeville on Roberts Grove Lane. This project proposes no permanent impact to Fishing Creek, which is designated a Trout Stream Fishery stream and does not propose to impact any jurisdictional wetlands.

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

**E20-556, D & L Energy, Inc.**, 2761 Salt Springs Road, Youngstown, OH 44509. Wheeler Gas Wells Pipeline, in Conneaut Township, **Crawford County**, ACOE Pittsburgh District (Linesville, PA Quadrangle N: 9.57 inches; W: 7.85 inches).

The applicant proposes to construct and maintain a 2-inch diameter natural gas pipeline having a length of approximately 5,950 feet involving the crossing of two PEM wetlands having an approximate length of 944 feet and 2,214 feet respectively. The project proposes to temporarily impact approximately 0.86 acre of PEM wetland.

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## ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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#### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0012394	Patterson-Kelly Company Division of Harsco Corporation 100 Burson Street East Stroudsburg, PA 18301	East Stroudsburg Borough Monroe County	Sambo Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0216291 Industrial Waste	Municipal Authority Borough of Carmichaels 104 North Pine Street Carmichaels, PA 15320	Cumberland Township Greene County	Monongahela River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034061	Goddard Park Vacationland Campground 867 Georgetown Road Sandy Lake, PA 16145	Deer Creek Township Mercer County	Schofield Run 16-G	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. PA0046868 Amendment No. 1**, Sewage, **Lower Moreland Township Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for an amendment to revise effluent limits for cooper the discharge will be to a UNT to Southampton Creek in Watershed Pennypack-3J.

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

**NPDES Permit No. PA0009164**, Sewage, **Standard Steel LLC**, 500 North Walnut Street, Burnham, PA 17009. This proposed facility is located in Burnham Borough, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Kishacoquillas Creek in Watershed 12-A.

**NPDES Permit No. PA0248371**, CAFO, **Lamar Lehman, Lehman Farms**, 161 Manbeck Road, Bernville, PA 19506. This proposed facility is located in Jefferson and Upper Tulpehocken Townships, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 657-AEU broiler and dairy operation in Watershed 3-C.

**NPDES Permit No. PA0081248**, Sewage, **PPL Generation, LLC, Otter Creek Recreation Area**, Two North Ninth Street (GEN PLG), Allentown, PA 18101-1179. This proposed facility is located in Lower Chanceford Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Cancellation of Permit.

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

**NPDES Permit No. PA0253120**, Industrial Waste, **Tri-County Joint Municipal Authority**, 26 Monongahela Avenue, Fredericktown, PA 15333. This proposed facility is located in East Bethlehem, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for discharge of backwash water from Tri-County Water Treatment Plant.

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

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

**WQM Permit No. 2807401**, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268. This proposed facility is located in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a pump station and force main to serve the Thornhill Subdivision.

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

**WQM Permit No. WQG018523**, Sewerage, **Lara Danielson**, 400 Waterhouse Road, Cambridge Springs, PA 16403-9178. This proposed facility is located in LeBoeuf Township, **Erie County**.



Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG018525**, Sewerage, **William J. Lucian**, 97 Gibson Road, Greenville, PA 16125. This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG018527**, Sewerage, **Bill Surrena and Ashley Shaffer**, 1748 Clintonville Road, Harrisville PA 16038. This proposed facility is located in Irwin Township, **Venango County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

*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>
PAI011506065	Guy and Cathy Ott 1833 Popular Drive Chester Springs, PA 19425	Chester	East Nantmeal Township	UNT Beaver Run EV-TSF-MF
PAI012306002	NVS Custom Homes, LP 347 East Conestoga Road Wayne, PA 19087	Delaware	Thornbury Township	UNT Chester Creek TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805021	Arcadia East Associates No. 1, LP 100 Gateway Drive Suite 310 Bethlehem, PA 18017	Northampton	East Allen Township	Monocacy Creek HQ-CWF
PAI023906014	Upper Macungie Township 8330 Schantz Road Breiningsville, PA 18031	Lehigh	Upper Macungie Township	Iron Run HQ-CWF
PAI023905005	Jaindl Land Co. Jaindl Land Co. Orefield, PA 18069	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023906027	Devonshire Properties, LLC 1348 Hamilton Street Allentown, PA 18102	Lehigh	City of Allentown	Trout Creek HQ-CWF and Little Lehigh Creek HQ-CWF
PAI025206006	Gotham Industries, PA, LLC 460 Greenwich Street New York, NY 10013	Pike	Shohola Township	Panther Creek HQ-CWF
PAI023906032	Lutron Electronic Co., Inc. 7200 Suter Road Coopersburg, PA 18036	Lehigh	Upper Saucon Township	UNT Saucon Creek CWF Tumblebrook Creek CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106(2) Revision No. 48	PSU East Campus Ian Salada Office of Physical Plant 113 Physical Plant Building University Park, PA 16802	Centre	College Township	Spring Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106(2) Revision No. 49	PSU East Campus—Ag Ian Salada Office of Physical Plant 113 Physical Plant Building University Park, PA 16802	Centre	State College Borough	Thompson Run and Big Hollow HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063307001	Department of Transportation 2550 Oakland Avenue Indiana, PA 15701-0429	Jefferson	Snyder and Warsaw Townships	Mill Creek, Beaver Meadow Run CWF-EV
PAI064206001	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	McKean	Lafayette Township	Tunungwant Creek HQ-CWF

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

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

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### *General Permit Type—PAG-02*

<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>
East Caln Township Chester County	PAG2001506077	154, Inc. 115 North Village Lane Chadds Ford, PA 19317	UNT East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Goshen Township Chester County	PAG2001506073	Lexington, LTD 119 John Thomas Drive Exton, PA 19341	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Rose Valley Borough Delaware County	PAG2002306058	NVWS Associates, LP 347 East Conestoga Road Wayne, PA 19087	Ridley Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (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>
City of Philadelphia Philadelphia County	PAG2015106041	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106058	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130	City of Philadelphia Municipal Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Mt. Bethel Township Northampton County	PAG2004806016	Ean Sussick & Sons Construction, Inc. 724 S. Delps Road Bath, PA 18014	Martins Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Foster Township Barry Township Schuylkill County	PAG2005407001	Schuylkill County Airport Authority 240 Airport Road Pottsville, PA 17901	Deep Creek CWF and Hans Yost Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Walker Township Huntingdon County	PAG2003106007	Dale Miller D. W. Miller, Inc. 7833 William Penn Highway Huntingdon, PA 16652	Crooked Creek- Juniata River WWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon PA 16652-9603 (814) 627-1627
Swatara Township Dauphin County	PAG20022007005	Faulkner Toyota 3400 Paxton Street Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Clearfield County City of DuBois	PAG2001706015	DuBois Area School District 500 Liberty Boulevard DuBois, PA 15801	UNT to Beaver Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Union County East Buffalo Township	PAG2006006011	Christian C. Foust C.C. Holdings, LLC Land Development 138 Arbutus Park Road Bloomsburg, PA 17815	UNT to West Branch Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Limestone Township	PAG2006006015	Jim Schwartz Blackstone Land Development P. O. Box 210 1130 Mench Road Mifflinburg, PA 17844	Tab Run, drains into Penns Creek WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Kelly Township	PAG2006006016	Levi M. Beachy Beachy Residential Subdivision 2076 Little Mexico Road Winfield, PA 17889	West Branch Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Fayette County Springhill Township	PAG2002607004	Crystal Springs Investors, Inc. Monroeville Mall Suite 223 Monroeville, PA 15146	Grassy Run WWF	Fayette County CD (724) 438-4497

## 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>
Fayette County Bullskin Township	PAG2002607007	John Dilworth 7541 Springfield Pike Connellsville, PA 15425	Irish Run WWF	Fayette County CD (724) 438-4497
Somerset County Quemahoning Township	PAG2005606015	Putman Brothers, Inc. 334 East Main Street Suite A Stoystown, PA 15563	UNT to Wells Creek CWF	Somerset County CD (814) 445-4652
Washington County Union Township	PAG2006307011	Fred Carmen & Sons, Inc. 1410 Annette Avenue South Park, PA 15129	Peters Creek TSF	Washington County CD (724) 228-6774
Erie County Borough of Edinboro	PAG2002507003	Football Field Replacement Edinboro University of PA 219 Meadville Street Edinboro, PA 16444	UNT to Conneautee Creek TSF	Erie Conservation District (814) 825-6403

*General Permit Type—PAG-3*

<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>
Mifflin County Granville Township	PAR323511	MCIDC Plaza 6395 SR 103N Building 50 Lewistown, PA 17044	Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Taylor Township	PAR323515	New Enterprise Stone & Lime Company, Inc. P. O. Box 77 New Enterprise, PA 16664	Plum Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Hempfield Township	PAR123514	Land O' Lakes/Purina Feed, LLC 3029 Hempland Road Lancaster, PA 17601-1309	UNT to West Branch Little Conestoga Creek TSF/7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Bedford Township	PAR113552	JLG Industries, Inc. Sunnyside Facility 1 JLG Drive McConnellsburg, PA 17233	Raystown Branch Juniata River TSF/11-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fulton County Ayr Township	PAR113553	JLG Industries, Inc. Service Plus Mid-Atlantic and Military Support Center 1 JLG Drive McConnellsburg, PA 17233	UNT of Big Cove Creek CWF/13-B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Sandy Township Clearfield County	PAR704804 (Stormwater)	Glenn O. Hawbaker, Inc. 711 East College Avenue Bellefonte, PA 16823	Sandy Lick Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

<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>
City of Williamsport Lycoming County	PAR804807 (Stormwater)	Transco Railway Products, Inc. P. O. Box 4031 Williamsport, PA 17701-0631	Fox Hollow Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
West Mifflin Borough Allegheny County	PAR806134A1	Allegheny County Airport Authority Pittsburgh International Airport 1000 Airport Boulevard Suite 4000 Pittsburgh, PA 15231	Lebanon Church Road Storm Sewer to Lewis Run Thompson Run UNT of Streets Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Fairview Township Erie County	PAR218304	New Enterprise Stone & Lime Company, Inc. P. O. Box 77 New Enterprise, PA 16664	Unnamed stormwater tributaries to Walnut Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR808335	Con-Way Freight, Inc. 110 Parkland Plaza Ann Arbor, MI 48103	Municipal storm sewers to Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</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>
Cumberland County Upper Frankford Township	PAG043592 (Transfer)	Gregory and Marisa Blades 635 Mohawk Road Newville, PA 17241		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Sugar Grove Township Mercer County	PAG048452	Eugene N. Cianci 185 Williamson Road Greenville, PA 16125-1143	UNT to the Little Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAG048795	Norma J. Flickenger 2745 South Keel Ridge Road Hermitage, PA 16148	UNT to the West Branch of Little Neshannock Creek 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048441	Gerald J. Stubenhofer 5570 Maple Lawn Drive Edinboro, PA 16412-3804	UNT to Conneauttee Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township Erie County	PAG049318	Lara Danielson 400 Waterhouse Road Cambridge Springs, PA 16403-9178	UNT to French Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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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>
Franklin Township Erie County	PAG048777	Thomas J. Steele 10675 Mohawk Road Cranesville, PA 16410-9505	UNT to Elk Creek 15-EC	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048816	Kendra S. and Scott T. Durfee 16234 S. Mosiertown Road Saegertown, PA 16433	UNT to Cussewago Creek 16-D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAG049320	William J. Lucian 97 Gibson Road Greenville, PA 16125	Mathay Run 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Irwin Township Venango County	PAG049322	Bill Surrena and Ashley Shaffer 1748 Clintonville Road Harrisville, PA 16038	UNT to the North Branch Slippery Rock Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG 07*

<i>Facility Location County &amp; Municipality</i>	<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Address</i>	<i>Contact Office &amp; Phone No.</i>
	PAG079910	Synagro-Baltimore, LLC (Patapsco Pelletizer) 3501 Asiatic Avenue Baltimore, MD 21226		BWSFR RCSOB 400 Market Street Harrisburg, PA 17105 (717) 787-8184

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Wrightsville Borough York County	PAG083550	Wrightsville Borough Municipal Authority P. O. Box 187 Wrightsville, PA 17368		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Central Indiana County Joint Sanitary Authority WWTP	PAG086108	Central Indiana County Joint Sanitary Authority P. O. Box 7 Homer City, PA 15748	Center Township Indiana County	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
	PAG089903	Ballenger Creek WWTP 7400 Marcie's Choice Lane Frederick, MD 21704		BWSFR RCSOB 400 Market Street Harrisburg, PA 17105 (717) 787-8184
	PAG089904	City of Frederick, Maryland 111 Airport Drive Frederick, MD 21701		BWSFR RCSOB 400 Market Street Harrisburg, PA 17105 (717) 787-8184

<i>Facility Location &amp; County/Municipality Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
PAG089905	Little Patuxent Water Reclamation Plant 88900 Greenwood Place Savage, MD 20763		BWSFR RCSOB 400 Market Street Harrisburg, PA 17105 (717) 787-8184

## 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.*

**Operations Permit No. 0907503** issued to **Penridge School District**, 1506 North 5th Street, Perkasie, PA 18944, (PWSID #1091098) Bedminster Township, **Bucks County**, issued March 5, 2007, for the operation of facilities approved under construction permit No. 0906514 for the newly installed arsenic filtration system for Well No. 1 at the Bedminster Elementary School.

**Operations Permit No. 0907502** issued to **Perkasie Borough Authority**, (PWSID #1090046) Perkasie Borough, **Bucks County**, issued March 5, 2007, for the operation of facilities approved under construction permit No. 0905509 for the newly installed Arsenic Removal Unit at Well House No. 11.

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

**Permit No. 2105508**, Public Water Supply.  
Applicant **Middlesex Township Municipal Authority**  
Municipality Middlesex Township  
County **Cumberland**  
Type of Facility Well No. 1 in Middlesex Township  
Consulting Engineer Harry E. Bingaman, P. E.  
Glace Assoc., Inc.  
3705 Trindle Road  
Camp Hill, PA 17011  
Permit to Construct Issued: 2/16/2007

**Permit No. 6707501 MA, Minor Amendment**, Public Water Supply.  
Applicant **The York Water Company**  
Municipality Conewago Township  
County **York**  
Type of Facility Permit application for the construction of the 0.5 mg Stinestown Standpipe.  
Consulting Engineer Mark S. Snyder, P. E.  
Buchart-Horn, Inc.  
445 West Philadelphia Street  
P. O. Box 15089  
York, PA 17405-7040  
Permit to Construct Issued: 2/13/2007

**Operations Permit** issued to **Shinn Spring Water Company Inc.**, 3066531, Cumru Township, **Berks County** on 2/16/2007, for the operation of facilities approved under Construction Permit No. 0606516.

**Operations Permit** issued to **Muhlenberg Township Authority**, 3060038, Muhlenberg Township, **Berks County** on 2/28/2007, for the operation of facilities approved under Construction Permit No. 0605512 MA.

**Operations Permit** issued to **Shippensburg Borough Authority**, 7210043, Letterkenny Township, **Cumberland County** on 2/21/2007, for the operation of facilities approved under Construction Permit No. 2805505 MA.

**Operations Permit** issued to **Dover Township**, 7670073, Dover Township, **York County** on 2/21/2007, for the operation of facilities approved under Construction Permit No. 6706513 MA.

**Operations Permit** issued to **United Water Pennsylvania**, 7220015, Lower Swatara Township, **Dauphin County** on 2/16/2007, for the operation of facilities approved under Construction Permit No. 2206504 MA.

**Operations Permit** issued to **Regency Parks**, 7210057, Middlesex Township, **Cumberland County** on 2/21/2007, for the operation of facilities approved under Construction Permit No. 2106504.

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

**Operations Permit** issued to **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701, (PWSID #5320109) Washington Township, **Indiana County** on February 28, 2007, for the operation of facilities approved under Construction Permit No. 3204504.

**Permit No. 0206513MA, Minor Amendment.** Public Water Supply.

**Applicant** **Harrison Township Water Authority**  
1705 Rear Freeport Road  
Natrona Heights, PA 15065

**Borough or Township** Harrison Township

**County** **Allegheny**

**Type of Facility** Mount Airy booster pump station

**Consulting Engineer** NIRA Consulting Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

**Permit to Construct Issued** February 27, 2007

**Permit No. 0406505MA, Minor Amendment.** Public Water Supply.

**Applicant** **Brighton Township Water Authority**  
1300 Brighton Road  
Beaver, PA 15009

**Borough or Township** Brighton Township

**County** **Beaver**

**Type of Facility** High School pump station

**Consulting Engineer** Lennon, Smith, Souleret Engineering, Inc.  
846 Fourth Avenue  
Coraopolis, PA 15108

**Permit to Construct Issued** February 28, 2007

**WATER ALLOCATIONS**

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth**

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

**WA 25-726C.** Water Allocation. The Department grants **Millcreek Township Water Authority, Erie County**, a modification to an existing Water Allocation Permit for the right to purchase an increased combined total of all take points for a 30-day average, not to exceed 3.76 mgd on a peak month (30-day) basis from the Erie City Water Authority. Water Allocation Permit issued on March 1, 2007.

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

**WA4-739A,** Water Allocations. **Borough of Baden**, 149 State Street, Baden, PA 15005, Baden Borough, **Beaver County**. The right to purchase 500,000 gpd, as a peak month, 30-day average, from the Borough of Ambridge Water Authority.

**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.*

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Frankford Township	660 Mohawk Road Carlisle, PA 17241	Cumberland

*Plan Description:* The approved plan provides for a Small Flow Treatment Facility (SFTF) of 500 gpd to serve a new residence on the existing 7.0 acre Jason Klinger lot, located on the northwest corner of Rock Run and Brick Church Roads. The proposed SFTF will discharge to a UNT of Rock Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Paxton Township	425 Prince Street Harrisburg, PA 17109	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Lower Paxton Township, Dauphin County. The proposed Colonial Village Subdivision consists of 160 new residential units connected to an expanded Colonial Road pump station and forcemain. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Hanover Township	111 West Third Street Hershey, PA 17033	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of South Hanover Township, Dauphin County. The proposed Middle School Division for the Milton Hershey School consists of new student housing with a sewage flow of 56,600 gpd served by two new municipal pump stations and forcemains tributary to the Derry Township Municipal Authority collection and treatment system. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Conyngham Township	P. O. Box 10 Wilburton, PA 17888	Columbia



*Plan Description:* The approved plan provides for the construction of a new collection system to serve 453 dwelling units in Conyngham and Butler Townships and conveying sewage to the Mt. Carmel sewage treatment plant and the Butler Township sewage treatment plant. The majority of the homes will be served by gravity sewers utilizing two new pump stations. Areas 1—3 will be served by either low pressure sewers or vacuum sewers. This estimated \$6,734,000 project will resolve sewage malfunctions to a majority of the existing homes. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. All required WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Norwich Township	R. D. 1, Box 121 Smethport, PA 16749	McKean

*Plan Description:* The approved plan provides for the construction of a 60,000 gpd sewage treatment plant and collection system to serve approximately 230 existing EDU's in Norwich Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**Plan Disapprovals Granted Under 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>
Conewago Township	3279 Old Hershey Road Elizabethtown, PA 17022	Dauphin

*Plan Description:* The proposed Aberdeen Mills Subdivision, A3-22910-148-2 consists of eight residential lots served by individual onlot disposal systems. The plan was disapproved because the hydrogeologic study included in the planning module submission that was received by the Department indicated that lots 3, 5 and 6 will pollute the groundwater of this Commonwealth in violation of The Clean Streams Law. This condition is considered a nuisance and is prohibited.

**Public Notice of Proposed Consent Order and Agreement**

**Department of Environmental Protection**

**RSR-Jones Chemical Site  
City of Erie, Erie County**

Under Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act (35 P. S. 35 P. S. §§ 6020.101—6020.1305) (HSCA), notice is hereby provided that the Department of Environmental Protection (Department) has agreed to a settlement with JCI Jones Chemicals, Inc. (JCI) to resolve JCI's liability for the RSR-Jones Chemical Site (Site). The Site is located in the City of Erie, Erie County, PA and is approximately 6.5 acres in

size. The site can be found at 42° 06' 28.2" north latitude and 80° 06' 29.0" west longitude on the Erie South topographic quadrangle.

In the past, wastes and other materials containing hazardous substances were released and/or disposed at the Site and these wastes and other materials contaminated the environment at the Site. As operators of a portion of the Site during the time of the release and threatened release of hazardous substances at the Site, JCI is a "responsible person" as defined in section 103 of HSCA (35 P. S. § 6020.103). Under the terms of the settlement, JCI will make a payment to the Department in the amount of \$125,000 for JCI's share of the Department's approximately \$980,000 in response costs at the Site.

The specific terms of this settlement are set forth in the Consent Order and Agreement (Agreement) with JCI. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations that indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with JCI shall be effective upon the date that the Department notifies JCI, in writing, that this Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to James W. Weaver, Environmental Protection Specialist, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting James Weaver at (814) 332-6648. TDD users should contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

**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 re-

ports, 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.*

**Buxmont Academy**, Ridley Township, **Delaware County**. Grover Emrich, Emrich & Assoc., 449 Sharon Drive, Wayne, PA 19087 on behalf of Judy Happ, Buxmont Academy, P. O. Box 283, Pipersville, PA 18947 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standards.

**Air Shields Prop.**, Warminster Township, **Bucks County**. Samuel Kucia, Env. Consulting, Inc., 500 E. Washington Street, Suite, 375, Norristown, PA 19401 on behalf of Gregory Rogerson, JERC Partners VIII, LP, 171 Route, 173, Suite 201, Asbury, NJ 08802 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

**Suburban Propane**, Emmaus Borough, **Lehigh County**. Thomas Voss, Viron Consulting Group, LLC, 88 South Finley Avenue, Basking Ridge, NJ 07920 has submitted a Final Report (on behalf of his client, Sue Delia, Suburban Propane, LP, P. O. Box 206, 240 Route 10 West, Whippany, NJ 07981) concerning the remediation of soils found to have been impacted by arsenic and benzo(a)pyrene as the result of historical operations. The report was submitted in order to document attainment of the Statewide Health Standard.

**Bethlehem Commerce Center—Commerce Center Boulevard**, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, Project Manager, HDR Engineering, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101-2111 has submitted a Final Report (on behalf of his client Lehigh Valley Industrial Park, 1805 E. Fourth Street, Bethlehem, PA 18015) concerning the remediation of site soils found or suspected to have been impacted by regulated substances derived from historic manufacturing operations. The report was submitted to

document attainment of the Site-Specific pathway elimination Standard. A Public Notice was published in *The Express Times* on February 13, 2007. Future use of the site will remain nonresidential.

**Bethlehem Commerce Center—Saucon Tract Infrastructure**, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, Project Manager, HDR Engineering, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101-2111 has submitted a Cleanup Plan (on behalf of his client Lehigh Valley Industrial Park, 1805 E. Fourth Street, Bethlehem, PA 18015) concerning the remediation of site soils found or suspected to have been impacted by regulated substances derived from historic manufacturing operations. The report was submitted in partial fulfillment of the Site-Specific pathway elimination Standard. A Public Notice was published in *The Express Times* on February 13, 2007. Future use of the site will remain nonresidential.

**Thomas Kellogg Property**, Lower Macungie Township, **Lehigh County**. Mark Zunich, GemChem, Inc., 55 North Cedar Street, Lititz, PA 17543 has submitted a Final Report (on behalf of his client Thomas Kellogg, 1190 Dorney Road, Breinigsville, PA 18031) concerning the remediation of soils impacted by No. 2 home heating oil as a result of an accidental release. The report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submittal of the Final Report appeared in the *Allentown Morning Call* on January 10, 2007.

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

**H. J. Tanner, Inc.**, Chambersburg Borough, **Franklin County**. B. L. Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of H. J. Tanner, Inc., 1120 Mount Rock Road, Shippensburg, PA 17257, submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons from their bulk fuel oil and gasoline facility. The reports are intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

**Lancaster General Hospital**, Lancaster City, **Lancaster County**. Center Point Tank Services, Inc., 536 East Benjamin Franklin Highway, Douglassville, PA 19518, on behalf of Lancaster General Hospital, 555 North Duke Street, Lancaster, PA 17604, submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with No. 6 heating oil from a removed underground storage tank. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standard.

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

**Arrow Trucking Co. 180 MM 178 WB Accident**, Greene Township, **Clinton County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arrow Trucking Co., 4230 South Elwood Avenue, Tulsa, OK 74107 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Catawissa Lumber Paxinos Property**, Ralpho Township, **Northumberland County**. Converse Consultants, 2738 W. College Avenue, State College, PA 16801 on behalf of Catawissa Lumber & Specialty Co., Inc., Route 487, Paxinos, PA 17960 has submitted a Final Report

concerning remediation of site soil contaminated with VOCs that include styrene, toluene, xylenes, trimethylbenzenes and trichloroethene.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Montgomeryville Material Processing Ctr.**, Montgomery Township, **Montgomery County**. Sean Damon, Langan Engineering & Env. Svc., Inc., P. O. Box, 1569, Doylestown, PA 18901 on behalf of Michael Galenski, Verizon-Pennsylvania, Inc., 966 S. Matlack has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on February 27, 2007.

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

**Saucon Valley Condos**, Hellertown Borough, **Northampton County**. Vincent M. Carbone, P. G., HDR Engineering, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101-2111 has submitted a Final Report (on behalf of his client, Abraham Atiyeh, Mack Resident, LLC and Mack Project, LLC, 1177 6th Street, Whitehall, PA 18052-5212) concerning the remediation of soils found to have been impacted by arsenic as a result of historic operations. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on March 2, 2007.

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

**Pennington Farm Property**, Upper Allen Township, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Pennington Estate, Fred A. Pennington, Jr., Executor, 29 Forest Drive, Mechanicsburg, PA 17055-4706, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with No. 2 heating oil from a removed underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on February 26, 2007.

**Patrick Klose Property**, Londonderry Township, **Dauphin County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Patrick Klose, 2892 Foxianna Road, Middletown, PA 17057 and Peggy's Fuel Oil, 590 Hershey Road, Hummelstown, PA 17036, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on February 26, 2007.

**Penn Tank Lines—Schneider National, Inc.**, Middlesex Township, **Cumberland County**. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of Penn Tank Lines, 300 Lionville Station Road, Chester Springs, PA 19425; Schneider National, Inc., 1 Schneider Drive, Carlisle, PA 17013; and Schneider National, Inc., 3101 South Packerland Drive, Green Bay, WI 54313, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on February 28, 2007.

**Kevin Spangler Residence**, Clay Township, **Lancaster County**. Skelly and Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of Kevin and Stacci Spangler, 930 Skyline Avenue, Lititz, PA 17543-9762, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on March 1, 2007.

**Former Waynesboro Gas Company**, Waynesboro Borough and Washington Township, **Franklin County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA, 15017 and GEI Consultants, Inc., 455 Winding Brook Drive, Suite 201, Glastonburg, CT 06033 on behalf of Intermec, Inc., 3601 Algonquin Road, Suite 575, Rolling Meadows, IL, 60008 and PPL Gas Utilities Corporation, Two North Ninth Street, Allentown, PA 18101, submitted a Final Report concerning remediation of site soils, groundwater and sediment contaminated with lead, heavy metals, solvents, BTEX and PAHs. The combined report demonstrated attainment of the Nonresidential Statewide Health and Site-Specific Standards, and was approved by the Department on March 1, 2007.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**39-302-190GP1. Cedarbrook Nursing Home** (350 South Cedarbrook Road, Allentown, PA 18104) on March 1, 2007, to construct and operate a natural gas/No. 2 oil fired boiler at their facility in South Whitehall Township, **Lehigh County**.

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

**GP3-14-09. Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on February 12, 2007, to relocate and operate a portable nonmetallic mineral processing plant under the "General Plan Approval And/Or General Operating Permit for Portable Nonmetallic Mineral Processing Plants" (BAQ-PGPA/GP-3) at their Plant 2 site in Spring Township, **Centre County**.

**GP11-14-06. Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on February 12, 2007, to construct and operate a 425 horsepower diesel engine under the "General Plan Approval And/Or General Operating Permit for Nonroad Engines" (BAQ-GPA/GP11) at their Plant 2 site in Spring Township, **Centre County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**GP3-26-00564. Fayette Coal and Coke, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425) on February 27, 2007, for a general permit (GP-3) to construct and operate one Metso/Nordberg Jaw Type Crusher, Model No. LT-105, rated at 300 tph, controlled by water sprays at the Hancheck Non-Coal Site located in George's Township, **Fayette County**.

**GP9-26-00564. Fayette Coal and Coke, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425) on February 27, 2007, for a general permit (GP-9) to construct and operate one 300 bhp Caterpillar Diesel Engine, Model No. C9 at the Hancheck noncoal Site in George's Township, **Fayette County**.

**GP5-65-00946. Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on February

27, 2007, to operate a natural gas fired, internal combustion engine to operate a natural gas production well booster compressor at their West Fairfield Compressor Station in Fairfield Township **Westmoreland County**.

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

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

**15-0103B. Christiana Cabinetry** (504 Rosemont Avenue, Atglen, PA 19310) on February 27, 2007, to operate a custom wood cabinetry in Atglen Borough, **Chester County**.

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

**40-318-057. Four Daughters, LLC** (1 Korn Street, Kingston, PA 18704) on February 27, 2007, to construct three spray booths and drying operation and the associated air cleaning devices at their facility in Kingston Borough, **Luzerne County**.

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

**36-05140B. Valley Proteins, Inc.** (693 Wide Hollow Road, East Earl, PA 17519-9645) on March 2, 2007, to replace the existing cross-flow air scrubber in their feather process with a new larger cross-flow air scrubber at their existing facility in East Earl Township, **Lancaster County**.

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

**14-399-016A. Spectrum Control, Inc.** (1900 West College Avenue, State College, PA 16801) on February 6, 2007, to construct various ceramic capacitor manufacturing operations in Ferguson Township, **Centre County**.

**60-318-012. Q-E Manufacturing Co., Inc.** (315 Cherry Street, New Berlin, PA 17855) on February 6, 2007, to construct a metal wood stove parts spray booth and modify an existing metal wood stove parts surface coating operation consisting of two spray booths and a drying/curing oven in New Berlin Borough, **Union County**.

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

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

**46-0011D. ISG Plate, LLC** (900 Conshohocken Road, Conshohocken, PA 19428) on March 5, 2007, to operate a filter dust collector in Plymouth Township, **Montgomery County**.

**09-0024C. Waste Management Disposal Services of PA Inc.** (1121 Bordentown Road, Morrisville, PA 19067) on March 7, 2007, to operate a landfill in Tullytown Borough, **Bucks County**.

**23-0082. Liberty Electric Power, LLC** (1000 Industrial Highway, Route 291, Eddystone, PA 19022) on March 7, 2007, to operate a power plant—500 MW in Eddystone Borough, **Delaware County**.

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

**22-05035A. Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on February 12, 2007, to replace the existing primary jaw crusher, the existing grizzly and blacktop screens and to refurbish the dust collector that controls the blacktop plant at their Elizabethville quarry in Washington Township, **Dauphin County**. This plan approval was extended.

**67-02004. P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on February 26, 2007, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**11-00516A. Fiberblade, LLC** (100 Commerce Drive, Ebensburg, PA 15931) on March 1, 2007, to operate rotor blade manufacturing at their facility in Cambria Township, **Cambria County**. This Plan Approval has been Extended.

**63-00649F. Spartech Polycom** (470 Johnson Road, Washington, PA 15301) on February 26, 2007, to allow completion of processing equipment at their Donora Plant in the Borough of Donora, **Washington County**.

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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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00022. Cleveland Steel Container Corp.** (350 Mill Street, Quakertown, PA 18951) on February 27, 2007, to administratively correct a typographical error for their facility in Quakertown Borough, **Bucks County**. The facility's major emission points include paint booths and lithographic printing presses, which emit major levels of VOCs. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment corrects a typographical error. Previously, the permit required monitoring and recordkeeping of the thermal oxidizer combustion chamber exit gas. The term "exit" has been deleted throughout the permit in reference to the regenerative thermal oxidizer (C05) and associated sources (103A, 103B, 103C). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00139. Spray Products Corp.** (1323 Conshohocken Road, Norristown, PA 19404) on February 27, 2007, for a non-Title V Facility, State-only, Natural Minor Permit in Plymouth Township, **Montgomery County**. The sources of emissions are two Propellant Gasser/Production Filler Lines. The facility has a potential to emit less than 25 tpy of VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**17-00027. River Hill Coal Co., Inc.** (Memorial Street, Kylertown, PA 16847) on February 6, 2007, to operate a coal processing facility (Belford Siding) in Karthaus Township, **Clearfield County**.

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

**04-00483. Interforest Corp.** (119 AID Drive, P. O. Box 444, Darlington, PA 16115) on February 23, 2007, to operate two wood-fired boilers (rated at 28.7 mmBtus/hr apiece) in Darlington Township, **Beaver County**. The No. 2 boiler can operate. The facility's emissions are below the major source threshold.

**65-00789. Quikrete Co.** (519 Red Barn Lane, Latrobe, PA 15650-6402) on February 27, 2007, to operate a concrete products manufacturing plant, an aggregate dryer and their associated dust collectors in Unity Township, **Westmoreland County**.

**30-00130. Bruceton Petroleum Co., Inc.** (1768 Mileground, Morgantown, WV 26505) on February 28, 2007, to operate their Bruceton Petroleum Bulk Plant in Franklin Township, **Greene County**.

**03-00159. Butler Petroleum Corp.** (820 Butler Road, Kittanning, PA 16201) on February 28, 2007, to operate the Kittanning Petroleum Bulk Plant in East Franklin Township, **Armstrong County**.

**11-00345. Allegheny Manufacturing & Electrical Service** (107 Station Street, Johnstown, PA 15905-3922) on February 27, 2007, to operate their plant in Ferndale Borough, **Cambria County**. The facility's major sources of emissions at this plant include a paint booth, a drying oven, a burn-off oven and a VPI system.

**65-00316. BFS Petroleum Products, Inc.** (1768 Mileground Road, Morgantown, WV 26505) on February 16, 2007, to operate one 10,000 gallon storage tank and one 20,000 gallon storage tank that handle gasoline along with a loading rake that is controlled by a vapor balance system at their Vandergrift bulk plant in Vandergrift Borough, **Westmoreland County**.

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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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**15-00090. National Service Industries** (303 Eagleview Boulevard, Exton, PA 19341) on February 23, 2007, to amend a non-Title V facility in Uwchlan Township, **Chester County**. The Natural Minor Operating Permit 15-00090 has been amended to incorporate condi-

tions from Plan Approval No. PA-15-0090A, for the installation of a Cerutti Printing Press, modifications to tracking of emissions from the facility, and the transfer of a printer from one flexographic printing press to another flexographic printing press. Modifications to tracking of emissions from the facility include: (1) Removal of individual hourly and annual emission limits for flexographic and lithographic printing presses; (2) Incorporation of a facility-wide emission limit for VOCs of 24.66 tpy; and (3) Incorporation of a facility-wide emission limit for HAPs of 12.62 tpy. All revisions to Natural Minor Operating Permit 15-00090 were made under 25 Pa. Code § 127.450.

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

**53-00005. Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) on February 23, 2007, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to modify the frequency and schedule for portable analyzer testing on three natural gas-fired reciprocating internal combustion compressor engines at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

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

**63-00909. GE Ionics, Inc.** (30 Curry Avenue, Canonsburg, PA 15317) on February 23, 2007, for a Minor Operating Permit Modification Application to install a 10' by 60' plasma cutting table. A new cartridge dust collection system is being added to the system to control particulate emissions. The emission increase is 3.97 tpy of NOx and 2.34 tpy of TSP/PM10/PM2.5 at GE Ionics facility in Canonsburg Borough, **Washington County**.

**11-00436. Penn Cambria School District** (601 Joseph Street, Northern Cambria, PA 15714-1232) on February 26, 2007, for a Department initiated Administrative Amendment to change the facility's contact information at the Middle School facility in Gallitzin Borough, **Cambria County**.

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

**53-00005. Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) on February 23, 2007, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to modify the frequency and schedule for portable analyzer testing on three natural gas-fired reciprocating internal combustion compressor engines at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

#### **De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**04-00227. IPSCO Koppel Tubulars Corp.** (P. O. Box 750, Beaver Falls, PA 15010) on February 21, 2007, at Ambridge Plant for de minimis emission increase of 3.2 tons of CO per year resulting from changes to an existing reheat furnace at the plant located in Harmony Township, **Beaver 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*

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

**Permit Number 30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company,** (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley and Morris Townships, **Washington County** to add underground and subsidence control plan area acres for development mining. Underground Acres Proposed 2,638.0, Subsidence Control Plan Acres Proposed 2,638.0. No additional discharges. Application received March 31, 2005. Permit issued February 26, 2007.

**Permit Number 03991302 and NPDES Permit No. PA0235385, Rosebud Mining Company,** (301 Market Street, Kittanning, PA 16201), to renew the permit for the Stitt Mine in Rayburn Township, **Armstrong County** and related NPDES. No additional discharges. Application received January 9, 2006. Permit issued March 1, 2007.

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

**63020101 and NPDES Permit No. PA0250104.** Neiswonger Construction, Inc. (17592 Route 322, Strattonville, PA 16528). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in Somerset Township, **Washington County**, affecting 261.6 acres. Receiving streams: Center Branch of Pigeon Creek and UNTs. Application received January 10, 2007. Renewal issued February 26, 2007.

**26743202 and NPDES Permit No. PA0069736.** Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425). Transfer of permit formerly issued to Fayette Coal & Coke, LLC, for continued operation and reclamation of a coal refuse reprocessing facility located in Dunbar and North Union Townships, **Fayette County**, affecting 113.0 acres. Receiving streams: Rankin Run to Redstone Creek. Application received October 5, 2006. Name-change transfer issued March 1, 2000.

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

**33980110 and NPDES Permit No. PA0227901.** Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Perry Township, **Jefferson County** affecting 137.0 acres. Receiving streams: UNTs to Mahoning Creek. This renewal is issued for reclamation only. Application received January 9, 2007. Permit issued February 28, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17020902 and NPDES No. PA0242918. Swisher Contracting, Inc.,** (P. O. Box 1223, Clearfield, PA 16830), transfer of an existing bituminous surface mine from Johnson Brothers Coal Company (1390 Lee Run Road, Mahaffey, PA 15767), located in Lawrence Township, **Clearfield County**, affecting 16.9 acres. Receiving streams: Laurel Run to Little Clearfield Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Transfer application received December 12, 2006. Permit issued February 22, 2007.

**17050108 and NPDES No. PA0256277. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Commencement, operation and restoration of a bituminous surface mine in Graham Township, **Clearfield County**, affecting 76.5 acres. Receiving streams: UNT No. 3 and Moravian Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 8, 2005. Permit issued February 23, 2007.

**17010112 and NPDES No. PA0243159. Hepburnia Coal Company** (P. O. Box 1, Grampian, PA 16838). Renewal of an existing bituminous surface-auger mine in Chest Township, **Clearfield County**, affecting 141 acres. Receiving streams: Spring Run and Chest Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received December 6, 2006. Permit renewed February 22, 2007.

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

**40020201T. South Tamaqua Coal Pockets, Inc.,** (804 West Penn Pike, Tamaqua, PA 18252), transfer of an existing anthracite coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 113.0 acres, receiving stream: none. Application received September 20, 2006. Transfer issued February 26, 2007.

**13060101. Keystone Anthracite Marketing Corp., d/b/a KAMC,** (P. O. Box 126, Paxinos, PA 17860), commencement, operation and restoration of an anthracite surface mine operation in Nesquehoning Borough, **Carbon County** affecting 191.8 acres, receiving stream: none. Application received March 13, 2006. Permit issued February 26, 2007.

#### *Noncoal Permits Actions*

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

**03020402 and NPDES Permit No. PA0250406. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). NPDES permit renewal issued for continued operation and reclamation of a large noncoal surface mining site located in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving streams: UNT to Buffalo Creek, Buffalo Creek to Allegheny River. Application received February 12, 2007. NPDES renewal issued February 26, 2007.

**26030801. Mon River Energy Corporation** (P. O. Box 466, Brier Hill, PA 15415). Final bond release for a small noncoal mining operation located in Redstone Township, **Fayette County**. Restoration of 10.0 acres completed. Receiving streams: Lilly Run to Dunlap Creek. Application for final bond release received November 22, 2006. Final bond release approved: February 26, 2007.

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

**58060808. Joe Squid, Inc.,** (62 Plank Road, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received February 6, 2006. Permit issued February 28, 2007.

**67960301C5 and NPDES Permit No. PA0223701. Codorus Stone & Supply Co., Inc.,** (135 Mundis Race Road, York, PA 17402), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Manchester Township, **York County**, receiving stream: Codorus Creek. Application received January 10, 2007. Renewal issued February 28, 2007.

**6575SM4C6 and NPDES Permit No. PA0611964. Haines & Kibblehouse, Inc.,** (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Eldred and Ross Townships, **Monroe County**, receiving stream: Buckwha and Aquashicola Creeks. Application received January 17, 2007. Renewal issued March 1, 2007.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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

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

**01074103. Dyno Noble, Inc.,** 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for commercial development in Menallen Township, **Adams County**. Blasting activity permit end date is December 30, 2007. Permit issued February 23, 2007.

**28074114. Douglas Explosives, Inc.,** P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for school development in Waynesboro Borough, **Franklin County**. Blasting activity permit end date is December 30, 2007. Permit issued February 23, 2007.

**21074110. M & J Explosives, Inc.,** P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for commercial land development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is April 15, 2008. Permit issued February 23, 2007.

**01074104. J Roys, Inc.,** P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for residential development in Littlestown Borough, **Adams County**. Blasting activity permit end date is January 1, 2008. Permit issued February 23, 2007.

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

**43074001. Winchester Blasting Services** (5400 Crestwood Drive, Knoxville, TN 37914). Blasting activity permit for the demolition of the Chestnut Street Bridge in the Borough of Grove City, **Mercer County**. This blasting activity permit will expire on May 30, 2007. Application received February 26, 2007. Application Issued: March 1, 2007.

**25074001. Appalachian Geophysical Services, LLC** (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637). Blasting activity permit for gas and oil exploration in Franklin Township, **Erie County**. This blasting activity permit will expire on August 23, 2007. Application received February 26, 2007. Application Issued: March 1, 2007.

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

**48074001. MF Ronca & Sons**, (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Deer Trac Estates in Washington Township, **Northampton County** with an expiration date of July 30, 2007. Permit issued February 27, 2007.

**51074001. Controlled Demolition, Inc.**, (2737 Meryman's Mill Road, Phoenix, MD 21131), demolition blasting at Pennsylvania Hall in the City of Philadelphia, **Philadelphia County** with an expiration date of March 4, 2008. Permit issued February 27, 2007.

**67074002. Abel Construction Company, Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting at Rentzel Heights Phase 1A in East Manchester Township, **York County** with an expiration date of March 31, 2008. Permit issued February 27, 2007.

**35074103. DC Guelich Explosives, Inc.**, (R. R. 3, Box 125A, Clearfield, PA 16830), construction blasting at the Alliance Sanitary Landfill in Taylor Borough and Ransom Township, **Lackawanna County** with an expiration date of March 1, 2008. Permit issued March 1, 2007.

**45074109. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting on Dyson Road in Pocono Township, **Monroe County** with an expiration date of February 28, 2008. Permit issued March 1, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing

Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-899. Bucks County Airport Authority**, 3879 Old Easton Road, P. O. Box 1185, Doylestown, PA 18901, Milford Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities:

1. To modify and maintain an existing stream enclosure of a UNT of Unami Creek (HQ-TSF) by placing an additional 77 linear feet of 42-inch SLCPP pipe to the downstream end of the existing structure and to place fill within 0.53 acre of adjacent wetlands (PFO).

2. To modify existing stormwater management facilities by constructing various stormwater conduits that will impact a total of 1,344 linear feet of manmade watercourse and 0.08 acre of wetland (PEM) contained within the existing stormwater facility.

The authorization includes approval of an Environmental Assessment for two on-stream nonjurisdictional dams. The facilities will result in the filling of a total of 250 linear feet of intermittent UNT of Unami Creek and 0.03 acre of adjacent wetland associated with the construction of both dam embankments.

The permittee will construct 0.82 acre of wetland replacement to compensate for wetland impacts. The project is located just south of SR 0663: Milford Square USGS Quadrangle Map; N: 11.0 inches, W: 1.0 inches, Milford Township, Bucks County.

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



**E09-895. Department of Transportation, 7000** Geerdes Boulevard, King of Prussia, PA 19406, Hilltown Township, **Bucks County**, ACOE Philadelphia District.

To replace the existing three-span stone masonry arch Walnut Street Bridge crossing over a UNT to Pleasant Spring Creek (TSF) with a two-span precast concrete arch culvert having a 28-foot long span and a top-of-arch height of 6 feet 6 inches. The water obstruction and encroachment impacts associated with this project include the following:

1. To construct and maintain the twin arch culvert to include wingwalls and footing work in the streambed and a 10-foot wide multiuse trail adjacent to Walnut Street.
2. To construct and maintain a stormwater outfall and drainage channel in the floodway of the UNT to Pleasant Spring Creek.
3. To conduct grading, filling, compaction and roadway widening in the floodway to accommodate the increase width of the new culvert and trail construction.
4. To construct temporary cofferdams within the stream and adjacent areas in the floodway as required facilitating bridge footing construction and erosion and sedimentation control measures.

The project will permanently impact approximately 75 linear feet of stream and 0.15 acre of floodway and temporarily impact 88 linear feet of stream associated with cofferdam construction. The project is located approximately 227 feet south of the Walnut Street and Perkasio Road intersection in Hilltown Township, Bucks County (Telford PA, Quadrangle N: 20.03 inches; W: 4.33 inches).

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

**E54-326. Commonwealth Environmental System, LP, P. O. Box 249, Dunmore, PA 18512-0249.** Frailey Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To place fill in approximately 0.96 acre of PFO wetlands for the purpose of expanding an existing municipal solid waste landfill. The permittee is required to provide 2.0 acres of replacement wetlands. The project is located approximately 1.0 mile east of SR 0081, on the north side of SR 0025 (Tremont, PA Quadrangle N: 7.3 inches; W: 0.7 inch). (Subbasin: 6D)

**E39-454. Principal Investments, LLC, 1611 Pond Road, Allentown, PA 18104.** Lower Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two stormwater outfall structures in the floodway of the Little Lehigh Creek (HQ-CWF), the first consisting of an 18-inch RCP, concrete inlet box, and a cable concrete apron and the second consisting of a 24-inch RCP, concrete inlet box, and a cable concrete apron and to construct and maintain an 8-inch concrete encased DIP waterline crossing of Leibert Creek (HQ-CWF). The encroachments are associated with the Olympic Ridge Residential Development located on the north side of Indian Creek Road (SR 2018) approximately 0.1 mile east of the Pennsylvania Turnpike (Allentown West, PA Quadrangle N: 6.4 inches; W: 2.9 inches). (Subbasin: 2C)

**E39-464. Saucon Valley Country Club, 2050 Saucon Valley Road, Bethlehem, PA 18015.** Upper Saucon Town-

ship, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain golf course drainage improvements to the ninth hole of Saucon Valley Country Club's Old Course. The improvements are located within the floodway of Saucon Creek (CWF) and consist of regrading approximately 2.5 acres; constructing one 12-inch and three 8-inch outfall structures; and constructing 400 feet of bank stabilization along the right bank with work consisting of laying back the bank to a 3:1 slope and stabilizing it with biologs and sod. Saucon Valley Country Club is located on the south side of Saucon Valley Road approximately 0.2 mile east of its intersection with SR 0378 (Allentown East, PA Quadrangle N: 10.0 inches; W: 1.4 inches). (Subbasin: 2C)

**E40-655. CAN DO, Inc., One South Church Street, 200 Renaissance Center, Hazleton, PA 18201.** Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in approximately 1.42 acres of PEM wetlands within the drainage basin of Stony Creek (CWF) for the purpose of preparing a 33-acre former mineland site for a future cold storage warehouse facility. The permittee is required to provide 1.42 acres of replacement wetlands. The project is located in the Humboldt Industrial Park Northwest, on the north side of SR 0924, approximately 1.6 miles west of SR 0081 (Conyngham, PA Quadrangle N: 11.0 inches; W: 7.5 inches). (Subbasin: 5B)

**E13-147. Gerald F. Strubinger, 555 West 10th Street, Jim Thorpe, PA 18229.** Jim Thorpe Borough, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To authorize the existing fill in the floodway along 300 feet of Silkmill Run (HQ-CWF) for the purpose of preparing the site for a mobile home park. The project is located approximately 0.25 mile east of the SR 0903 bridge over the Lehigh River (Lehighon, PA Quadrangle N: 21.9 inches; W: 14.9 inches). (Subbasin: 2B)

**E39-471. Macungie Borough, 21 Locust Street, Macungie, PA 18062.** Macungie Borough, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an outfall structure consisting of a 15-inch diameter HDPE pipe and riprap apron in the floodway of a tributary to Swabia Creek (HQ-CWF). The outfall is located on the north side of Lehigh Street approximately 0.15 mile east of North Church Street (Allentown West, PA Quadrangle N: 3.2 inches; W: 7.4 inches). (Subbasin: 2C)

**E39-472. Lutron Electronics Company, Inc., 7200 Suter Road, Coopersburg, PA 18036-1299,** in Upper Saucon Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To modify and maintain a 0.53-acre manmade pond within the Tumblebrook Creek Watershed (CWF) with work consisting of reconfiguring the geometry of the pond while maintaining the approximate size and depth. The activity is associated with the construction of an office building. The project is located on the west side of Suter Road approximately 0.1 mile north of Jacoby Road. (Allentown East, PA Quadrangle N: 3.5 inches; W: 0.2 inches).

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

**E07-406: Warnaco, Inc.**, Routes 22 and 220, Duncansville, PA 16635 in Blair and Allegheny Townships, **Blair County**, ACOE Baltimore District.

To place and maintain fill in a de minimis area of wetlands equal to 0.02 acre for the purpose of constructing a commercial warehouse/distribution center. The project is located West of PA Route 764, and South of Old PA Route 22 (Hollidaysburg, PA Quadrangle N: 7.4 inches, W: 9.5 inches; Latitude: 40° 24' 59"; Longitude: 78° 26' 39") in Blair and Allegheny Townships, Blair County.

**E38-147: Isaac B. Martin**, 2292 Hayride Road, P. O. Box 508, Lebec, CA 93243 in North Lebanon Township, **Lebanon County**, ACOE Baltimore District.

To remove an existing 45-foot long, 18-inch APS culvert, and to install and maintain an 88.0-foot long, 20.0-foot by 5.0 foot conspan open-bottom arch bridge, an 8-inch ductile iron waterline in the fill above the bridge and a 100.0-foot long, 20.0-foot by 5.0 foot conspan open-bottom arch bridge with an 8-inch ductile iron waterline, 8-inch SDR-35 sewer line and an 18-inch ADS N-12 storm sewer line in the fill above the bridge across two UNTs to Swatara Creek (WWF), to maintain 1.06 acres of fill in palustrine emergent wetlands located southeast of Harvest Drive in the Homestead Acres Subdivision—Phase I, and to place and maintain fill in 0.12 acre of palustrine forested wetlands. To compensate for the wetland impacts, the applicant is required to construct replacement wetlands at a 2:1 ratio, which equals 2.36 acres. The location of the replacement wetlands is along Quitapahilla Creek, north of Birch Road. The project is located west of Grace Avenue and north of its intersection with Kercher Avenue (Lebanon, PA Quadrangle, Latitude: 40° 22' 17.06"; 40° 22' 10.98"; 40° 22' 10.35"; Longitude: 76° 26' 51.60"; 76° 26' 49.98"; 76° 26' 56.45"; N: 20.09 inches; 21.81 inches; 21.73 inches; W: 10.13 inches; 9.95 inches; 10.28 inches respectively) in North Lebanon Township, Lebanon County.

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

**E10-419, Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066. Graham Park, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 40° 42' 34"; W: 80° 07' 52").

To conduct activities associated with the construction of Graham Park, a municipal recreational, athletic facility on a 112-acre site, north of Rochester Road and east of Powell Road:

1. Impact .665 acres of four existing wetlands (PEM/PSS/PFO) for grading of the ball fields and other impacts.

2. Construct and maintain a 37.3-foot long Con/Span precast concrete arch culvert, having a span of 42 feet and a rise of 11 feet across Brush Creek for construction of Graham Park Drive.

3. To construct and maintain a 76-foot long aluminum box culvert, having a span of 13 feet and a rise of 3 feet across a tributary to Brush Creek (Tributary 4) on Graham Park Drive.

4. To construct and maintain a 580-foot long, 36-inch diameter stream enclosure in a tributary to Brush Creek (Tributary 5) having a drainage of less than 100 acres for construction of a sports field.

5. To construct and maintain a 63.5-foot long aluminum box culvert, having a span of 17.75 feet and a rise of 3.8 feet in a tributary to Brush Creek (Tributary 6) on Graham Park Drive.

6. To construct and maintain a 47-foot long, 30-inch diameter HDPE pipe culvert in a tributary to Brush Creek (Tributary 4) for a pedestrian trail.

7. To construct and maintain twin 43-foot long, 42-inch diameter HDPE pipe culverts in a tributary to Brush Creek (Tributary 6) for a pedestrian trail.

8. To conduct fill and grading within the 100-year floodplain and floodway involving a total of approximately 6,000 foot reach of Brush Creek and tributaries for construction of athletic fields, roadways, pedestrian trail and an off-stream pond.

9. Construct and maintain a total of 18 utility line crossings of Brush Creek, tributaries to Brush Creek and various wetlands.

10. Construct and maintain six stormwater outfalls to Brush Creek and tributary to Brush Creek (Tributary 4).

This project proposes the following measures and/or activities as onsite mitigation for the project impacts:

1. To construct and maintain a total of 650 linear feet of streambank stabilization/restoration at two locations along Brush Creek.

2. Construction of 0.80-acre replacement wetland adjacent to an existing wetland (Wetland 7).

3. Conduct approximately 150 linear feet of stream enhancement along Brush Creek.

4. Conduct approximately 400 linear feet of stream enhancement along a tributary to Brush Creek (Tributary 4).

5. Establish approximately 9,000 linear feet of Conservation Easement along the undisturbed corridor of Brush Creek.

6. Establish approximately 5,020 linear feet of Conservation Easements on the undisturbed corridors of tributaries to Brush Creek.

**E43-336. T-Mobile**, 8550 Bryn Mawr Avenue, First Floor, Chicago, IL 60631. T-Mobile Hermitage Cellular Tower. City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East Quadrangle, N: 41° 14' 03"; W: 80° 27' 08").

To install and maintain a monopole cellular tower and platform along the left floodway of a tributary to Pine Hollow Run (WWF) beginning approximately 400 feet west of SR 18 and extending downstream, in an area of 50 feet by 50 feet at a maximum depth of 1 foot.

**E43-338. City of Sharon**, 155 West Connelly Boulevard, Sharon, PA 16146. Wastewater Treatment Plant Improvements in the City of Sharon, **Mercer County**, ACOE Pittsburgh District (Sharon West, PA Quadrangle N: 41° 13' 29"; W: 80° 30' 45").

To 1) install and maintain an additional 18-inch siphon barrel that will cross under the Shenango River (WWF); 2) install and maintain a new 6-foot wide rectangular channel for the new wastewater outfall, with riprap outlet to the Shenango River. These activities are part of the improvements to the City of Sharon's Wastewater Treatment Plant.

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**SPECIAL NOTICES**


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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of February 2007, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Brian Bacchus	125 Twin Oak Drive Wexford, PA 15090	Mitigation
Glen Beveridge	409 Sewickley Street Greensburg, PA 15601	Testing
Donald Bobincheck	116 Kenney Drive Sewickley, PA 15143	Testing
David Bollinger	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Matthew Engler	P. O. Box 1582 Bethlehem, PA 18016	Testing
Paul Hollup	420 Vaughn Road Royersford, PA 19468	Testing
E. Patrick Joseph	561 Vanderbilt Road Connellsville, PA 15425	Testing
Brian Kendrick	P. O. Box 8172 Lancaster, PA 17604	Testing
Christopher Licata	129 Bayberry Drive Dingmans Ferry, PA 18328	Testing
G. Richard Lininger	122 Madison Avenue Waynesboro, PA 17268	Testing
Dale Martin, Jr.	4142 Ogletown-Stanton Road #217 Newark, DE 19713	Testing
Microbac Laboratories, Inc.	1962 Wager Road Erie, PA 16509	Testing and Laboratory
Brian Mishler	212 West Grant Street Latrobe, PA 15650	Testing
Edward Moran	940 Port Carbon Street Pottsville, PA 17911	Testing
James Mulvehill	126 Furnari Avenue Johnstown, PA 15905	Testing
PRO-LAB	1675 North Commerce Parkway #100 Weston, FL 33326	Laboratory
Radon Concepts Group, Inc.	106 Winslow Court Greensburg, PA 15601	Testing
Radon X	1115 Cornell Street Pittsburgh, PA 15212	Mitigation
Howard Shanker	1341 North Delaware Avenue #205 Philadelphia, PA 19125	Testing
Tim Singleton	2483 Carriage Drive Lancaster, PA 17601	Testing
Martin Spiegel	3060 Concord Road Aston, PA 19014	Testing
Janice Struder	P. O. Box 72722 Thorndale, PA 19372	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Van Thorson	P. O. Box 1036 Carlisle, PA 17013	Testing
John Wechter	72 Gristmill Lane Linfield, PA 19468	Testing

[Pa.B. Doc. No. 07-442. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

#### *Ordering Paper Copies of Department Technical Guidance*

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

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

#### *Changes to Technical Guidance Documents*

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

#### *Final Technical Guidance*

DEP ID: 257-3120-003. Title: Guidelines for Conducting Underground Storage Tank (UST) Facility Operations Inspections (FOI). Description: This guidance specifies FOI procedures for Department certified third-party inspectors who conduct inspections at underground storage tank facilities regulated under 25 Pa. Code Chapter 245 (relating to administration of the storage tank and spill prevention program). It further clarifies definitions, terms and abbreviations common to the inspection process. Notice for public comment on the draft version of the technical guidance document was published at 36 Pa.B. 6159 (October 7, 2006). During the 30-day public comment period, the Department received comments from Sunoco, Inc. (R & M), which are addressed in a separate Comment and Response document that is available on the Department's website at the address provided.

Contact: Walter Nagel or Ray Powers, Department of Environmental Protection, Bureau of Waste Management, Division of Storage Tanks, Rachel Carson State Office Building, 14th Floor, P. O. Box 8762, Harrisburg, PA 17105-8762, (717) 772-5551, or [wnagel@state.pa.us](mailto:wnagel@state.pa.us) or [rapowers@state.pa.us](mailto:rapowers@state.pa.us), respectively. Effective Date: March 17, 2007.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-443. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Bid Opportunities

**BOGM 07-3, Cleaning Out and Plugging five Abandoned Oil Wells, (Ann Vantassel, Suzanne Anderson and Mr. and Mrs. Ed Cirol Properties).** The principal items of work include cleaning out and plugging five abandoned oil wells, estimated to be 1,800 feet each in depth, to Department of Environmental Protection's specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on March 16, 2007, and bids will be opened on April 17, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

KATHLEEN MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-444. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Bid Opportunities

**BOGM 07-1, Cleaning Out and Plugging one Abandoned Gas Well, (Mr. And Mrs. John Koffman Property).** The principal items of work include cleaning out and plugging one abandoned gas well, estimated to be 5,171 feet in depth, to Department of Environmental Protection's specifications, preparing and restoring well site and mobilizing and demobilizing plugging equipment. Estimated plugging time for this well is 100 hours. This project issues on March 16, 2007, and bids will be opened on April 17, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Contact the Construction

Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-445. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Bid Opportunities

**C11:1-101.1, Rehabilitation of the Northern Cambria Levee Drainage Structures, Northern Cambria Borough, Cambria County.** The principal items of work and approximate quantities include 1,600 cubic yards of excavation, 1,000 cubic yards of unclassified fill, 620 cubic yards of rolled embankment, 650 cubic yards of compacted backfill, 100 cubic yards of grouted R-5 riprap, one 24" x 24" sluice gate, one 36" x 36" sluice gate, one 48" x 36" sluice gate, one 24" Duckbill check valve, one 36" Duckbill check valve, one 48" Duckbill check valve, one 60" Duckbill check valve, 75 cubic yards of Class A concrete, 30 linear feet of 18" reinforced concrete pipe, 45 linear feet of 24" reinforced concrete pipe, 37 linear feet of 36" reinforced concrete pipe, 90 linear feet of 36" x 36" concrete box culvert, 40 linear feet of 48" x 36" concrete box culvert. This project issues on March 16, 2007, and bids will be opened on April 10, 2007, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-446. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Meeting Cancellation

The Cleanup Standards Scientific Advisory Board (CSSAB) meeting scheduled for Wednesday, April 4, 2007, has been cancelled. The next meeting of the CSSAB is scheduled for Wednesday, September 19, 2007, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the cancellation of the April 4, 2007, meeting should be directed to Marilyn Wooding, (717) 783-7816, mwooding@state.pa.us. The agenda and materials for the September 19, 2007, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-7816 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. 07-447. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Lackawanna County

The Department of General Services (Department) has State-owned real estate for sale in Newton Township, PA. The Department will accept bids for the purchase of 1.15 acres of land and improvements located at 1501 Forest Acres Drive, Clarks Summit, Solicitation No. 94081; and 1.01 acres of land and improvements located at 1502 Forest Acres Drive, Clarks Summit, Solicitation No. 94082. Both are located in Lackawanna County. Bids are due Thursday, April 26, 2007. Interested parties wishing to receive copies of Solicitation Nos. 94081 and 94082 should view the Department's website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 07-448. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Berkshire Eye Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berkshire Eye Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

The 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](mailto:paexcept@health.state.pa.us).

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

Comments received by the Department within 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 for exception 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. 07-449. Filed for public inspection March 16, 2007, 9:00 a.m.]

### **Application of Bryn Mawr Hospital—Main Line Health for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr Hospital—Main Line Health has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards).

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.

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. 07-450. Filed for public inspection March 16, 2007, 9:00 a.m.]

### **Application of Guthrie Clinic, Ltd. for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Guthrie Clinic, Ltd. has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The 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.

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 for exception 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. 07-451. Filed for public inspection March 16, 2007, 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 § 569.35(7) (relating to general safety precautions).

The 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.

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 for exception 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. 07-452. Filed for public inspection March 16, 2007, 9:00 a.m.]

### **Application of Jameson Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to control of anesthetic explosion hazards).

The 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.

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 for exception 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. 07-453. Filed for public inspection March 16, 2007, 9:00 a.m.]

### **Application of Kindred Hospital Pittsburgh—North Shore for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital Pittsburgh—North Shore has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The 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.

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 for exception 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. 07-454. Filed for public inspection March 16, 2007, 9:00 a.m.]

### **Application of The Medical Center, Beaver for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Medical Center, Beaver has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The 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.

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 for exception 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. 07-455. Filed for public inspection March 16, 2007, 9:00 a.m.]

### **Application of Saint Vincent Health Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Vincent Health Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The 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, (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 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 for exception 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. 07-456. Filed for public inspection March 16, 2007, 9:00 a.m.]

### **Application of Sewickley Valley Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sewickley Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The 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.

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 for exception 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. 07-457. Filed for public inspection March 16, 2007, 9:00 a.m.]

#### Application of Tyrone Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Tyrone Hospital has requested an exception to the requirements of 28 Pa. Code § 135.5 (relating to surgical emergency care).

The 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.

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 for exception 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. 07-458. Filed for public inspection March 16, 2007, 9:00 a.m.]

#### Application of UPMC Bedford Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bedford Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The 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.

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 for exception 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. 07-459. Filed for public inspection March 16, 2007, 9:00 a.m.]

#### Application of UPMC South Side Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC South Side Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from 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.

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 for exception 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. 07-460. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Approved Drugs for ALS Ambulance Service

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by EMT-paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Adenosine
2. Albuterol
3. Amiodarone
4. Aspirin
5. Atropine sulfate
6. Benzocaine—for topical use only
7. Bretylium
8. Calcium chloride
9. Dexamethasone sodium phosphate
10. Diazepam
11. Dilaudid—for interfacility transports only
12. Diltiazem
13. Diphenhydramine HCL
14. Dobutamine
15. Dopamine
16. Epinephrine HCL
17. Etomidate
18. Fentanyl
19. Furosemide
20. Glucagon
21. Heparin by intravenous drip—for interfacility transports only
22. Heparin lock flush
23. Hydrocortisone sodium succinate
24. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only
  - a. Abciximab
  - b. Eptifibatide
  - c. Tirofiban
25. Intravenous electrolyte solutions
  - a. Dextrose
  - b. Lactated Ringer's
  - c. Sodium chloride
  - d. Normosol
  - e. Potassium—for interfacility transports only
26. Ipratropium Bromide
27. Isoproterenol HCL—for interfacility transports only
28. Levalbuterol—for interfacility transports only
29. Lidocaine HCL
30. Lorazepam
31. Magnesium sulfate
32. Metaproterenol
33. Methylprednisolone
34. Midazolam
35. Morphine sulfate

36. Naloxone HCL
37. Nitroglycerin by intravenous drip—for interfacility transports only
38. Nitroglycerin ointment
39. Nitroglycerin spray
40. Nitroglycerin sublingual tablets
41. Nitrous oxide
42. Ondansetron
43. Oxytocin
44. Pralidoxime CL
45. Procainamide
46. Sodium bicarbonate
47. Sodium thiosulfate
48. Sterile water for injection
49. Terbutaline
50. Tetracaine—for topical use only
51. Verapamil

This list supersedes the list of approved drugs published at 36 Pa.B. 8012 (December 30, 2006).

Changes made are: (1) addition of ondansetron; and (2) removal of phenergan.

Ambulance services are not authorized to stock drugs designated "for interfacility transports only." However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel. See 28 Pa. Code § 1005.11(a)(3) and (d).

Section 1005.11 of 28 Pa. Code permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region's medical treatment protocols authorize for use within the region. In addition, under 28 Pa. Code § 1001.161 (relating to research), the Department may approve an ambulance service to engage in a research project that involves use of a drug not included in a region's medical treatment protocols. Finally, under 28 Pa. Code § 1001.4 (relating to exceptions), a ground ALS ambulance service and its ALS service medical director may apply to the Department for an exception to a region's medical treatment protocols.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations, and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert Cooney at the Department of Health, Bureau of Emergency Medical Services, Room 1032, Health and Welfare Building, 7th and Forster Streets Harrisburg, PA 17120, (717) 787-8740. Speech or

hearing impaired persons may use 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. 07-461. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Availability of Title V Funds to Fund Breastfeeding Awareness and Support Activities Through Mini-Grants

The Bureau of Family Health in collaboration with the Bureau of Health Promotion and Risk Reduction's Nutrition and Physical Activity Program is accepting mini-grant applications for breastfeeding awareness, community outreach and peer support activities occurring between July 1, 2007, and June 30, 2009. Starting April 1, applicants will have a choice of applying for a "single" or a "double" mini-grant. A "single" mini-grant applies to activities occurring between July 1, 2007, and June 30, 2008. A maximum of \$3,000 is available for this period. A "double" mini-grant applies to activities occurring between July 1, 2007, and June 30, 2009. A maximum of \$6,000 is available for this 2 year period, with a maximum of \$3,000 for each State fiscal year period. Funds cannot be carried over from one year to the next. "Double" mini-grants awardees will have the assurance of knowing that the Bureau of Family Health has planned to commit resources to its project, but, like all expenditures of Commonwealth and Federal funds, this commitment is contingent upon the appropriation and availability of those funds.

Mini-grants for up to \$3,000 per 12-month period are available to support activities, events or services with the direct objective of: increasing the number of women who breastfeed for up to 1 year; increasing the number of people who consider breastfeeding acceptable and desirable; and/or increasing the number of pregnant women who select breastfeeding as their long-term infant feeding practice; and/or, decreasing the negative stereotypes associated with breastfeeding among the general public.

The public health benefits of breastfeeding have been extensively documented. Experts agree that breastfeeding is the optimal way to feed infants. Breastfeeding significantly promotes infant and maternal immediate and long-term health, decreases the frequency of doctor visits, hospitalizations and medication utilization and thereby lowers medical costs. As a result, the decision to breastfeed is of significant importance to the newborn child, the mother and the public health and healthcare system.

Eligible applicants are public and private organizations, foundations or community-based agencies in this Commonwealth as recognized by a Federal Tax ID number. Individuals may not apply. Eligible applicants include, but are not limited to: medical care facilities, medical providers, educational providers, youth groups, community organizations, employers/businesses, professional associations, local governments, social/human service agencies or schools/colleges/universities.

Funds may be used to support ongoing and/or one-time activities, events or services that promote the objectives of the program, including but not limited to: equipment, teaching tools, staff time to perform group counseling,

community educational and advocacy functions, advertising, space rental for special activity and trainer expenses. Applicants may apply for funding to cover multiple purchases/activities, not to exceed \$3,000 cumulatively per grant period.

Completed applications for either "single" or "double" mini-grants will be accepted any time after April 1, 2007. Applicants will be considered on a first-come-first-served basis and awards will be contingent upon the availability of funds and Department of Health (Department) approval. Copies of application forms and other background information are available on the Department's website ([www.health.state.pa.us](http://www.health.state.pa.us); search word: "mini-grants").

Applications will be scored by an independent review panel using a 10 point rating scale. The 5 rating factors are: soundness of approach (4 points), resources leveraged and partnership building (3 points), evaluation/measurement of results and degree to which the changes are determined to be potentially effective (2 points), documented need and target population selection (1 point). One bonus point will given to any applicant with documented media commitment or involvement.

Applicants will be notified of approval/disapproval in writing within 30 days of receipt of a completed application. Applicants not selected for funding will be offered one opportunity to be reconsidered after revising their application to conform to the guidelines. Awardees are expected to abide by the provisions and limitations of the Federal funding source, the Title V Maternal and Child Health Block Grant (42 U.S.C.A. § 701, et seq.).

To request application materials or for additional information related to this initiative, or for persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille), contact Martha Kautz, Program Coordinator, Breastfeeding Awareness and Support, Bureau of Family Health, Division of Community Systems Development Outreach, Health and Welfare Building, 7th Floor East, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-2763, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984, [mkautz@state.pa.us](mailto:mkautz@state.pa.us).

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

[Pa.B. Doc. No. 07-462. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to Compensation Policy), the Department of Labor and Industry, Bureau of Workers' Compensation gives notice of the range of fees charged by Utilization Review Organizations (UROs) and Peer Review Organizations (PROs) for services performed under the Workers' Compensation Act during 2006.

<i>URO/PRO</i>	<i>Range of Fees</i>	
	<i>Minimum</i>	<i>Maximum</i>
Alico Services, LTD	\$300.00	\$775.00
American Review Systems, Inc.	298.03	1,758.19
CAB Medical Consultants	225.00	963.30
Caduceus-Lex Medical Auditing, Inc.	300.00	913.25
CEC, Inc.	245.00	984.75
Chiro-Med Review Company	250.00	795.00
CorVel Corporation	136.27	1,912.29
De Novo Management	120.74	1,298.75
DLB Services	176.42	1907.45
First Managed Care Option	154.88	2,046.45
Hajduk & Associates	275.00	755.06
Health Care Dimensions	72.00	1,679.20
Industrail Rehabilitation Associates	225.00	675.00
KVS Consulting Services	301.36	1,186.13
LRC Disability Management Consultants	162.75	1,310.25
McBride & McBride Associates	150.00	750.00
Procura Management, Inc.	220.00	813.78
Quality Assurance Reviews	430.00	1,795.00
Rehabilitation Planning, Inc.	225.00	1,151.71
T & G Reviews, Inc.	225.00	795.00
TxReview, Inc.	105.99	835.00
Uniontown Medical Rehabilitation, PC	125.15	1,759.27
Vmed	316.10	1,031.37
Watson Review Services	300.00	730.00
West Penn IME, Inc.	210.41	1,566.66

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 07-463. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Public Comment on Federal Fiscal Year 2008 Combined Agency State Plan Attachments

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973 as amended in the Workforce Investment Act of 1998, announces a period of public comment on its proposed Federal Fiscal Year (FFY) 2008 Combined Agency State Plan Attachments. The FFY 2008 begins on October 1, 2007, and ends on September 30, 2008.

The purpose of this period of comment is to provide individuals, advocates and other interested parties and/or organizations the opportunity to present their views and recommendations regarding Vocational Rehabilitation (VR) services for persons with disabilities. In this Commonwealth, these services are provided by OVR through a network of 21 local District Offices and the Hiram G. Andrews Center (HGAC).

OVR is required, under law to develop and implement a Combined Agency State Plan (State Plan), which must be reviewed and, as necessary, revised annually when there are changes to its VR program. These revisions take the form of updates to existing Attachments. The Plan currently in effect for FFY 2007 is a compliance document filed with the Commissioner, Rehabilitation Services Administration, United States Department of Education. It is the blueprint for the provision of VR services to persons with disabilities living in this Commonwealth.

This period of public comment allows interested parties an opportunity to provide input regarding the Commonwealth's public VR program. Specifically, comment is being solicited regarding the following State Plan components: input and recommendations of the Pennsylvania Rehabilitation Council; comprehensive system of personnel development; annual estimate of individuals to be served and costs of services; OVR's goals and priorities; Order of Selection; distribution of Supported Employment funds; and Innovation and Expansion activities. In addition to these areas, BBVS will accept public comment on the Business Enterprise Program, Specialized Services for Children and Adults and Independent Living Services for Older Persons Who are Blind.

Following is the pertinent information for the upcoming public meetings. All meeting sites are accessible and interpreters for people who are deaf or hard of hearing or deaf-blind will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests, individuals should call the OVR district office conducting the public meeting they wish to attend. If an individual or organization is unable to attend a public meeting, but wishes to give testimony, written comments may be mailed to the appropriate OVR district office serving the area in which the individual/organization resides. Written comments must be submitted by 5 p.m., Monday, April 30, 2007.

Persons/organizations wishing to obtain information regarding the specific time and location of a meeting in their area, a copy of the proposed FFY 2008 State Plan Attachments or other information should contact the appropriate district office in their area.

Copies of the current FFY 2007 and the proposed FFY 2008 State Plan Attachments are available on the OVR website, [www.state.pa.us](http://www.state.pa.us), by using Disability Services as the PA Keyword.

### OVR District Offices

Allentown BVRS District Office  
(Carbon, Lehigh, Monroe and Northampton Counties)  
45 North 4th Street, Allentown, PA 18102  
(800) 922-9536 (Voice) (888) 377-9207 (TTY)  
Date: April 11, 2007 Time: 2 p.m.—4 p.m.  
Contact Person: Richard Walters

Altoona BBVS District Office  
(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)

Fourth Floor Conference Room  
1130 12th Avenue, Altoona, PA 16601  
(866) 695-7673 (Voice) (866) 320-7956 (TTY)  
Date: March 30, 2007 Time: 10 a.m.—12 p.m.  
Contact Person: Becky Mathers

Altoona BVRs District Office  
(Bedford, Blair, Centre, Fulton and Huntingdon Counties)  
Fourth Floor Conference Room  
1130 12th Avenue, Altoona, PA 16601  
(800) 442-6343 (Voice) (866) 320-7955 (TTY)  
Date: April 13, 2007 Time: 1 p.m.—3 p.m.  
Contact Person: Carl Pillar

Dubois BVRs District Office  
(Cameron, Clearfield, Elk, Jefferson and McKean Counties)  
199 Beaver Drive, DuBois, PA 15801  
(800) 922-4017 (Voice/TTY)  
Date: March 26, 2007 Time: 11 a.m.—12:30 p.m.  
Contact Person: Catherine Farr or Ralph Serafini

Erie BBVS District Office  
(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)  
Perkins Family Restaurant  
18276 Conneaut Lake Road, Meadville, PA 16335  
(814) 336-6000 (Restaurant)  
Erie BBVS D.O.: (866) 521-5073 (Voice) (888) 884-5513 (TTY)  
Date: March 27, 2007 Time: 10 a.m.—12 p.m.  
Contact Person: Dawn Sokol

Erie BVRs District Office  
(Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)  
Conference Room  
3200 Lovell Place, Erie, PA 16503  
(800) 541-0721 (Voice) (888) 217-1710 (TTY)  
Date: April 12, 2007 Time: 1 p.m.—3 p.m.  
Contact Person: Bruce Best

Harrisburg BBVS District Office  
(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)  
Forum Place  
8th Floor Conference Room  
555 Walnut Street, Harrisburg, PA 17101  
(866) 375-8264 (Voice) (888) 575-9420 (TTY)  
Date: April 5, 2007 Time: 11 a.m.—2 p.m.  
Contact Person: Adrian Kent

Harrisburg BVRs District Office  
(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)  
Forum Place  
8th Floor Conference Room  
555 Walnut Street, Harrisburg, PA 17101  
(800) 442-6352 (Voice) (877) 497-6545 (TTY)  
Date: April 3, 2007 Time: 10 a.m.—2 p.m.  
Contact Person: Charles Cavalovitch or Belinda Crobak

Johnstown BVRs District Office  
(Cambria, Indiana, Somerset and Westmoreland Counties)  
HGAC Seminar Theater  
727 Goucher Street, Section 10, Johnstown, PA 15905  
(800) 762-4223 (Voice) (866) 862-6891 (TTY)  
Date: April 11, 2007 Time: 3 p.m.—5 p.m.  
Contact Person: John Brown

New Castle BVRs District Office  
(Armstrong, Beaver, Butler and Lawrence Counties)  
Conference Room  
100 Margaret Street, New Castle, PA 16101  
(800) 442-6379 (Voice) (888) 870-4476 (TTY)  
Date: April 10, 2007 Time: 10 a.m.—12 p.m.  
Contact Person: Gary Gay or Luann Digennaro

New Castle BVRs District Office  
(Armstrong, Beaver, Butler and Lawrence Counties)  
PA CareerLink Armstrong County, Conference Room  
77 Glade Drive, Kittanning, PA 16201  
(724) 548-5693 (Careerlink)  
New Castle BVRs D.O.: (800) 442-6379 (Voice)  
(888) 870-4476 (TTY)  
Date: April 12, 2007 Time: 10 a.m.—12 p.m.  
Contact Person: Gary Gay or Luann Digennaro

Norristown BVRs District Office  
(Bucks, Chester, Delaware and Montgomery Counties)  
1875 New Hope Street, Norristown, PA 19401  
(800) 221-1042 (Voice) (888) 616-0470 (TTY)  
Date: April 11, 2007 Time: 3:30 p.m.—5:30 p.m.  
Contact Person: Russell Czajka or Michael Wakefield

Philadelphia BBVS District Office  
(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)  
Associated Services for the Blind  
919 Walnut Street, Philadelphia, PA 19107  
(215) 627-0600 (ASB)  
Philadelphia BBVS D.O.: (866) 631-3892 (Voice)  
(888) 870-4473 (TTY)  
Date: April 12, 2007 Time: 2 p.m.—5 p.m.  
Contact Person: Merlyne Harvey

Philadelphia BVRs District Office  
(Philadelphia County)  
5th Floor Conference Room  
444 North Third Street, Philadelphia, PA 19123  
(800) 442-6381 (Voice) (800) 772-9031 (TTY)  
Date: April 11, 2007 Time: 2 p.m.—4 p.m.  
Contact Person: Don Krentzman

Pittsburgh BBVS District Office  
(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)  
1075 Kossman Building  
400 Stanwix Street, Pittsburgh, PA 15222  
(866) 412-4072 (Voice) (877) 255-5082 (TTY)  
Date: March 28, 2007 Time: 10 a.m.—12 p.m.  
Contact Person: Mary Ellen Pastorak

Pittsburgh BVRs District Office  
(Allegheny County)  
The Civic Building  
1st Floor Conference Room  
200 Ross Street, Pittsburgh, PA 15219  
(412) 255-2200 (The Civic Building)  
Pittsburgh BVRs D.O.: (800) 442-6371 (Voice)  
(888) 870-4474 (TTY)  
Date: April 13, 2007 Time: 1 p.m.—3 p.m.  
Contact Person: Gary Donatelli

Reading BVRs District Office  
(Berks and Schuylkill Counties)  
1090 Commons Boulevard, Reading, PA 19605  
(800) 442-0949 (Voice) (877) 475-7326 (TTY)  
Date: March 26, 2007 Time: 1 p.m.—3 p.m.  
Contact Person: Betty Brown

Washington BVRs District Office  
(Fayette, Greene and Washington Counties)  
201 West Wheeling Street, Washington, PA 15301  
(800) 442-6367 (Voice/TTY)  
Date: March 26, 2007 Time: 11:30 a.m.—12:30 p.m.  
Contact Person: Mary Lou Danko

Washington BVR District Office  
 (Fayette, Greene and Washington Counties)  
 Fayette County Community Action, Building B  
 137 N. Beeson Boulevard, Uniontown, PA 15401  
 (724) 437-6050, Ext. 224 (Fayette County Community  
 Action Building)  
 Washington BVR D.O.: (800) 442-6367 (Voice/TTY)  
 Date: March 27, 2007 Time: 11:30 a.m.—12:30 p.m.  
 Contact Person: Mary Lou Danko

Wilkes-Barre BBVS District Office  
 (Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne,  
 Monroe, Northampton, Pike, Schuylkill, Sullivan,  
 Susquehanna, Tioga, Wayne and Wyoming Counties)  
 300 G Laird Street, Wilkes-Barre, PA 18702  
 (866) 227-4163 (Voice) (888) 651-6117 (TTY)  
 Date: April 4, 2007 Time: 5 p.m.—6 p.m.  
 Contact Person: Jim Jurchak

Wilkes-Barre BVR District Office  
 (Bradford, Columbia, Lackawanna, Luzerne, Pike,  
 Sullivan, Susquehanna, Wayne and Wyoming Counties)  
 300 G Laird Street, Wilkes-Barre, PA 18702  
 (800) 634-2060 (Voice) (888) 651-6117 (TTY)  
 Date: April 4, 2007 Time: 1 p.m.—3 p.m.  
 Contact Person: Jan Snyder

Williamsport BVR District Office  
 (Clinton, Lycoming, Montour, Northumberland, Potter,  
 Snyder, Tioga and Union Counties)  
 Conference Room, The Grit Building  
 Suite 102, 208 West Third Street, Williamsport, PA 17701  
 (800) 442-6359 (Voice) (800) 706-0884 (TTY)  
 Date: March 28, 2007 Time: 1 p.m.—3 p.m.  
 Contact Person: Thomasina Prosseda

York BVR District Office  
 (Adams, Franklin, Lancaster and York Counties)  
 2550 Kingston Road, Suite 101, York, PA 17402  
 (800) 762-6306 (Voice) (866) 466-1404 (TTY)  
 Date: April 11, 2007 Time: 2 p.m.—5 p.m.  
 Contact Person: R. Barry Brandt

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 07-464. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Majestic Jewels Instant Lottery

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Majestic Jewels.

2. *Price:* The price of a Pennsylvania Majestic Jewels instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Majestic Jewels instant lottery game ticket will feature a “CROWN GRID COORDINATES” area and a “CROWN GRID” area. The play symbols located in the “CROWN GRID COORDINATES” area are: The letters A through F, each with the numbers 1 through 6. The play symbols located in the “CROWN GRID” area are: Aquamarine symbol; Turquoise symbol; Topaz symbol; Amethyst symbol; Pearl symbol; Citrine symbol; Sapphire symbol; Emerald symbol; Ruby symbol and Diamond symbol.

4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$3, \$5, \$10, \$20, \$50, \$100, \$500, \$3,000 and \$60,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Majestic Jewels instant lottery game.

#### 6. *Determination of Prize Winners:*

(a) Holders of tickets where the player uncovers three matching Diamond symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets where the player uncovers three matching Ruby symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets where the player uncovers three matching Emerald symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets where the player uncovers three matching Sapphire symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets where the player uncovers three matching Citrine symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets where the player uncovers three matching Pearl symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets where the player uncovers three matching Amethyst symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets where the player uncovers three matching Topaz symbols using only the letter-number combinations found in the “CROWN GRID COORDINATES” area, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets where the player uncovers three matching Turquoise play symbols using only the letter-number combinations found in the "CROWN GRID COORDINATES" area, on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets where the player uncovers three matching Aquamarine play symbols using only the letter-number combinations found in the "CROWN GRID CO-

ORDINATES" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Majestic Jewels instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*Uncover 3 Like Symbols  
Using Only The Grid  
Locations Revealed Under  
The "CROWN GRID  
COORDINATES" Area, Win  
With Prize(s) Of:*

	<i>Win</i>
AQUAMARINE	TICKET
TURQUOISE	\$3
TOPAZ	\$5
AMETHYST	\$10
PEARL	\$20
CITRINE	\$50
SAPPHIRE	\$100
EMERALD	\$500
RUBY	\$3,000
DIAMOND	\$60,000

<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
14.29	420,000
16.67	360,000
20	300,000
33.33	180,000
50	120,000
200	30,000
1,200	5,000
2,500	2,400
60,000	100
600,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Majestic Jewels instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Majestic Jewels, prize money from winning Pennsylvania Majestic Jewels instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Majestic Jewels instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Majestic Jewels or through normal communications methods.

THOMAS W. WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 07-465. Filed for public inspection March 16, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Chief Engineer for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to reconstruct a portion of East Ohio Street, SR 0028, Section A09/A10 in the City of Pittsburgh, Allegheny County. The referenced project involves the use of five known section 2002 resources: the Greek Revival House No. 1; the Greek Revival House No. 2; the Marohnic House and Bookstore; the 31st Street Bridge, as well as the Millvale Riverfront Park and Walking Trail. The first four named resources are structures eligible for the National Register of Historic Places. The last named resource is a publicly-owned park and is considered a section 2002 resource. There is also the potential for use of currently unknown archaeological resources. The effect of this project on the said section 2002 resources will be mitigated by the measures to minimize harm to the resources outlined in the executed Programmatic Agreement for the subject project.

The Chief Engineer for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the reconstruction of this portion of East Ohio Street.

M. G. PATEL, P. E.,  
Chief Engineer

[Pa.B. Doc. No. 07-466. Filed for public inspection March 16, 2007, 9:00 a.m.]

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**Finding  
Lawrence County**

Under the section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Chief Engineer, Department of Transportation, makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the Old Butler Road Bridge, which carries T-741 over Big Run in Shenango Township, Lawrence County.

The bridge is eligible for listing on the National Register of Historic Places and, therefore, qualifies as a Section 4(f)/Section 2002 resource. The State Historic Preservation Officer (SHPO) has concurred in a determination of "Adverse Effect" upon the resource.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation (CEE), the Programmatic Section 4(f) Evaluation and the associated Memorandum of Agreement.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

M. G. PATEL, P. E.,  
Chief Engineer

[Pa.B. Doc. No. 07-467. Filed for public inspection March 16, 2007, 9:00 a.m.]

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**Finding  
Northampton County**

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Chief Engineer for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the Ackermanville Bridge (SR 0191, Section 01B) in the Village of Ackermanville, Northampton County. The project will require the use of land from the Ackermanville Historic District, a section 2002 resource within the project limits.

Mitigation measures will be taken to minimize harm to the Ackermanville Historic District including replacing all trees and shrubs impacted by the project, documenting the Ackermanville Historic District and reporting on the Waltz Creek archaeological site and submitting the artifacts and records to the State Museum of Pennsylvania.

The Chief Engineer for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section

2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effect.

M. G. PATEL, P. E.,  
Chief Engineer

[Pa.B. Doc. No. 07-468. Filed for public inspection March 16, 2007, 9:00 a.m.]

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**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, March 1, 2007, and announced the following:

*Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective February 28, 2007*

Department of Transportation #18-407: Prequalification of Bidders (deletes 67 Pa. Code § 457.5(a)(n))

*Regulations Approved:*

Department of Transportation #18-398: Driver's License Examination (amends 67 Pa. Code §§ 75.2 and 75.6)

State Board of Medicine #16A-4919: Registration and Practice of Acupuncturists (amends Chapters 16 and 18 of Title 49 Pa. Code)

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**Approval Order**

Public Meeting held  
March 1, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, Dissenting; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Transportation—Driver's License Examination; Regulation No. 18-398 (#2450)*

On November 17, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code §§ 75.2 and 75.6. The proposed regulation was published in the December 4, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 1, 2007.

This regulation implements a portion of Act 76 of 2004 by adding chiropractors to the existing list of practitioners who may conduct a physical examination for a first-time applicant for a driver's license. The regulation will not impose any additional costs on the private or public sector. It may reduce costs to individuals by allowing them to obtain the required examinations from their primary care providers.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. §§ 1504(c), 1508(a), 1508.1 and 6103) 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*

**Approval Order**

Public Meeting held  
March 1, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Medicine—Registration and Practice of Acupuncturists; Regulation No. 16A-4919 (#2455)*

On February 2, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends Chapters 16 and 18 of Title 49 Pa. Code. The proposed regulation was published in the February 12, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 5, 2007.

This final-form rulemaking aligns existing acupuncture regulations with Act 49 of 2002 amendments to the Acupuncture Registration Act. It eliminates the requirement that acupuncturists practice under the general supervision of a physician, expands the practice of acupuncture to include supplemental techniques and creates the registration category of practitioner of oriental medicine.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1803(b)) 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. 07-469. Filed for public inspection March 16, 2007, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-53	Pennsylvania Gaming Control Board General Rules of Practice 37 Pa.B. 23 (January 6, 2007)	2/5/07	3/7/07

**Pennsylvania Gaming Control Board Regulation #125-53 (IRRC #2588)  
General Rules of Practice  
March 7, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the January 6, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Section 491a.3. Office of the Clerk.—Clarity.**

Section 491a.3(a)(2) allows electronic filing of documents and pleadings “by electronic means, only under a policy established by the Board.” The provision is vague, and consequently does not impart any useful information to members of the regulated community or their legal representatives. Electronic filing is an efficient and economical method of filing and one which we encourage the Board to implement. However, the Board’s policy with regard to electronic filing should be elaborated in the regulation.

**2. Section 491a.5. Service by the Board.—Clarity.**

Likewise, Section 491a.5(c) provides that proof of service shall be filed in a manner and form prescribed by the Board. That information should also be contained in the regulation.

**3. Section 491a.7. Presiding officers.—Clarity.**

Section 491a.7(b)(1) authorizes the Board and presiding officers to schedule, recess, reconvene and adjourn hearings, “unless otherwise provided by the Board, as provided in 494.1a(a) (relating to generally).” Section 494.1a(a) is a temporary regulation, which will no longer be effective as of July 5, 2007. Therefore, the quoted language should be deleted and a period placed after “hearing.” If and when section 494.1a(a) is promulgated, Section 491a.7(b)(1) can be amended to include the cross-reference.

**4. Section 491a.8. Hearings generally.—Clarity; Implementation procedures.**

Section 491a.8(c) provides that hearings will be documentary “when constitutionally permissible unless otherwise designated by the Board or presiding officer. . . .” The regulation should include examples of when a documentary hearing may not be constitutionally permissible. In the alternative, the Board should list the criteria it will



apply to determine whether a documentary hearing will not be constitutionally permissible.

THOMAS A. DECKER,  
*Chairperson*

[Pa.B. Doc. No. 07-470. Filed for public inspection March 16, 2007, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market 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 website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4814	State Board of Funeral Directors Unprofessional Conduct	3/5/07	4/5/07
7-399	Environmental Quality Board Nonattainment New Source Review	3/6/07	4/5/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-471. Filed for public inspection March 16, 2007, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Liberty Mutual Fire Insurance Company and The First Liberty Insurance Corporation; Private Passenger Auto Insurance Rate Revision; Rate Filing**

On March 1, 2007, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company and The First Liberty Insurance Corporation a filing for a proposed rate level change for private passenger auto insurance.

Liberty Mutual Fire Insurance Company requests an overall 1.1% increase amounting to \$1.343 million annually, to be effective June 25, 2007, for new business and July 30, 2007, for renewal business.

The First Liberty Insurance Corporation requests an overall 1.0% increase amounting to \$1.131 million annually, to be effective June 25, 2007, for new business and July 30, 2007, for renewal business.

Unless formal administrative action is taken prior to April 30, 2007 the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filings, under the "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 Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-472. Filed for public inspection March 16, 2007, 9:00 a.m.]

**LEGISLATIVE REFERENCE BUREAU**

**Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

**Executive Board**

Resolution #CB-06-326, Dated January 30, 2007. Authorizes the agreement between the Commonwealth and the FOP-LCB for the liquor law enforcement officers unit (K4). The agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period of July 1, 2003, through June 30, 2007.

Resolution #OR-07-018, Dated February 1, 2007. Authorizes the reorganization of the Liquor Control Board, by establishing a Chief Executive Officer to oversee all administrative and marketing activities.

Resolution #OR-07-029, Dated February 12, 2007. Authorizes the reorganization of the Department of Health by transferring the Office of Public Health Preparedness from the Office of the Deputy Secretary for Health Planning and Assessment to the Office of the Secretary of Health.

**Governor's Office**

Management Directive No. 505.23—Employee Recognition Program, Amended January 23, 2007.

Management Directive No. 505.32—Governor's Awards for Excellence, Dated January 23, 2007.

Management Directive No. 520.5—Centralized Job Control System, Amended December 1, 2006.

Management Directive No. 520.6—Processing of Reclassification Actions, Amended January 23, 2007.

Management Directive No. 520.8—Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan, Amended January 23, 2007.

Administrative Circular No. 06-18—Inauguration Day, Dated December 21, 2006.

Administrative Circular No. 07-01—Distribution of the 2007-2008 Commonwealth Budget, Dated January 24, 2007.

Administrative Circular No. 07-02—2007-08 Budget Hearing Materials, Dated January 29, 2007.

Administrative Circular No. 07-03—Computation of Interest Penalties, Act 1982-266 Amended, Dated January 29, 2007.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 07-473. Filed for public inspection March 16, 2007, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### Duplicate Board and Emergency Credential Fees

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1208 (relating to collection of fees and fines) is authorized to levy and collect fees to fund the operations of the Board.

To cover the costs associated with providing duplicate credentials, the Board is establishing the following fees. The fees are effective immediately.

#### *Fee Schedule*

Duplicate Board Credential	\$25
Duplicate Emergency Credential	\$25

THOMAS A. DECKER,  
*Chairperson*

[Pa.B. Doc. No. 07-474. Filed for public inspection March 16, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Order

Public Meeting held  
March 1, 2007

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

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Factoryville Bunker Hill Water Co.  
(2006.0116); C-20066155; A-210113*

#### Order

*By the Commission:*

On April 6, 2006, Law Bureau Prosecutory Staff filed a Formal Complaint against Factoryville Bunker Hill Water

Co. (Respondent or Factoryville), a jurisdictional water company certificated at A-210113, for failure to file its 2004 Annual Report. On November 15, 2006, the Commission entered a Default Order that sustained the complaint and imposed a \$1,000 civil penalty for Factoryville's failure to file its 2004 Annual Report or an answer to the Formal Complaint. Notice of the Default Order was published on December 2, 2006, at 36 Pa.B. 7371 with a 20-day comment period. On December 4, 2006, Factoryville filed its delinquent report with its petition for reconsideration requesting that the \$1,000 penalty be withdrawn or reduced.

#### Discussion

The Public Utility Code (Code) establishes a party's right to seek relief following the issuance of our final decisions pursuant to subsections 703(f) and (g), 66 Pa.C.S. § 703(f) and § 703(g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must be consistent with section 5.572 of our regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision. The standards for granting a petition for reconsideration were set forth in *Duick v. Pennsylvania Gas and Water Co.*, C-R0597001 et al., 56 Pa. PUC 553, 1982 Pa. PUC LEXIS 4, 12-13 (1982):

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein it was said that,

Parties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically decided against them . . .

What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.

Additionally, a petition for reconsideration is properly before the Commission where it pleads newly discovered evidence, alleges errors of law, or a change in circumstances.

We note that any issue which we do not specifically address herein, has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. P.U.C.*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also, *University of Pennsylvania v. Pa. P.U.C.*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

In its petition, Factoryville states that it did not knowingly or intentionally fail to file its 2004 Annual Report. Factoryville explains that it located a copy of the 2004 Annual Report which led it to believe that the original had been filed. Unfortunately, Factoryville was unable to locate a cover letter or any other indication of a date it had been mailed. Respondent notes that it has hired a local tax accountant to prepare its annual reports.

Factoryville believes that somehow the original report must have been misplaced during the tax season of 2006. Respondent notes that it has a history of responding to commission requests in a timely manner and that this is the first time that it has filed its annual report late. Based upon its past compliance history, Factoryville requests that the \$1,000 penalty be either reduced or withdrawn.

A review of Commission records reveal that Respondent was certificated in 2003. Other than the instant complaint, no other complaints have been instituted against Respondent. That review of records also revealed that Factoryville filed its electronic copy of the 2004 Annual Report on April 27, 2005. However, Respondent failed to file a hard copy of its report as required by 66 Pa.C.S. § 504. Factoryville's failure to file its hard copy triggered the filing of the Formal Complaint.

Based upon our review of the petition, Factoryville has alleged considerations which appear to have been overlooked by the Commission, as required by Duick. Accordingly, the petition for reconsideration is hereby granted. Because Factoryville has now filed the hard copy of its 2004 Annual Report, we will rescind the November 15, 2006 Default Order. In addition, because Factoryville's compliance violation was not intentional, we will exercise our discretion and not require Factoryville to pay the \$1,000 civil penalty imposed in the Default Order. However, we caution Factoryville that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Factoryville and the rest of the industry on notice that we will not hesitate to invoke our authority under the Code to ensure timely compliance with our regulations and orders, including the ordering of such other remedy as the Commission may deem appropriate; *Therefore*,

*It Is Ordered that:*

1. The Default Order entered November 15, 2006, against Factoryville Bunker Hill Water Co. at this docket is hereby rescinded.
2. The petition for reconsideration is granted.
3. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-475. Filed for public inspection March 16, 2007, 9:00 a.m.]

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### Order

Public Meeting held  
March 1, 2007

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

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Cornerstone Telephone, Co., LLC  
(2006.0116); C-20066133; A-311316*

### Order

*By the Commission:*

On April 6, 2006, Law Bureau Prosecutory Staff filed a Formal Complaint against Cornerstone Telephone Co.,

LLC (Cornerstone), a facilities based CLEC and switched access carrier certificated at A-311316, for failure to file its 2004 Annual Report. On November 15, 2006, the Commission entered a Default Order that sustained the complaint and cancelled Cornerstone's certificate of public convenience. Notice of the Default Order was published on December 2, 2006 at 36 Pa.B. 7377 with a 20-day comment period.

Service of the Complaint was perfected on April 12, 2006. However, Cornerstone failed to file an answer or file its 2004 Annual Report within the 20-day time period specified in the Complaint. Consequently, on November 15, 2006, the Commission entered a Default Order at issue.

A review of Commission records showed that Cornerstone filed its 2005 Annual Report, but not its 2004 Annual Report. As a result, Commission staff telephoned Cornerstone on February 1, 2007, to determine why the 2004 Annual Report had not been filed. Cornerstone stated that significant miscommunication occurred between Cornerstone and the regulatory compliance firm it was using to file its regulatory forms. Cornerstone stated that it was under the impression that the firm was responsible for preparing and filing the reports. The firm thought that it was only responsible for preparing the reports for Cornerstone to file. Consequently, the 2004 Annual Report was not timely filed. Over the past several months, Cornerstone reports that it has been working diligently with its firm and this Commission to ensure that all filing requirements are met. Cornerstone is confident that the proper controls have been put in place to ensure that future reports are timely filed. Cornerstone followed up that telephone conversation with a letter received by the Commission on February 5, 2007, which explained the above and requested rescission of the Default Order.

In addition, communications with Cornerstone revealed that the Formal Complaint was sent to the incorrect address. Commission staff discovered that the complaint was mailed by first class mail to Suite 203 instead of Suite 303. This ministerial error was another reason why Cornerstone failed to respond to the complaint.

Based upon the foregoing, we will grant Cornerstone's request for rescission. Because the complaint was sent to the wrong address, we will exercise our discretion and not require Cornerstone to pay the \$250 late-filing fee. However, we caution Cornerstone that in the future annual reports must be timely filed. We also emphasize that all Commission correspondence must be answered in a timely manner. The Commission hereby puts Cornerstone and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered November 15, 2006 against Cornerstone Telephone Co., LLC at this docket is hereby rescinded.
2. The certificate of public convenience held by Cornerstone Telephone Co., LLC at A-311316 is hereby reinstated.

3. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 07-476. Filed for public inspection March 16, 2007, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 9, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-00123521. Junell Y. Beasley** (P. O. Box 48013, Philadelphia, PA 19380)—persons in paratransit service from points in the City of Philadelphia, to all State Correctional Institutions, located in Pennsylvania, and return.

**A-00123513. André Louis Blackwell t/a Blackwell's Express** (202 S. Abemarle Street, York, PA 17403)—persons in paratransit service, from points in the City of York, York County, to State Correctional Institution—Camp Hill, State Correctional Institution—Coal Township, State Correctional Institution—Cresson, State Correctional Institution—Frackville, State Correctional Institution—Houtzdale, State Correctional Institution—Huntington, and State Correctional Institution—Mahanoy, and return.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Dedicated Delivery Service, Inc.; Doc. No. A-0113032C0601*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Dedicated Delivery Service, Inc., respondent, maintains a principal place of business at 1106 Taylorsville Road, Suite 2, Washington Crossing, PA 18977.

2. That respondent was issued a Certificate of Public Convenience on August 14, 1996, which was cancelled on December 5, 2000. On the dates of the violations alleged in this complaint, respondent did not hold a Certificate of Public Convenience issued by this Commission.

3. That respondent, on Tuesday, February 14, 2006, at approximately 8:49 a.m., at State Route 6, Exit # 6, Carbondale Township, Lackawanna County, Pennsylvania permitted a certain 2004 International truck tractor bearing Pennsylvania License No. YMN4689, Vehicle Identification No. 1HTMMAAL14H609208, to be operated. At that time, Enforcement Officer Richard F. Zaleski, a duly authorized officer of this Commission found said vehicle to be transporting a washer for compensation from Dickson City, Allentown, Lehigh County, Pennsylvania to Carbondale Township, Lackawanna County, Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000. Future violations may result in possible criminal prosecution with penalties up to \$10,000 and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the commission fine Dedicated Delivery Service, Inc. the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified

check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration, you must file an application with the Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265. If no application is received within the twenty day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration. Your response should be directed to the Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Carl E. Welch, t/a Welch Trucking; Doc. No. A-00118251C0601*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Carl E. Welch, t/a Welch Trucking, respondent, maintains his principal place of business at 136 Church Street, Markleysburg, PA 15459.

2. That respondent was issued a certificate of public convenience by this Commission on October 4, 2001, at Application Docket No. A-00118251.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2003, 2004 and 2005.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, failed to comply with the January 11, 1999 Commission Decision at P-981458 and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00118251.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 07-477. Filed for public inspection March 16, 2007, 9:00 a.m.]

#### Telecommunications

**A-311429F7000. Verizon Pennsylvania, Inc. and Globetel, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Globetel, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Globetel, Inc., by its counsel, filed on February 27, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Globetel, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-478. Filed for public inspection March 16, 2007, 9:00 a.m.]

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### Telecommunications

**A-311429F7001. Verizon North, Inc. and Globetel, Inc.** Joint petition of Verizon North, Inc. and Globetel, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Globetel, Inc., by its counsel, filed on February 27, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Globetel, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-479. Filed for public inspection March 16, 2007, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-136.2, Ventilation Units-Building 2A at Packer Avenue, Marine Terminal (PAMT) until 2 p.m. on Thursday, April 12, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 20, 2007. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held March 29, 2007, 11 a.m. at South Guard House (PAMT Service Road), 3201 S. Columbus Boulevard, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 07-480. Filed for public inspection March 16, 2007, 9:00 a.m.]







