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PENNSYLVANIA BULLETIN

Volume 37
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Agencies in this issue

The Governor
The Courts
Administrative Office of Pennsylvania Courts
Department of Agriculture
Department of Banking
Department of Education
Department of Environmental Protection
Department of General Services
Department of Labor and Industry
Department of Revenue
Department of Transportation
Environmental Quality Board
Fish and Boat Commission
Game Commission
Insurance Department
Liquor Control Board
Patient Safety Authority
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
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No. 388, March 2007

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CONTENTS

THE GOVERNOR

Amendment to proclamation..... 1301

THE COURTS

JUVENILE RULES

Proposed amendments to rules 120, 123 and 124
and proposed new rule 140..... 1306

RULES OF CRIMINAL PROCEDURE

Amendments to Pa.Rs.Crim.P. 510, 543, and 547
and revisions of the comments to rules 512 and
527..... 1303
Proposed new Pa.R.Crim.P. 212..... 1302

EXECUTIVE AGENCIES

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Notices

Request for proposal..... 1343

DEPARTMENT OF AGRICULTURE

Notices

Referendum on continuation of the Pennsylvania
potato research program..... 1343

DEPARTMENT OF BANKING

Notices

Action on applications..... 1343
Maximum lawful rate of interest for residential
mortgages for the month of April 2007..... 1345

DEPARTMENT OF EDUCATION

Notices

Application of Chatham College for approval of
change to university status, name change and
amendment and restatement of its articles of
incorporation..... 1345

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Actions, applications and special notices..... 1345
Bid opportunities..... 1388
Notice of extension of request for comment period
for the:
Draft total maximum daily load (TMDL) for the
Upper Schuylkill River watershed addressing
impairments due to mine drainage..... 1388
Revised final total maximum daily load (TMDL)
for the Little Schuylkill River watershed..... 1388
Request for proposal..... 1389

DEPARTMENT OF GENERAL SERVICES

Notices

State contracts information..... 1397

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Current prevailing wage act debarments..... 1389

DEPARTMENT OF REVENUE

Notices

Pennsylvania Millionaire Raffle IV lottery game 1389

DEPARTMENT OF TRANSPORTATION

Notices

Finding..... 1390

ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking

Permit streamlining..... 1317

FISH AND BOAT COMMISSION

Notices

Boat and marine forfeiture; maximum amount..... 1390
Reopening Quaker Lake access area, Susquehanna
County..... 1391

GAME COMMISSION

Rules and Regulations

Lands and buildings..... 1309
Lands and buildings; licenses for rights-of-way..... 1309
Special permits:
Canada geese..... 1311
Taxidermy..... 1312
Wildlife; special permits..... 1310

Proposed Rulemaking

Hunting and trapping:

Big game..... 1320
Cable restraint..... 1321
Hunting hours..... 1323
Protective material..... 1324
Preliminary provisions; wildlife conservation offi-
cers..... 1325
Seasons and bag limits..... 1327
Special permits; deer management assistance pro-
gram permits..... 1333
Wildlife; release of animals..... 1333

INSURANCE DEPARTMENT

Notices

Application for voluntary surrender of certificate of
authority..... 1391

LIQUOR CONTROL BOARD

Notices

Expiration of leases..... 1391

PATIENT SAFETY AUTHORITY

Notices

Public meeting..... 1391

PENNSYLVANIA GAMING CONTROL BOARD

Temporary Rules

Enforcement actions..... 1313
Persons required to be excluded..... 1314

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Statements of Policy

Default service and retail electric markets..... 1335

Now Available Online at <http://www.pabulletin.com>

Notices

Gas service..... 1392
Implementation of the public utility confidential
security information disclosure protection act..... 1392
Railroad crossing 1392
Service of notice of motor carrier applications..... 1393
Sewer service..... 1393
Telecommunications (8 documents)..... 1393
Water service (3 documents)..... 1395

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT
BOARD**

Notices

Hearings scheduled 1396

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

1 Pa. Code (General Provisions)

Proposed Rules

301	1220
303	1220
305	1220
307	1220
309	1220
311	1220
311a	1220
313	1220
315	1220

4 Pa. Code (Administration)

Statements of Policy

9	27, 953
---	---------

7 Pa. Code (Agriculture)

Adopted Rules

130e	194
------	-----

Proposed Rules

11	951
21	672
23	672
25	672
27	672
95	951
123	951
125	951
128a	951

22 Pa. Code (Education)

Adopted Rules

49	209
----	-----

25 Pa. Code (Environmental Protection)

Adopted Rules

93	11
123	883
126	209
803	774
804	774
805	774
806	774
807	774
808	774

Proposed Rules

127	1317
901	785

28 Pa. Code (Health and Safety)

Statements of Policy

931	953
-----	-----

31 Pa. Code (Insurance)

Adopted Rules

84a	1125
-----	------

Proposed Rules

133	1229
-----	------

34 Pa. Code (Labor and Industry)

Statements of Policy

123	317
-----	-----

37 Pa. Code (Law)

Proposed Rules

97	786
----	-----

40 Pa. Code (Liquor)

Adopted Rules

5	16
11	16
13	16
17	16

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

7	20
---	----

Proposed Rules

21	1035
27	1036
31	1038

52 Pa. Code (Public Utilities)

Proposed Rules

64	1032
Unclassified	1126

Statements of Policy

69	29, 1335
----	----------

55 Pa. Code (Public Welfare)

Statements of Policy

178	1043, 1046
-----	------------

58 Pa. Code (Recreation)

Adopted Rules

135	1309
137	1310
147	1310, 1311, 1312

Proposed Rules

65	1218
69	1218
111	1220
131	1325
135	315
137	1333
139	1327
141	1320, 1324
147	211, 1333
501a	416
503a	416

Temporary Rules

401	21
405	1313
425	21
491a	23
511	1314

1300

61 Pa. Code (Revenue)

Proposed Rules

1001 1028

Statements of Policy

60 1048

201 Pa. Code (Judicial Administration)

Adopted Rules

19 929

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

71 311

Proposed Rules

81 394

83 394, 520

207 Pa. Code (Judicial Conduct)

Adopted Rules

1 752

3 752

117 1025

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 521

3 521

9 521

225 Pa. Code (Rules of Evidence)

Proposed Rules

VIII 669

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 312

1900 929

1910 522

3000 939

Proposed Rules

1910 1120

4000 7

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

4 523, 752

7 523

10 312

Proposed Rules

2 1302

5 1025, 1303

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 1123

3 1123

6 1123

8 1123

11 1123

Proposed Rules

1 527, 1306

3 527

5 527

11 943

12 943

13 943

14 943

15 943

16 943

17 943

18 943

255 Pa. Code (Local Court Rules)

Unclassified 255, 400, 401, 404, 530, 670, 671, 761,
768, 770, 772, 773, 949, 950, 1026, 1124, 1215, 1216

THE GOVERNOR

Amendment to Proclamation

March 14, 2007

Whereas, On December 15, 2006, I declared the existence of a disaster emergency due to heavy and continuous rainfall that caused severe and widespread flash flooding in Bradford, Lackawanna, Luzerne, Schuylkill, Sullivan, Susquehanna, Wayne, and Wyoming Counties, resulting in extensive damage to public and private property; and

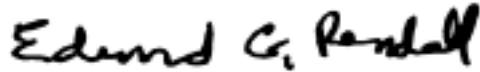
Whereas, state agencies continue to make assessments in order to determine the extent of the disaster damage; and

Whereas, the December 15, 2006, Proclamation will expire on March 14, 2007.

Now Therefore, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.), I do hereby amend my Proclamation of December 15, 2006, as follows:

1. The period of the state of disaster emergency is extended from March 14, 2007, to June 14, 2007.
2. I hereby direct that the other operational provisions of the December 15, 2006, Proclamation that remain applicable to the current emergency circumstances in the counties shall continue in full force and effect.
3. This Amendment to Proclamation shall take effect immediately.

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



Governor

[Pa.B. Doc. No. 07-481. Filed for public inspection March 23, 2007, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 2]

Proposed New Pa.R.Crim.P. 212

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rule 212 to provide for the temporary delay in the dissemination of search warrant information to the public prior to execution. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed new Rule 212 precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

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

no later than Monday, April 23, 2007.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART A. Search Warrant

Rule 212. Dissemination of Search Warrant Information.

The issuing authority shall not make any search warrants, all affidavits of probable cause, and any other supporting information available for public inspection or dissemination until the warrant has been executed.

Comment

Execution of search warrants carries the potential risk of hazard and premature dissemination of the intention to execute a warrant may greatly increase that risk. For this reason, this rule was adopted in 2007 to delay the dissemination of search warrant information to the general public until after execution. This rule does not deny

disclosure of search warrant information to the public, but rather, temporarily delays the dissemination of that information in order to protect public safety.

Once the warrant is executed, the information may be disseminated unless sealed pursuant to Rule 211.

Official Note: Rule 212 adopted , 2007, effective , 2007.

Committee Explanatory Reports:

Report explaining new Rule 212 providing for the limitations in dissemination of search warrant information published at 37 Pa.B. 1302 (March 24, 2007).

REPORT

Proposed New Pa.R.Crim.P. 212

Dissemination of Search Warrant Information

Recently, the Committee has been presented with questions regarding the obligation of an issuing authority to disseminate search warrant information to the public prior to the execution of these warrants. This concern has been heightened by the increased level of automation of court records and increased accessibility of this information.

Premature disclosure of search warrant information has the potential for injury or loss of life to the executing officers in addition to the possibility of destruction or secretion of evidence. The Committee concluded that such disclosure was inappropriate and that reasonable limitations on pre-execution disclosure should be put into place, regardless of whether that information was disseminated electronically or was physically available for inspection at the issuing authority's office.

The Committee believes that such a restriction is consistent with current Pennsylvania law. In *PG Publishing Co. v. Commonwealth*, 532 Pa. 1, 614 A.2d 1106 (1992), the Supreme Court of Pennsylvania noted with approval the process of sealing executed search warrants by court order but specifically distinguished the pre-execution situation, stating, "The ex parte application for issuance of a search warrant and the issuing authority's consideration of the application are not subject to public scrutiny. The need for secrecy will ordinarily expire once the search warrant has been executed." 532 Pa. at 6, 614 A.2d at 1108.

The Committee is proposing a new Rule 212 that would prohibit the issuing authority from disseminating search warrant information, in any form, to the public until the warrant is executed. It is contemplated that the search warrant itself, the affidavit of probable cause and the existence of the warrant are included in this limitation. The Committee is proposing as a new rule rather than a modification to Rule 211, which provides for the sealing of search warrant affidavits, because the procedure here is different in quality and duration from that for the sealing of a warrant. A search warrant sealed pursuant to Rule 211 provides for long-term restriction, up to the date of arraignment, and requires judicial review. The procedure contemplated by new Rule 212 would be of limited duration and ministerial in nature. Since the time in which a warrant must be executed is of finite duration,

usually not to exceed two days from the time of issuance, the restriction on the dissemination of warrant information is temporary and any impact on the right of public access to court records would be very limited.

[Pa.B. Doc. No. 07-482. Filed for public inspection March 23, 2007, 9:00 a.m.]

[234 PA. CODE CH. 5]

Amendments to Pa.Rs.Crim.P. 510, 543, and 547 and Revisions of the Comments to Rules 512 and 527

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 510, 543, and 547 and revisions of the Comments to Rules 512 and 527 to provide procedures for ensuring compliance with identification procedures, including fingerprinting, in summons cases. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed changes to Rules 510, 512, 527, 543, and 547 precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

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

no later than Monday, April 23, 2007.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(2). Summons Procedures

Rule 510. Contents of Summons; Notice of Preliminary Hearing.

* * * * *

(C) A copy of the complaint and an order directing the defendant to submit to fingerprinting shall be attached to the summons.

Comment

* * * * *

[When a defendant appears for a preliminary hearing pursuant to a summons under this rule and

is held for court, the issuing authority should require the defendant to submit to administrative processing and identification procedures (such as fingerprinting) as authorized by law. It is suggested that these processing procedures be made a condition of bail or release. See Criminal History Record Information Act, 18 Pa.C.S. § 9112.]

When a case proceeds by summons, the issuing authority also must issue an order requiring the defendant submit to the administrative processing and identification procedures as authorized by law (such as fingerprinting) that ordinarily occur following an arrest.

Paragraph (C)(2), added in 2007, requires that the fingerprint order be sent to the defendant with the summons. The purpose of this change is to ensure that the fingerprinting process in summons cases is completed. See the Criminal History Record Information Act, 18 Pa.C.S. § 9112.

When the defendant is processed for fingerprinting and other identification procedures prior to being released pursuant to Rule 519, the fingerprint order does not have to be attached to the summons.

If a defendant has not complied with the fingerprint order by the time of the preliminary hearing, the issuing authority must make compliance a condition of release on bail.

* * * * *

Official Note: Original Rule 109, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 109 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 110 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended August 9, 1994, effective January 1, 1995; renumbered Rule 510 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended , 2007, effective , 2007.

Committee Explanatory Reports:

* * * * *

Report explaining the amendments to paragraph (C) concerning the fingerprint order published at 37 Pa.B. 1305 (March 24, 2007).

Rule 512. Procedure in Court Cases Following Issuance of Summons.

* * * * *

Comment

* * * * *

[When a defendant appears for a preliminary hearing pursuant to a summons and is held for court, the issuing authority should require that the defendant submit to administrative processing and identification procedures (fingerprinting, for example) as authorized by law. It is recommended that this requirement be made a condition of bail or release. See Criminal History Record Information Act, 18 Pa.C.S. § 9112.]

When a case proceeds by summons, the issuing authority must require that the defendant submit to the administrative processing and identification procedures as authorized by law (such as finger-

printing) that ordinarily occur following an arrest. See, e.g., Criminal History Record Information Act, 18 Pa.C.S. § 9112. If these processing procedures are not completed by the time of the preliminary hearing, they must be made a condition of bail or release. Regarding fingerprinting, see Rule 510(C)(2) that requires the issuing authority to send the fingerprint order with the summons.

* * * * *

Official Note: Rule 113 adopted September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; renumbered Rule 512 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; **Comment revised** , 2007, effective , 2007.

Committee Explanatory Reports:

* * * * *

Report explaining the Comment revisions concerning administrative processing and identification procedures published at 37 Pa.B. 1305 (March 24, 2007).

PART C(1). Release Procedures

Rule 527. Nonmonetary Conditions of Release on Bail.

* * * * *

Comment

* * * * *

The following sets forth a few examples of conditions that might be imposed to address specific situations. In some circumstances, a combination of such conditions might also be considered. This is not intended to be an exhaustive list of appropriate conditions.

* * * * *

(6) When a case proceeds by summons, the issuing authority must require that the defendant submit to required administrative processing and identification procedures, such as fingerprinting required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, that ordinarily occur following an arrest. Rule 510(C)(2) requires an order directing the defendant to be fingerprinted be issued with the summons. If the defendant has not completed fingerprinting by the date of the preliminary hearing, completion of these processing procedures must be made a condition of release.

Official Note: Former Rule 4006 adopted July 23, 1973, effective 60 days hence, replacing prior Rules 4008 and 4010; amended January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rules 524 and 528. Present Rule 4006 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 527 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2007, effective , 2007.

Committee Explanatory Reports:

* * * * *

Report explaining the Comment revisions adding paragraph (6) concerning administrative processing and identification procedures published at 37 Pa.B. 1305 (March 24, 2007).

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 543. Disposition of Case at Preliminary Hearing.

* * * * *

(C) When the defendant has been held for court, the issuing authority shall:

* * * * *

(2) continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 529(A)[.]; and

(3) if the defendant has not submitted to the administrative processing and identification procedures as authorized by law, such as fingerprinting pursuant to rule 510(C)(2), make compliance with these processing procedures a condition of bail.

(D) In any case in which the defendant fails to appear for the preliminary hearing:

* * * * *

(2) If the issuing authority finds that the defendant's absence is without good cause and after notice, the absence shall be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority. In these cases, the issuing authority shall:

* * * * *

(c) if the case is held for court or if the preliminary hearing is continued, issue a warrant for the arrest of the defendant and, if the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2), transmit with the transcript to the clerk of courts a notice to the court of common pleas of the defendant's noncompliance.

* * * * *

Comment

Paragraph (C) reflects the fact that a bail determination will already have been made at the preliminary arraignment, except in those cases in which, pursuant to a summons, the defendant's first appearance is at the preliminary hearing. See Rules 509 and 510.

If the administrative processing and identification procedures as authorized by law (such as fingerprinting required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112) that ordinarily occur following an arrest are not completed previously, when bail is set at the conclusion of the preliminary hearing, the issuing authority must order the defendant to submit to the administrative processing and identification procedures as a condition of bail. See Rule 527 for nonmonetary conditions of release on bail.

If a case initiated by summons is held for court after the preliminary hearing is conducted in the defendant's absence pursuant to paragraph (D)(2) and the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2), the issuing authority must include with the transmittal of the transcript a notice to the court of common pleas that the defendant has not complied with the fingerprint order. See Rule 547.

* * * * *

Official Note: Original Rule 123, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; **amended** , **2007, effective** , **2007.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments to paragraphs (C) and (D)(2)(c) concerning administrative processing and identification procedures published with the Court's Order at 37 Pa.B. 1305 (March 24, 2007).

Rule 547. Return of Transcript and Original Papers.

* * * * *

(C) In addition to this transcript the issuing authority shall also transmit the following items:

* * * * *

- (3) all affidavits filed in the proceeding; [and]
- (4) the appearance or bail bond for the defendant, if any, or a copy of the order committing the defendant to custody [.]; and
- (5) notice informing the court of common pleas that the defendant has failed to comply with the fingerprint order as required in Rule 543(D)(2)(d).

Comment

See Rule 135 for the general contents of the transcript. There are a number of other rules that require certain things to be recorded on the transcript to make a record of the proceedings before the issuing authority. See, e.g., Rules 542 and 543.

When the case is held for court pursuant to Rule 543(D)(2), the issuing authority must include with the transcript transmittal a notice to the court of common pleas that the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2). The court of common pleas must take whatever actions deemed appropriate to address this non-compliance.

Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970, revised January 31, 1970; effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1982, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; **amended** , **2007, effective** , **2007.**

Committee Explanatory Reports:

* * * * *

Report explaining the amendments to paragraph (C) concerning the fingerprint order published at 37 Pa.B. 1305 (March 24, 2007).

REPORT

Amendments to Pa.Rs.Crim.P. 510, 543, and 547 and Revisions of the Comments to Rules 512 and 527

Fingerprint Orders in Summons Cases

As part of its continuing review of the rules and in response to numerous communications with the Committee, the Committee examined the question of how the fingerprint requirements of Criminal History Records Information Act (CHRIA), 18 Pa.C.S. § 9112, are to be accomplished in cases initiated by summons. Section 9112(B)(2) requires that, in cases initiated by summons, "the court . . . shall order the defendant to submit within five days of such order for fingerprinting . . ."

In a case initiated by arrest, compliance with the requirements of CHRIA is relatively straightforward, with the defendant's fingerprints being taken as part of the usual administrative processing following arrest. The situation is different in summons cases because the defendant does not undergo the same type of processing as in an arrest case. Additionally, since no preliminary arraignment is held during summons cases, the first occasion in which the defendant comes before an issuing authority is usually at the preliminary hearing.

The Committee received reports that there was a divergence of practice regarding this question running the gamut from issuing authorities sending out fingerprint orders with the summons to issuing authorities who believe that, based on language in the Comment to Rule 510, fingerprints may only be ordered after the case is held for court at the preliminary hearing.

Initially, the Committee considered permitting an issuing authority the discretion to chose the procedure for the issuance of the fingerprint order. Upon further examination, the Committee concluded that such discretion did not adequately address the problem that CHRIA applied regardless of whether a case was bound over for court. In other words, in those cases started by summons that are not held for court at the preliminary hearing, unless the fingerprint order has been issued with the summons, there would be no mechanism to have the defendant fingerprinted. Therefore, the Committee concluded that the rules should require that in all cases, when a summons is issued, the issuing authority also would be required to send out a fingerprint order and would not have the option of waiting until the preliminary hearing to issue the order. To accomplish this, the Committee is proposing that Rule 510 be amended to provide that the fingerprint order be attached to the summons, along with the copy of the complaint. Additionally, the language in the Comments to Rules 510 and 512 that suggests that the issuing authority must wait until the preliminary hearing to issue the fingerprint order would be deleted.

Recognizing that, if the defendant fails to comply with the fingerprint order, the primary mechanism to enforce the fingerprint order will be making compliance with the order a bail condition following the preliminary hearing, the Committee is proposing new paragraph (C)(3) be added to Rule 543 that requires compliance be made a condition of bail. The Comments to Rules 510, 512, 527, and 543 would be revised to indicate this required bail condition as well.

Another issue that arose during the Committee's discussions concerns the situation when a case is held for court and transferred from the issuing authority to the court of common pleas. In these cases, there is a possibility that the fingerprint requirement might "get lost," especially in the situation in which the case is held for court in the defendant's absence as provided in Rule 543(D)(2). To address this situation, the Committee is proposing that a provision be added to Rules 543(D)(2)(c) and 547(C) to require that the issuing authority send notice of the defendant's non-compliance to the court of common pleas. It is contemplated that the court of common pleas, once notified, will take whatever actions would be appropriate in the circumstances to ensure future compliance.

[Pa.B. Doc. No. 07-483. Filed for public inspection March 23, 2007, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 1]

Proposed Amendments to Rules 120, 123 and 124 and Proposed New Rule 140

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modifications of Rules 120, 123, and 124 and the new rule 140 be adopted and prescribed. The proposed modified Rule 120 provides for the definition of a minor and an adult. The proposed modified Rule 123 provides that a copy of a subpoena is to be served upon the guardian of a minor witness. The proposed modified Rule 124 provides that a copy of a summons for a juvenile be served on the juvenile's guardian. Rule 140 sets forth the procedures of a bench warrant when a person fails to appear before the court. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

A. Christine Riscili, Esq.
Staff Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than Monday, May 21, 2007.

By the Juvenile Court
Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 120. Definitions.

ADULT is any person eighteen years old or older.

* * * * *

MINOR is any person under the age of eighteen.

* * * * *

Rule 123. Subpoenas.

* * * * *

E. Parental notification. If a witness is a minor, a copy of the subpoena shall be served upon the witness's guardian.

Comment

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

Prior to issuing a bench warrant for a minor, the judge should determine if the guardian of the witness was served. See Rule 140 for procedures on bench warrants.

* * * * *

Rule 124. Summons and Notice.

* * * * *

D. Parental notification. A copy of the summons shall be served upon the juvenile's guardian.

Comment

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

See Rule 140 for procedures on bench warrants.

* * * * *

Rule 140. Bench Warrants for Failure to Appear.

A. *Issuance of warrant.* Before a bench warrant may be issued by a judge, the judge shall find that the person received actual notice of the hearing and failed to appear. A judge may not find actual notice solely on the basis of regular mail service.

B. *Juvenile.*

1) *Where to take the juvenile.*

a) When a bench warrant is executed for a juvenile, the juvenile shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants unless the warrant specifically orders detention of the juvenile.

b) If a juvenile is detained, the juvenile shall be detained in a detention facility or other facility desig-

nated in the bench warrant by the judge for the juvenile's protective custody pending a hearing.

2) *Prompt hearing.* If a juvenile is detained pursuant to a specific order in the bench warrant, the juvenile shall be brought before the judge who issued the warrant, a judge designated by the President Judge to hear bench warrants, or an out-of-county judge pursuant to paragraph (B)(4) by the next business day. If the juvenile is not brought before a judge within this time, the juvenile shall be released and the bench warrant shall be deemed expired by operation of law.

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

4) *Out-of-county arrest.* If a juvenile is arrested pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately. Arrangements to transport the juvenile shall be made immediately. If transportation cannot be arranged immediately, then the juvenile shall be taken without unnecessary delay to a judge of the county where the juvenile is found. The judge will identify the juvenile as the subject of the warrant, decide whether detention is warranted, and order that arrangements be made to transport the juvenile to the county of issuance.

C. Witnesses.

1) *Where to take the witness.*

a) When a bench warrant is executed for a witness, the witness shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants otherwise the witness is to be released unless a motion for detention as a witness has been filed.

b) If a motion for detention as a witness has been filed, the judge may order detention of the witness pending a hearing.

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

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

2) *Prompt hearing.* If a witness is detained pursuant to paragraph (C)(1)(b), the witness shall be brought before the judge by the next business day. If the witness is not brought before a judge within this time, the witness shall be released and the order for detention as a witness shall be deemed expired by operation of law.

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

4) *Out-of-county arrest.*

a) If a witness is arrested pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be immediately notified. Arrangements to transport the witness shall be made immediately. If transportation cannot be arranged immediately, the witness shall be released immediately unless a motion for detention as a witness has been filed. If a motion for detention as a witness has been filed, the witness shall be taken without unnecessary delay to a judge of the county where the witness is found. The judge will identify the witness as the subject of the warrant, decide whether

detention as a witness is warranted, and order that arrangements be made to transport the witness to the county of issuance.

b) The witness shall appear before a judge within twenty-four hours or the next business day. The witness shall be brought back to the county of issuance within seventy-two hours from the execution of the warrant. If the time requirements of this paragraph are not met, the witness shall be released.

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

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

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

1) The bench warrant is to be executed without unnecessary delay.

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

3) After a hearing on the bench warrant, the bench warrant is to be marked immediately as executed.

Comment

Pursuant to paragraph (A), the judge is to ensure that the person received actual notice of the hearing and failed to attend. The judge may order that the person be served in-person or by certified mail, return receipt. The judge may rely on first-class mail service if additional evidence of actual notice is presented. Testimony by an officer of the court that the person was told in person about the hearing is sufficient for actual notice.

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

Pursuant to paragraph (B)(1)(a), the juvenile is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. If a bench warrant specifically provides that the juvenile may be detained in a detention facility, the juvenile may be detained without having to be brought before the judge until a hearing within the next business day pursuant to (B)(2). The juvenile is not to languish in a detention facility. Pursuant to this paragraph, if a hearing is not held promptly, the juvenile is to be released because the bench warrant is deemed to have expired by operation of law.

Under paragraphs (B)(2) and (C)(2), a juvenile or witness arrested on a bench warrant is to have a hearing no later than the next business day.

Pursuant to paragraphs (B)(4) and (C)(4), a juvenile or witness is to have a hearing by the next business day if the arrest is made out-of-county. The juvenile or witness may be detained out-of-county until transportation arrangements can be made. Pursuant to paragraph (C)(4), a witness is to be brought before the judge who issued the bench warrant within seventy-two hours of the execution of the bench warrant or the next business day if it is a weekend or holiday.

Pursuant to paragraph (C)(1)(a), the witness is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. If the judge is not available, the witness is to be released immediately unless a motion for detention as a witness has been filed. If the witness is detained, a prompt hearing pursuant to paragraph (C)(2) is to be held by the next business day or the witness is to be released and the order for detention as a witness is deemed to have expired by operation of law.

Pursuant to paragraph (D)(3), the bench warrant is to be marked as executed at the hearing on the bench warrant so the juvenile or witness is not arrested on the same warrant if the juvenile or witness is released. "Executed" is to mean that the bench warrant has been served, dissolved, vacated, dismissed, canceled, returned, or any other similar language used by the court to terminate the warrant. The bench warrant is no longer in effect once it has been executed.

For juveniles who are detained under this rule, the time requirements of all other rules are to apply. *See, e.g.*, Rules 240, 391, 404, 510, and 605.

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

Explanatory Report

Rule 120—Definitions

The Committee is proposing two new definitions. The term "minor" differentiates between a child who may be a witness to a proceeding with a child who is a "juvenile" and is the subject of the proceeding. This would include any child seventeen years of age or younger. The second term "adult" includes anyone eighteen years or older.

Rule 123—Subpoena

The Committee is proposing that paragraph (E) be added to Rule 123. The Committee feels that it is important that the guardian of a minor witness be given a copy of the subpoena to impress upon their child the importance of a subpoena and allows the guardian to ensure his or her child is present for a hearing.

Rule 124—Summons

The Committee is proposing that paragraph (D) be added to Rule 124. Requiring the guardian to be served a copy of the juvenile's summons ensures that the guardian knows about his or her child's hearing date and time.

Rule 140—Bench Warrants

This new proposed rule provides for procedures when a bench warrant is issued for failing to appear for a hearing. There are separate procedures when the warrant is issued for a juvenile who is the subject of the hearing and a witness to the proceeding.

Pursuant to paragraph (B)(1), if a juvenile is picked up on a bench warrant, the juvenile is to be brought to the judge who issued the warrant unless the judge specifically authorized detention in the warrant. Pursuant to paragraph (B)(2), if detention was authorized in the warrant, the juvenile must have a hearing before the judge by the next business day or the juvenile is to be released.

Pursuant to paragraph (B)(3), if a juvenile is picked up on a bench warrant, the guardian of the juvenile is to be notified immediately of the juvenile's whereabouts and the reason for the issuance of the bench warrant. This

provision ensures that the guardian knows of the detention and the reasons for the detention.

Under paragraph (B)(4), if a juvenile is picked up in another county, the juvenile is to be transported immediately back to the county of issuance. If transportation cannot be arranged immediately, the juvenile is to be taken to a judge of the county where the juvenile is found. The judge is to decide: 1) if the juvenile is the subject of the warrant; 2) if detention of the juvenile is warranted; and 3) what arrangements for transporting the juvenile back to the county of issuance are necessary.

If a witness is picked up on a bench warrant pursuant to paragraph (C)(1), the witness is to be brought to the judge immediately. If the witness is not brought before a judge, the witness is to be released unless a motion to detain the witness has been filed. Pursuant to paragraph (C)(2), if a motion has been filed, the witness is to see a judge no later than the next business day or is to be released.

A motion to detain a witness can be filed by any party. The motion should aver the necessity of the witness's detention. This averment should be supported by facts leading to this necessity.

When the witness is brought before the judge, the judge is to address the motion and the reasons for the necessity of the witness's detention. For example, the witness may be harmed if the witness is not taken into protective custody or the witness may flee the jurisdiction because of threats of bodily injury or fear of implication in a crime or delinquent act.

Pursuant to paragraph (C)(3), if a witness is a minor, the witness's guardian is to be notified immediately of the witness's whereabouts and the reasons for the issuance of the bench warrant. This provision ensures that the guardian is told about the bench warrant and the place of detention.

Pursuant to paragraph (C)(4), if a bench warrant is executed in another county, the county of issuance is to be notified immediately and the witness is to be transported to the county of issuance. If transportation cannot be arranged immediately, the witness is to be released unless a motion to detain the witness has been filed.

If a motion to detain the witness has been filed, the witness shall appear before a judge within twenty-four hours or the next business day. The judge is to determine: 1) if the witness is the subject of the warrant; 2) if detention is warranted; and 3) what arrangements for transporting the witness back to the county of issuance are necessary. In no circumstances is the witness to remain in another county for more than seventy-two hours of the execution of the warrant.

Pursuant to paragraph (D), in all cases, the bench warrant is to be executed without unnecessary delay. The bench warrant is to be returned to the issuing judge. Once there has been a hearing on the bench warrant, the bench warrant is to be marked as executed in the system to ensure the subject of the warrant is not picked up again on the same warrant.

[Pa.B. Doc. No. 07-484. Filed for public inspection March 23, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, adopted amendments to §§ 135.41 and 135.181 (relating to State game lands; and rifle and handgun ranges).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 7869 (December 23, 2006).

1. Purpose and Authority

In the past, the Commission widely accepted the occurrence of clay bird shooting activities on most areas of Commission owned lands. While the Commission intends to continue the promotion of these and other types of recreational shooting activities on its lands, it has determined that due to lead management and recovery concerns, clay bird shooting activities must be limited to designated locations only. Therefore, the Commission amends §§ 135.41 and 135.181 to specifically authorize clay bird shooting activities on Commission owned lands, but only in those areas designated by the Director.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 135.41 and 135.181 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends §§ 135.41 and 135.181 to specifically authorize clay bird shooting activities on Commission owned lands, but only in areas designated by the Director.

3. Persons Affected

Persons wishing to engage in clay bird shooting activities on Commission owned lands will be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending §§ 135.41 and 135.181 to read as set forth at 36 Pa.B. 7869.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 7869 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-242 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-485. Filed for public inspection March 23, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings; Licenses for Rights-of-Way

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, adopted Subchapter L (relating to licenses for rights-of-way).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 315 (January 20, 2007).

1. Purpose and Authority

The Commission last set rights-of-way license fees by policy in 1999. The Commission has since determined that its current rights-of-way license fee structure occasionally fails to capture the proper value of some rights-of-way licenses. In an effort to assemble a rights-of-way license structure that better captures the appropriate value of its resources, the Commission adds Subchapter L to establish regulations governing the granting of rights-of-way licenses on Commission-owned lands and waters.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations...for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The addition of Subchapter L was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking adds Subchapter L to establish regulations governing the granting of rights-of-way licenses on Commission owned lands and waters.

3. Persons Affected

Persons wishing to obtain rights-of-way licenses on Commission-owned lands and water will be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the regulations of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by adding §§ 135.221, 135.222, 135.224 and 135.225 to read as set forth at 37 Pa.B. 315 and by adding § 135.223 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 37 Pa.B. 315 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-241 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter L. LICENSES FOR RIGHTS-OF-WAY

§ 135.223. Application and processing fee.

(a) *Application.* A person or entity requesting a license for right-of-way shall submit a completed application on a form supplied by the Commission. A description of alternatives considered in the project location and design shall be included with the application.

(b) *Processing fee.* A nonrefundable fee of \$150 payable to the Pennsylvania Game Commission shall be submitted with the application. This fee is nonrefundable whether the license is approved or denied.

[Pa.B. Doc. No. 07-486. Filed for public inspection March 23, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 137 AND 147]

Wildlife; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, adopted amendments to §§ 137.1 and 147.203 (relating to importation, sale and release of certain wildlife; and pens, shelters and enclosures).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 7870 (December 23, 2006).

1. Purpose and Authority

On June 29, 2006, the Governor signed into law the act of June 29, 2006 (P. L. 206, No. 51), which effectively transferred regulatory authority over cervidae propagation activities from the Commission to the Department of Agriculture as of June 29, 2006. Therefore, in an effort to

complete this transition, the Commission amended §§ 137.1 and 147.203 to eliminate the remaining regulatory language concerning cervidae livestock activities no longer regulated by the Commission.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to §§ 137.1 and 147.203 were adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends §§ 137.1 and 147.203 to eliminate the remaining regulatory language concerning those cervidae livestock activities no longer regulated by the Commission.

3. *Persons Affected*

Persons wishing to engage in cervidae livestock activities within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 137 and 147, are amended by amending §§ 137.1 and 147.203 to read as set forth at 36 Pa.B. 7870.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 7870 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-239 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-487. Filed for public inspection March 23, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Canada Geese

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, adopted § 147.746 (relating to exceptions for resident Canada geese).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 211 (January 13, 2007).

1. *Purpose and Authority*

A change in Federal regulations removed the Federal requirement for persons to obtain a joint state/Federal depredation permit to control the number of resident Canada geese on their property in certain circumstances. Therefore, in an effort to maintain compliance and consistency with the new Federal regulations, the Commission added § 147.746 to remove the State requirement for a person to obtain a joint state/Federal depredation permit to control the number of resident Canada geese on their property in certain circumstances.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The addition of § 147.746 was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking adds § 147.746 to remove the necessity for persons to obtain a joint state/Federal depredation permit to control the number of resident Canada geese on their property in certain circumstances.

3. Persons Affected

Persons wishing to reduce or control the number of resident Canada geese on their property may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by adding § 147.746 to read as set forth at 37 Pa.B. 211.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 211 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-237 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-488. Filed for public inspection March 23, 2007, 9:00 a.m.]

GAME COMMISSION [58 PA. CODE CH. 147] Special Permits; Taxidermy

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, adopted the rescission of Subchapter G (relating to taxidermy) and amended § 147.146 (relating to sale of inedible wildlife parts).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 7879 (December 23, 2006).

1. Purpose and Authority

On July 7, 2006, the Governor signed into law the act of July 7, 2006 (P. L. 358, No. 77), which effectively transferred regulatory authority over taxidermy activities from the Commission to the Department of Agriculture as of October 5, 2006. The statutory amendments made to the code were limited to a minor amendment to section 2904 of the code (relating to permit fees) and the rescission of section 2926 of the code. In an effort to complete this transition, the Commission rescinded Subchapter G to remove the remaining regulatory language concerning taxidermy activities no longer regulated by the Commission. However, in an intentional effort to continue certain accommodations made for taxidermists respecting the sale of unclaimed specimens, the Commission relocated and incorporated the provisions formerly in § 147.126 to § 147.146.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2312(c)(2) of the code (relating to buying and selling game) specifically states "The commission may, by regulation, authorize the buying and selling of inedible parts of game and wildlife as it deems appropriate." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The rescission of Subchapter G and amendment of § 147.146 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking rescinds Subchapter G to remove the remaining regulatory language concerning taxidermy activities no longer regulated by the Commission and relocated provisions permitting the sale of unclaimed specimens by taxidermists to § 147.146.

3. *Persons Affected*

Persons wishing to engage in taxidermy related activities or sell unclaimed specimens, or both, within this Commonwealth will be affected by the final-form rule-making.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rule-making, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by deleting §§ 147.121—147.129 and amending § 147.146 to read as set forth at 36 Pa.B. 7879.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 7879 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-240 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-489. Filed for public inspection March 23, 2007, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 405]
Enforcement Actions

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2006-22-REG, the Board has the authority to amend the temporary regulations adopted on June 28, 2006, as it deems necessary in accordance with

the purpose of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71), as amended by the act of November 1, 2006 (P. L. 1243, No. 135) (Act 135) and to further the intent of Act 71. To respond to changes in the Board's enforcement procedures, the Board has decided to make an amendment to the temporary regulations, dated June 28, 2006, as deposited with the Legislative Reference Bureau (Bureau) and published at 36 Pa.B. 3945 (July 22, 2006).

Therefore, the Board has deposited an amendment to Chapter 405 (relating to Bureau of Investigations and Enforcement) with the Bureau. The amendment is effective as of February 27, 2007.

The temporary regulations of the Board in Chapter 405 are amended by amending § 405.7 to read as set forth in Annex A.

Order

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

(a) Acting under the authority of Act 71, the amendment to the temporary regulations adopted by resolution at the February 27, 2007, public meeting is adopted. The amendment to the temporary regulations pertains to enforcement actions.

(b) The temporary regulations of the Board, 58 Pa. Code Chapter 405, are amended by amending § 405.7 to read as set forth in Annex A.

(c) The amendment is effective February 27, 2007.

(d) The amendment to the temporary regulations shall be posted in its entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The Chairperson of the Board shall certify this order and deposit the amendment to the temporary regulations with the Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-59. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 405. BUREAU OF INVESTIGATIONS AND ENFORCEMENT

§ 405.7. Enforcement action.

Upon a determination by the Office of Enforcement Counsel that sufficient facts exist to support enforcement action against a person holding a license, permit, certification or registration issued by the Board, the Office of Enforcement Counsel will initiate a complaint in accordance with § 493.2 (relating to complaints).

[Pa.B. Doc. No. 07-490. Filed for public inspection March 23, 2007, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 511]

Persons Required to be Excluded

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2006-7-REG, the Board has the authority to amend the temporary regulations adopted on May 19, 2006, as it deems necessary in accordance with the purpose of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71), as amended by the act of November 1, 2006 (P. L. 1243, No. 135) (Act 135) and to further the intent of Act 71. To respond to changes in the Board's program governing excluded persons, the Board has decided to make changes to the temporary regulations, dated May 19, 2006, as deposited with the Legislative Reference Bureau (Bureau) and published at 36 Pa.B. 2905 (June 10, 2006).

Therefore, the Board has deposited amendments to Chapter 511 (relating to persons required to be excluded) with the Bureau. The amendments are effective as of February 27, 2007.

The temporary regulations of the Board in Chapter 511 are amended by amending Chapter 511 to read as set forth in Annex A.

Order

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

(a) Acting under the authority of Act 71, the amendments to the temporary regulations adopted by resolution at the February 27, 2007, public meeting are adopted. The amendments to the temporary regulations pertain to persons required to be excluded.

(b) The temporary regulations of the Board, 58 Pa. Code Chapter 511, are amended by deleting § 511.8 and amending §§ 511.1—511.7, 511.9 and 511.10 to read as set forth in Annex A.

(c) The amendments are effective February 27, 2007.

(d) The amendments to the temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The Chairperson of the Board shall certify this order and deposit the amendments to the temporary regulations with the Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-60. (1) State Gaming Fund; (2) Implementing Year 2006-07 is \$50,000; (3) 1st Succeeding Year 2007-08 is \$44,000; 2nd Succeeding Year 2008-09 is \$45,000; 3rd Succeeding Year 2009-10 is \$47,000; 4th Succeeding Year 2010-11 is \$49,000; 5th Succeeding Year 2011-12 is \$51,000; (4) 2005-06 Program—\$26,400,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) State Gaming Board; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart J. EXCLUSION

CHAPTER 511. PERSONS REQUIRED TO BE EXCLUDED

§ 511.1. Definitions.

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

Career or professional offender—A person, who for the purpose of economic gain, engages in activities that are deemed criminal violations under 18 Pa.C.S. (relating to crimes and offenses) or equivalent criminal violations in other jurisdictions, or engages in unlawful activities contained in section 1518(a) of the act (relating to prohibited acts; penalties).

Cheat—

(i) To alter, without authorization, the elements of chance, method of selection or criteria which determine:

(A) The result of a slot machine game.

(B) The amount or frequency of payment in a slot machine game.

(C) The value of a wagering instrument.

(D) The value of a wagering credit.

(ii) The term does not include altering for required maintenance and repair.

(iii) The term includes an act or acts in any jurisdiction that would constitute an offense under section 1518(a)(6) and (7) of the act.

Excluded person—A person who has been placed upon the exclusion list and who is required to be excluded or ejected from a licensed gaming facility.

Exclusion list—A list of names of persons who are required to be excluded or ejected from a licensed facility.

§ 511.2. Maintenance and distribution of the exclusion list.

(a) The Board will maintain a list of persons to be excluded or ejected from a licensed facility.

(b) The exclusion list will be open to public inspection at the Board's central office during normal business hours and will be distributed to every slot machine licensee within this Commonwealth, who shall acknowledge receipt thereof in writing or electronically.

(c) The following information will be provided to the slot machine licensees for each excluded person on the exclusion list:

(1) The full name and all aliases the person is believed to have used.

(2) A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and any other physical characteristics which may assist in the identification of the person.

(3) The person's date of birth.

(4) The date the person was added to the list.

(5) A recent photograph, if available.

(6) The last known address of record.

(7) Other identifying information available to the Board.

§ 511.3. Criteria for exclusion.

(a) The exclusion list may include a person who meets one or more of the following criteria:

(1) A career or professional offender whose presence in a licensed facility would, in the opinion of the Board, be inimical to the interest of the Commonwealth or a slot machine licensee, or both.

(2) An associate of a career or professional offender whose presence in a licensed facility would be inimical to the interest of the Commonwealth or a slot machine licensee, or both.

(3) A person who has been convicted of a criminal offense under the laws of any state, or of the United States, which is punishable by more than 1 year in prison, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in a licensed facility would be inimical to the interest of the Commonwealth or a slot machine licensee, or both.

(4) A person whose presence in a licensed facility would be inimical to the interest of the Commonwealth or licensed gaming therein, including:

- (i) Cheats.
- (ii) Persons whose gaming privileges have been suspended by the Board.
- (iii) Persons whose permits, licenses or other approvals have been revoked.
- (iv) Persons who pose a threat to the safety of the patrons or employees of a slot machine licensee.
- (v) Persons with a history of conduct involving the disruption of the gaming operations of slot machine licensees.
- (vi) Persons subject to an order of a court of competent jurisdiction in this Commonwealth excluding those persons from licensed facilities.
- (vii) Persons with pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in this Commonwealth or another jurisdiction.
- (viii) Persons who have been convicted of a gaming or gambling crime or crime related to the integrity of gaming operations in this Commonwealth or another jurisdiction.
- (ix) Persons who have performed an act or have a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming, including, being identified with criminal activities in published reports of various Federal and state legislative and executive bodies that have inquired into criminal or organized criminal activities.

(b) For purposes of subsection (a), a person's presence may be considered "inimical to the interest of the Commonwealth or of licensed gaming therein" if known attributes of the person's character and background meet one or more of the following criteria:

- (1) Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of the operation of a licensed facility.
- (2) May reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by the act.
- (3) Create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

(c) A finding of inimicality may be based upon the following:

(1) The nature and notoriety of the character or background of the person.

(2) The history and nature of the involvement of the person with licensed gaming in this Commonwealth or another jurisdiction, or with a particular slot machine licensee or licensees or an affiliate, intermediary, subsidiary or holding company thereof.

(3) The nature and frequency of contacts or associations of the person with a slot machine licensee or licensees, or with employees or agents thereof.

(4) Other factors reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of gaming operations, the gaming industry and its employees.

(d) A person's race, color, creed, national origin or ancestry, or sex will not be a reason for placing the name of a person upon the exclusion list.

§ 511.4. Duties of the Bureau.

(a) The Bureau will, on its own initiative, or upon referral by a law enforcement agency or a slot machine licensee, investigate a person to determine whether the person meets the criteria for exclusion provided in section 1514 of the act (relating to regulation requiring exclusion of certain persons) and § 511.3 (relating to criteria for exclusion).

(b) If, upon completion of an investigation, the Bureau determines that an individual should be placed on the exclusion list, the Bureau will file a petition for exclusion with the Board, identifying the candidate and setting forth a factual basis for the petition. The petition must include information demonstrating that the individual satisfies the criteria for exclusion set forth under section 1514 or 1515 of the act (relating to repeat offenders excludable from licensed gaming facility) or this chapter.

(c) When the Bureau files a complaint alleging a violation of section 1514(e) of the act and § 511.9(b)(2) (relating to duties of slot machine licensees) against a slot machine licensee, the Bureau will file simultaneously a petition to exclude the person alleged in the complaint to meet the criteria for exclusion under § 511.3.

§ 511.5. Placement on the exclusion list.

(a) A person may be placed on the exclusion list:

(1) Upon the filing of a petition for exclusion by the Bureau in accordance with the procedures under § 511.4 (relating to duties of the Bureau).

(2) Upon receipt of an order from a court of competent jurisdiction within this Commonwealth, excluding the person from licensed facilities.

(b) The placement of a person on the exclusion list shall have the effect of requiring the exclusion or ejection of the excluded person from licensed facilities.

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

(d) Winnings incurred by an excluded person shall be remitted to the Board to support compulsive and problem gambling programs.

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

§ 511.6. Demand for hearing on the placement of a person on the exclusion list.

(a) Upon placement of a person on the exclusion list, the Clerk will serve notice of the placement to the person by personal service or certified mail at the last known address of the person. When the placement is a result of a petition for exclusion filed by the Bureau, a copy of the petition will be included with the notice.

(b) Upon service of the notice by the Clerk, an excluded person shall have 30 days to demand a hearing before the Board. Failure to demand a hearing within 30 days after service shall be deemed an admission of all matters and facts alleged in the Bureau's petition for exclusion.

(c) If a hearing is demanded by the excluded person, a hearing will be scheduled as provided in § 492.6 (relating to hearings generally). At the hearing, the Bureau will have the affirmative obligation to demonstrate that the excluded person satisfies the criteria for exclusion in section 1514 or 1515 of the act (relating to regulation requiring exclusion of certain persons; and repeat offenders excludable from licensed gaming facility) or § 511.3 (relating to criteria for exclusion). Unless the matter is heard directly by the Board, the presiding officer will prepare a recommendation as provided in § 494.4 (relating to report or recommendation of the presiding officer) for consideration by the Board.

§ 511.7. Board review.

After a hearing or consideration of a petition for exclusion filed by the Bureau when no hearing was requested, the Board will:

- (1) Issue a final order affirming the placement of the person on the exclusion list.
- (2) Issue a final order removing the person from the exclusion list.
- (3) Refer the matter to the presiding officer for further hearing.

§ 511.8. (Reserved).

§ 511.9. Duties of slot machine licensees.

(a) A slot machine licensee shall have the responsibility to distribute copies of the exclusion list to its employees. Additions, deletions or other updates to the list shall be distributed by a slot machine licensee to its employees within 2 business days of the slot machine licensee's receipt of the updates from the Board.

(b) A slot machine licensee shall exclude or eject the following persons from its licensed facility:

- (1) An excluded person.
- (2) A person known to the slot machine licensee to satisfy the criteria for exclusion in section 1514 of the act (relating to regulation requiring exclusion of certain persons) and § 511.3 (relating to criteria for exclusion).

(c) If an excluded person enters, attempts to enter, or is in a licensed facility and is recognized by employees of the slot machine licensee, the slot machine licensee shall immediately notify the Bureau of the fact in accordance with the procedures set forth by the Board.

(d) It shall be the continuing duty of a slot machine licensee to inform the Bureau, in writing, of the names of persons the slot machine licensee believes are appropriate for placement on the exclusion list and the reason for placement on the exclusion list.

(e) A slot machine licensee or employees thereof will not be liable to any person for damages in a civil action, which is based on the following:

- (1) Withholding winnings from an excluded person.
- (2) Permitting an excluded person to gamble.
- (3) Excluding an excluded person from the licensed gaming facility.

§ 511.10. Petition to remove name from exclusion list.

(a) An excluded person may file a petition with the Clerk to request a hearing for removal of his name from the exclusion list at any time after 5 years from the placement of his name on the exclusion list.

(b) The petition must be signed by the excluded person, contain supporting affidavits, and state the specific grounds believed by the petitioner to constitute good cause for removal from the exclusion list. Upon receipt of the petition, the Bureau may file an answer in accordance with § 493.5 (relating to answers).

(c) The Board may decide the petition on the basis of the documents submitted by the excluded person and the Bureau. The Board may summarily deny the petition, may grant the petition, or direct that a hearing be held in accordance with § 511.6 (relating to demand for hearing on the placement of a person on the exclusion list). The Board will grant the petition or direct that a hearing be held only upon a finding that there is new evidence, which is material and necessary, or that circumstances have changed since the placement of the excluded person on the exclusion list, and that there would be a reasonable likelihood that the Board would alter its previous decision.

(d) An excluded person who is barred from requesting a hearing concerning his removal from the exclusion list by the 5-year period of exclusion in subsection (a) may petition the Board for early consideration at any time. However, an excluded person may not, within the 5-year period of exclusion, file more than one petition for early consideration.

(e) A petition for early consideration must contain the information required under subsection (b). Upon receipt of the petition, the Bureau may file an answer in accordance with § 493.5.

(f) The Board may decide the petition for early consideration on the basis of the documents submitted by the excluded person and the Bureau. The Board may summarily deny the petition or may grant the petition and direct that a hearing be held in accordance with § 511.6.

(g) The Board will consider the following criteria when making its decision on a petition for early consideration:

(1) Whether there are extraordinary facts and circumstances warranting early consideration of the excluded person's request for removal from the exclusion list.

(2) If exclusion was ordered under § 511.5(a)(2) (relating to placement on the exclusion list), whether the excluded person has completed the period of probation or otherwise satisfied the terms of the court-ordered exclusion.

[Pa.B. Doc. No. 07-491. Filed for public inspection March 23, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 127]

Permit Streamlining

The Environmental Quality Board (Board) proposes to amend Chapter 127 (relating to construction, modification, reactivation and operation of sources) to read as set forth in Annex A.

This notice is given under the Board's order at its meeting of January 17, 2007.

A. *Effective Date*

These amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact John Slade, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9476; or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website: www.depweb.state.pa.us.

C. *Statutory Authority*

This rulemaking is proposed under the authority in section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution and section 6.1(b.3) of the APCA (35 P. S. § 4006.1(b.3)), which requires the Board by regulation to establish adequate, streamlined and reasonable procedures for expeditiously determining when applications are complete and for expeditious review of applications.

D. *Background and Summary*

As part of an effort to streamline the air quality permitting process, the Department investigated ways to reduce the plan approval application time, reduce unnecessary costs to industry and continue to ensure that citizens receive adequate notice of potential plan approval/permitting actions to enable timely comment on issues of public concern. The Department wants to employ faster response times for minor permitting actions for needed product improvements, which allows industry to be responsive to free market changes, while at the same time ensuring that those changes do not degrade existing air quality. In addition, the Department wanted to ensure that the permit streamlining effort benefited the Department, as well, by allowing it to focus scarce administrative resources on evaluating major source permit applications that will likely have significant environmental impacts. As part of this effort, the Department proposes amendments to extend the authorization of a

source to temporarily operate to facilitate shake-down and to revise the public notice provisions which address receipt of applications for plan approval and intent to issue certain plan approvals. In addition, the Department is proposing provisions regarding completeness criteria for applications for plan approval. The Department believes that these proposed amendments will continue to protect air quality, allow business to respond to market changes and allow for adequate public participation.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this proposed rulemaking. At its March 13, 2006, meeting, the AQTAC recommended that the Board consider the proposed amendments in the near future.

E. *Summary of Regulatory Revisions*

Section 127.12b (relating to plan approval terms and conditions) is proposed to be amended to extend from 120 to 180 days the duration for temporary "shake-down" operation of new equipment subject to the plan approval requirements.

New § 127.12d (relating to completeness determination) sets forth the criteria the Department will use to determine if an application for plan approval is complete.

Section 127.44 (relating to public notice) is proposed to be amended to, among other things, require the Department to publish in the *Pennsylvania Bulletin* a notice of receipt and intent to issue certain minor plan approvals.

Section 127.45 (relating to contents of notice) is proposed to be amended to make certain corrections to the text related to clarity.

Section 127.48 (relating to conferences and hearings) is proposed to be amended to require, in certain instances, that the Department publish notice of hearings or conferences in a newspaper of general circulation and the *Pennsylvania Bulletin*.

F. *Benefits, Costs and Compliance*

Benefits

Overall, the citizens of this Commonwealth will benefit from this proposed rulemaking because the Department will be able to focus scarce administrative resources on evaluating major source permit applications that will likely have significant environmental impacts. In addition, the proposed amendments will allow industry to be responsive to free market changes while at the same time ensuring that those changes do not degrade existing air quality.

Compliance Costs

This proposed rulemaking will reduce the operating costs of industry through enhanced operational flexibility.

Compliance Assistance

The Department plans to educate and assist the public and regulated community with understanding newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing Regional Compliance Assistance Program.

Paperwork Requirements

The proposed amendments will not increase the paperwork that is already generated during the normal course of business.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking will allow industry to be responsive to free market changes, while at the same time ensuring that those changes do not degrade existing air quality.

H. Sunset Review

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 9, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. Public Comments

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be postmarked by May 25, 2007. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be postmarked May 25, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by May 25, 2007. A

subject heading of the proposal and a return name and address must be included in each transmission.

K. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held as follows:

- April 24, 2007 1 p.m. Department of Environmental Protection
Southwest Regional Office
Waterfront A and B Conference Room
400 Waterfront Drive
Pittsburgh, PA 15222
- April 24, 2007 1 p.m. Department of Environmental Protection
Southeast Regional Office
Delaware Room
2 East Main Street
Norristown, PA 19401
- April 24, 2007 1 p.m. Department of Environmental Protection
Rachel Carson State Office Building
Room 105
400 Market Street
Harrisburg, PA 17105

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-408. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES

Subchapter B. PLAN APPROVAL REQUIREMENTS

§ 127.12b. Plan approval terms and conditions.

* * * * *

(d) The plan approval shall authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a permit under Subchapter F (relating to operating permit requirements) or Subchapter G (relating to Title V operating

permits) or to permit the evaluation of the air contamination aspects of the source. This temporary operation period will be valid for a limited time, not to exceed 180 days, but may be extended for additional limited periods, each not to exceed [120] 180 days.

* * * * *

§ 127.12d. Completeness determination.

(a) The Department will determine if an application for plan approval is administratively complete and will provide written notice of the completeness determination to the applicant.

(b) For purposes of this section, an application is administratively complete if it contains the necessary information, maps, fees and other documents, regardless of whether the information, maps and documents would be sufficient to justify issuance of the plan approval.

(c) If the Department determines that the application is not administratively complete, the Department will return the application and fees to the applicant, along with a written statement of the specific information, maps, fees and documents that are required to make the application administratively complete.

§ 127.44. Public notice.

(a) The Department will publish in the Pennsylvania Bulletin a notice of receipt and intent to issue for each plan approval application, except plan approval applications subject to the notice requirements of subsection (b). The notice of receipt and intent to issue must include the following:

- (1) The name and address of the applicant.
- (2) The location and name of the plant or facility at which the construction, modification, reactivation or installation is proposed.
- (3) A brief description of the proposed action, including a general description of the equipment to be installed or modified along with the anticipated pollutant emission increases or decreases.
- (4) The name and telephone number of a person to contact for additional information.
- (5) The location of the regional office where the application will be reviewed.

(b) The Department will prepare a notice of action to be taken on applications for plan approvals for the following:

* * * * *

(5) [Other sources required to obtain plan approval.

(6)] Other sources, including synthetic minor permit applications, for which the Department has determined there is substantial public interest or for which the Department invites public comment.

[(b)] (c) The notice required by subsection [(a)] (b)(1)—(4) will be completed and sent to the applicant, the EPA, any state within 50 miles of the facility and any state whose air quality may be affected and that is contiguous to this Commonwealth. The applicant shall, within 10 days of receipt of notice, publish the notice on at least 3 separate days in a prominent place and size in a newspaper of general circulation in the county in which the source is to be located; proof of the publication shall

be filed with the Department within 1 week thereafter. A plan approval will not be issued by the Department in the event of failure by the applicant to submit the proof of publication.

[(c)] (d) If the Department denies a plan approval, the requirements of subsection [(b)] (c) do not apply. Written notice of a denial will be given to requestors and to the applicant in accordance with § 127.13c (relating to notice of basis for certain plan approval decisions).

[(d)] (e) In each case, the Department will publish notices required in [subsection (a)] this section in the Pennsylvania Bulletin.

[(e)] (f) The notice will state, at a minimum, the following:

* * * * *

(3) Plan approvals issued to sources identified in subsection [(a)] (b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP and will be submitted to the EPA for review and approval.

§ 127.45. Contents of notice.

The [notice] notices of proposed plan approval issuance required by § 127.44 [(a)] (b) (relating to public notice) [shall] must include the following:

* * * * *

(2) The location and name of the plant or facility at which construction [or], modification or installation is [taking place] proposed.

* * * * *

(5) [The] A brief description of the conditions being placed in the plan approval [and a brief description of the reasons for including these conditions] with reference to applicable State and Federal requirements.

(6) A description of the procedures for reaching a final decision on the proposed plan approval action including:

(i) The ending date for the receipt of written comments or written protests.

* * * * *

§ 127.48. Conferences and hearings.

* * * * *

(b) The applicant, the protestant, commentators and other participants will be notified of the date, time, place and purpose of a conference or hearing, in writing or by publication in a newspaper [or] of general circulation in the county in which the source is to be located and the Pennsylvania Bulletin, except [where] when the Department determines that notification by telephone will be sufficient.

[Pa.B. Doc. No. 07-492. Filed for public inspection March 23, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend §§ 141.41, 141.43 and 141.47 (relating to general; deer; and elk).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. Purpose and Authority

The Commission has received a number of requests from hunters to permit the lawful use of muzzleloading handguns to hunt various big game animals. Currently, all muzzleloading handguns are prohibited from use while hunting any big game animals. The Commission has determined that use of muzzleloading handguns would be reasonable so long as their use is limited to deer, bear and elk and to .50 caliber or larger muzzleloading handguns only. Therefore, the Commission is proposing to amend §§ 141.41, 141.43 and 141.47 to permit the lawful use of .50 caliber or larger muzzleloading handguns while hunting deer, bear and elk.

The Commission has also received requests from certain hunters to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season. Currently, § 141.43 prohibits the use of aperture or peep sights during the flintlock muzzleloading season. The Commission has determined that the use of aperture or peep sights during the flintlock muzzleloading season would be permissible since their use appears to be consistent with 18th century technology and therefore would not undermine the traditional nature of the flintlock muzzleloading season. Therefore, the Commission is proposing to amend § 141.43 to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season.

The Commission has also received a number of requests from hunters to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons. Currently, § 141.43 prohibits the possession of any firearm while hunting during the early and late archery seasons with a bow and arrow or crossbow. The Commission has determined that the dual use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons would be permissible only to the extent that the person is in possession of both a valid archery license and valid muzzleloader license and meets the greater protective material requirements for the muzzleloader season, if applicable. Therefore, the Commission is proposing to amend § 141.43 to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading

firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.41, 141.43 and 141.47 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 141.41, 141.43 and 141.47 to permit the lawful use of .50 caliber or larger muzzleloading handguns while hunting deer, bear and elk. The proposed rulemaking will also amend § 141.43 to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season and to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons.

3. Persons Affected

Persons wishing to hunt deer, bear or elk in this Commonwealth with a muzzleloading firearm may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-247. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

* * * * *

(b) It is unlawful to:

* * * * *

(2) [Hunt for deer or bear through the use of any one or more of the following:

(i) A muzzleloading handgun.

(ii) A muzzleloading firearm that is not .44 caliber or larger.]

Hunt for deer or bear through the use of a muzzleloading long gun that is not .44 caliber or larger or a muzzleloading handgun that is not .50 caliber or larger.

* * * * *

§ 141.43. Deer.

(a) Archery season. It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

(1) Possess a firearm, except during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons, when a person may use and possess both a bow and arrow or crossbow and a muzzleloading firearm only if that person is in possession of both a valid archery license and a valid muzzleloader license and meets the greater protective material requirements for the muzzleloader season, if applicable.

* * * * *

(b) Flintlock muzzleloading season. Firearms lawful for use are original muzzleloading single-barrel [long guns] firearms manufactured prior to 1800, or [a similar reproduction] similar reproductions of [an] original muzzleloading single-barrel [long gun] firearms which:

(1) [Is .44 caliber or larger and has open sights.] Are .44 caliber or larger long guns or .50 caliber or larger handguns.

* * * * *

(d) Prohibitions. While hunting deer during the flintlock muzzleloading season, it is unlawful to:

* * * * *

(2) [Use telescope, aperture or peep sights.] Use telescopic sights.

* * * * *

(e) Muzzleloading season. Firearms lawful for use are muzzleloading single-barrel [long guns] firearms which:

(1) Are .44 caliber or larger long guns or .50 caliber or larger handguns.

* * * * *

§ 141.47. Elk.

It is unlawful while hunting elk to:

(1) Use any [rifle or handgun which is not centerfire and at least .27 caliber] centerfire firearm less than .27 caliber or that propels a single-projectile less than 130 grains.

(2) Use any [projectile which is not all lead or designed to expand on impact and at least 130

grains] muzzleloading firearms less than .50 caliber or that propels a single-projectile less than 210 grains.

(3) [Use muzzleloading firearms other than long guns which are at least .50 caliber and propel a single-projectile that weighs at least 210 grains.

(4)] Use any shotgun less than 12 gauge.

[(5)] (4) * * *

[(6)] (5) * * *

[(7)] (6) * * *

[(8)] (7) * * *

[(9)] (8) * * *

[(10)] (9) * * *

[(11)] (10) * * *

[(12)] (11) * * *

[(13)] (12) * * *

[Pa.B. Doc. No. 07-493. Filed for public inspection March 23, 2007, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Cable Restraint

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend §§ 141.63 and 141.66 (relating to definitions; and cable restraints).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. Purpose and Authority

Regulations concerning the use of cable restraint devices were first proposed at the Commission's October 5, 2004, meeting and were finally adopted at its January 25, 2005, meeting. These regulations essentially define the nature of the device, the manner of its use, as well as the time period for its use. Upon final completion of the 2005-2006 furtaking season, the Commission conducted a survey of all certified cable restraint users to assess use, efficiency, selectivity and capture related injuries or mortalities. The survey results indicated the following findings: 1) recent trap testing data now supports the use of 1 x 19 cable; 2) extending cable length by 1 foot will allow for cable restraints to be set legally in a variety of winter snow conditions; 3) a clearer definition of "relaxing-type lock" will reduce confusion for trappers purchasing commercially available devices; and 4) increasing the weight rating of the breakaway device will improve efficiency and effectiveness of cable restraint devices when large coyotes are captured. Based upon the results of these postseason surveys, the Commission is proposing to

amend § 141.63 to improve the definition of "cable restraint" by permitting the use of 1 x 19 cable, extending the cable length limit to 7 feet, more clearly defining "relaxing-type lock" and increasing the weight rating of the breakaway device to 375 pounds.

It has come to the attention of the Commission that § 141.66 overly restricts the classes of persons that are eligible to be certified through the Commission's cable restraint training course in apparent contravention of certain statutory exemptions in sections 2363 and 2706 of the code (relating to trapping exception for certain persons; and resident license and fee exemptions). In an effort to permit individuals who are permitted to trap without license to more fully enjoy their privilege by being eligible to participate in the Commission's cable restraint training course, the Commission is proposing to amend § 141.66.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(d) of the code authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.66 and 141.66 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.63 to improve the definition of "cable restraint" by permitting the use of 1 x 19 cable, extending the cable length limit to 7 feet, more clearly defining "relaxing-type lock" and increasing the weight rating of the breakaway device to 375 pounds. The proposed rulemaking will also amend § 141.66 to permit individuals meeting certain statutory license exemptions to participate in cable restraint training courses.

3. Persons Affected

Persons wishing to trap in this Commonwealth with cable restraint devices will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-245. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.63. Definitions.

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of section 2361(a)(11) of the act (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

Cable restraint—A galvanized stranded steel cable with a minimum diameter of 3/32 inches. The cable must be constructed of either 7 bundles comprised of 7 wires per bundle [or], 7 bundles comprised of 19 wires per bundle [and be equipped with a mechanical sliding metal release lock] or 1 bundle comprised of 19 wires. The cable may not exceed [6] 7 feet in length from the anchor point to the relaxing lock contacting the fully closed loop stop, must be equipped with at least one swivel device (which allows for 360° rotation) between the loop and the anchor and must have stops affixed to the cable to ensure that the circumference of the cable which makes up the loop may not be greater than 38 inches when fully open, or less than 8 inches when fully closed. **Cable restraints must be equipped with a relaxing-type lock. The relaxing-type lock may not be constructed with moving parts.** A cable restraint must include a breakaway device affixed [to the lock or] between the relaxing-type lock and cable or at the end of the cable that is rated at [325] 375 pounds or less. The cable must be maintained in good condition so that all components operate properly.

* * * * *

§ 141.66. Cable restraints.

* * * * *

(b) Cable restraint devices may only be set by furtakers who [possess a valid furtakers license and who] have completed a certified cable restraint training course approved by the Director and possess a valid furtakers license, qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) or qualify for trapping exceptions under section 2363 of the act (relating to trapping exception for certain persons). The Director will establish a fee for the course and the fee will only be what is necessary to cover the cost of the course. The trapper shall have a certificate from this course in

possession while setting or checking sets using cable restraints and present the certificate upon the request of any person whose duty it is to enforce this title.

* * * * *

[Pa.B. Doc. No. 07-494. Filed for public inspection March 23, 2007, 9:00 a.m.]

**[58 PA. CODE CH. 141]
Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend § 141.4 and Chapter 141, Appendix G (relating to hunting hours).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. Purpose and Authority

In recent years there has been a growing interest among hunters to expand legal hunting hours to include the 1/2-hour period after sunset (also known as evening civil twilight). While the Commission is always looking for appropriate ways to increase hunting opportunity for sporting men, it recognizes its responsibility to do so with caution. The Commission is aware that permissive hunting occurring during the 1/2-hour period after sunset has the distinct possibility of causing confusion amongst hunters regarding differing closing times for certain wildlife, increasing the occurrence of wounding loss of game animals and, most importantly, increasing safety hazards associated with hunting activities due to rapidly decreasing levels of light during that time period. However, after review of available data regarding hunting hours in other states as well as safety statistics from this Commonwealth, the Commission has determined that the risks of expansion are acceptable. Therefore, the Commission is proposing to amend § 141.4 to expand legal hunting hours to include the 1/2-hour period after sunset for certain species.

It is important to note that as a result of the proposed amendments, the Commission has determined that the current table of hunting hours should be replaced with a sunrise/sunset table that will have cross application to the differing legal hunting hour periods of the various game species. Therefore, the Commission is also proposing to amend Appendix G to replace the table of hunting hours with a sunrise/sunset table for the 2007-2008 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, includ-

ing regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4 and Appendix G were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.4 to expand legal hunting hours to include the 1/2-hour period after sunset for certain species and also replace the table of hunting hours in Appendix G with a sunrise/sunset table for the 2007-2008 license year.

3. Persons Affected

Persons wishing to hunt or trap within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2007, to June 30, 2008.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-246. No fiscal impact; (8) recommends adoption.

**Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter A. GENERAL**

§ 141.4. Hunting hours.

[During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted.] Except as otherwise provided, wild birds and animals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

(1) During the regular antlered and antlerless deer seasons, it is unlawful to take or attempt to take other wild birds or mammals **[from 1/2 hour before sunrise to sunset. Game birds on regulated hunting grounds and migratory waterfowl are excepted] except game birds on regulated hunting grounds, migratory waterfowl, coyotes and bear.** Coyotes may be **[taken] hunted** from the first day to the last day inclusive of any deer or bear season only by persons who possess a valid furtaker's license, or by persons lawfully engaged in hunting deer or bear who have a valid tag.

(2) Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be **[taken] hunted** any hour, day or night, except during restricted periods in paragraph (1), and

woodchuck, opossum, skunk and weasel may not be hunted prior to 12 noon during the spring gobbler season.

(3) Turkey [**hunting hours are**] may be hunted from 1/2 hour before sunrise to 12 noon during the spring gobbler season.

* * * * *

(5) Migratory birds may only be hunted 1/2 hour before sunrise until sunset, except during the September resident Canada goose season, when Canada geese may be hunted 1/2 hour before sunrise until 1/2 hour after sunset.

Appendix G

(Editor's Note: As part of this proposal, the Commission is proposing to rescind the Table of Hunting Hours, which appears at 58 Pa. Code pages 141-25 and 141-26, serial pages (320727) and (320728), and replace it with the following table.)

* * * * *

**SUNRISE/SUNSET TABLE
FOR JULY 1, 2007 THROUGH JULY 5, 2008**

<i>Dates</i>	<i>Sunrise</i>	<i>Sunset</i>
July 1—July 7	5:39	8:32
July 8—July 14	5:43	8:29
July 15—July 21	5:49	8:25
July 22—July 28	5:55	8:20
July 29—Aug. 4	6:01	8:10
Aug. 5—Aug. 11	6:08	8:05
Aug. 12—Aug. 18	6:15	7:55
Aug. 19—Aug. 25	6:21	7:43
Aug. 26—Sept. 1	6:28	7:33
Sept. 2—Sept. 8	6:35	7:21
Sept. 9—Sept. 15	6:40	7:10
Sept. 16—Sept. 22	6:48	6:58
Sept. 23—Sept. 29	6:55	6:47
Sept. 30—Oct. 6	7:00	6:35
Oct. 7—Oct. 13	7:09	6:25
Oct. 14—Oct. 20	7:15	6:15
Oct. 21—Oct. 27	7:25	6:05
Oct. 28—Nov. 3	7:26	6:03
Nov. 4—Nov. 10	6:40	4:50
Nov. 11—Nov. 17	6:50	4:45
Nov. 18—Nov. 24	6:56	4:40
Nov. 25—Dec. 1	7:05	4:36
Dec. 2—Dec. 8	7:10	4:35
Dec. 9—Dec. 15	7:15	4:36
Dec. 16—Dec. 22	7:20	4:39
Dec. 23—Dec. 29	7:22	4:43
Dec. 30—Jan. 5	7:23	4:49
Jan. 6—Jan. 12	7:22	4:55
Jan. 13—Jan. 19	7:20	4:57
Jan. 20—Jan. 26	7:20	5:05
Jan. 27—Feb. 2	7:15	5:15
Feb. 3—Feb. 9	7:10	5:25
Feb. 10—Feb. 16	7:00	5:30
Feb. 17—Feb. 23	6:50	5:40
Feb. 24—Mar. 1	6:40	5:48
Mar. 2—Mar. 8	6:30	5:55
Mar. 9—Mar. 15	7:20	7:05
Mar. 16—Mar. 22	7:10	7:10
Mar. 23—Mar. 29	6:58	7:17
Mar. 30—Apr. 5	6:47	7:25
Apr. 6—Apr. 12	6:35	7:30
Apr. 13—Apr. 19	6:25	7:40
Apr. 20—Apr. 26	6:15	7:45
Apr. 27—May 3	6:05	7:55

<i>Dates</i>	<i>Sunrise</i>	<i>Sunset</i>
May 4—May 10	5:55	8:00
May 11—May 17	5:49	8:05
May 18—May 24	5:41	8:14
May 25—May 31	5:36	8:20
June 1—June 7	5:34	8:25
June 8—June 14	5:32	8:30
June 15—June 21	5:30	8:31
June 22—June 28	5:32	8:34
June 29—July 5	5:35	8:33

[Pa.B. Doc. No. 07-495. Filed for public inspection March 23, 2007, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Protective Material

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend § 141.20 (relating to protective material required).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. Purpose and Authority

The Commission has received a number of calls from hunters regarding protective material requirements for hunters hunting from artificial or manufactured blinds during the deer, elk or bear seasons. These hunters have pointed out that there is a conceptual conflict in requiring hunters to wear protective material inside a blind where its visual effectiveness is severely diminished. These hunters have requested the ability to post protective material outside the blind where it is more readily observable instead of wearing the required amount of protective material on their person in the blind. Since the posting of protective material outside of an artificial or manmade blind that conceals movement from within is undeniably more consistent with the safety interests involved, the Commission has determined that permitting hunters to post a minimum of 100 square inches of protective material within 15 feet from the blind in a manner so that it is visible in a 360° arc is acceptable. Therefore, the Commission is proposing to amend § 141.20 to permit the posting of 100 square inches of daylight fluorescent orange-colored material within 15 feet of any blind meeting the requirements in section 2308(b)(3) of the code (relating to unlawful devices and methods) instead of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting

hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.20 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.20 to permit the posting of 100 square inches of daylight fluorescent orange-colored material within 15 feet of any blind meeting the requirements in section 2308(b)(3) of the code instead of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined.

3. Persons Affected

Persons wishing to hunt deer, elk or bear from any blind meeting the requirements in section 2308(b)(3) of the code will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE, Executive Director

Fiscal Note: 48-248. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.20. Protective material required.

* * * * *

(b) Permitted acts. It is lawful to:

* * * * *

(5) Hunt during any firearms season for deer, elk or bear from any blind meeting the requirements in section 2308(b)(3) of the act and, in lieu of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined, place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet from the blind in a manner that it is visible in a 360° arc.

* * * * *

[Pa.B. Doc. No. 07-496. Filed for public inspection March 23, 2007, 9:00 a.m.]

[58 PA. CODE CH. 131]

Preliminary Provisions; Wildlife Conservation Officers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend § 131.6 (relating to administration of police powers by wildlife conservation officers).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. Purpose and Authority

An issue that has proven perpetually problematic for the Commission has been the exercise of police powers by wildlife conservation officers. Section 901(a)(17) of the code (relating to powers and duties of enforcement officers) provides clear and broad police power authority to wildlife conservation officers acting within the scope of their employment. Despite this broad authorization, however, it is the general policy of the Commission that the primary responsibility of the wildlife conservation officer is the enforcement of the code and that general law enforcement duties remain the responsibility of the appropriate law enforcement agencies empowered to conduct those activities. In an effort to reduce legal challenges, reduce potential civil liability and provide recognition to the importance of the relevant competing interests on this issue, the Commission is proposing to amend § 131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

Section 901(a)(17) of the code states in relevant part "All powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe." Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the commission to "Take any necessary action to accomplish and assure the purposes of this title." The amendment to § 131.6 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 131.6 to redirect the extent and manner in which the Commission authorizes salaried wildlife conservation officers to engage in the administration of police powers.

3. Persons Affected

Persons within the jurisdictional limits of this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rule-making, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-244. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.6. Administration of police powers by wildlife conservation officers.

(a) [*General policy.*

(1) The primary responsibility of a wildlife conservation officer is the enforcement of the act and this part.

(2) Section 901(17) of the act (relating to powers and duties of enforcement officers) confers police powers upon wildlife conservation officers acting within the scope of their employment.

(3) It is the policy of the Commission that general law enforcement activities shall be the responsibility of the appropriate law enforcement agencies empowered to conduct those activities. Complaints or information received shall be forwarded to the enforcement agency having jurisdiction.

(b) *Powers and procedures.*

(1) A wildlife conservation officer may arrest for offenses enumerated in subsection (c) which constitute misdemeanors or felonies when the offenses occur in the officer's presence and while acting within the scope of the officer's employment.

(2) A wildlife conservation officer shall arrest for offenses enumerated in subsection (c) only when necessary to protect life and property. The officer shall immediately notify the appropriate law enforcement agency. Evidence and information in the possession of the officer shall be transmitted to the law enforcement agency responsible for further investigation or prosecution, or both.

(3) A wildlife conservation officer may institute proceedings for violations listed in subsection (c) that are misdemeanors or felonies which occur on State game lands or arise out of Commission operations.

(c) *Violations.* A wildlife conservation officer may, subject to the limitations in subsections (a) and (b), act only in cases of violations of the following provisions:

(1) Title 18 of the *Pennsylvania Consolidated Statutes* (relating to the Crimes code) including the following chapters:

- (i) 9 Inchoate Crimes.
- (ii) 25 Criminal Homicide.
- (iii) 27 Assault.
- (iv) 29 Kidnapping.
- (v) 31 Sexual Offenses.

(vi) 33 Arson, Criminal Mischief and Other Property Destruction.

(vii) 35 Burglary and Other Criminal Intrusion, limited to §§ 3501, 3502 and 3503(a).

(viii) 37 Robbery.

(ix) 39 Theft and Related Offenses, limited to violations of §§ 3921, 3924, 3925, 3928 and 3929.

(x) 41 Forgery and Fraudulent Practices, limited to §§ 4104 and 4105.

(xi) 47 Bribery and Corrupt Influence.

(xii) 49 Falsification and Intimidation.

(xiii) 51 Obstructing Government Operations limited to §§ 5101, 5102, 5104, 5105, 5121, 5124 and 5125.

(xiv) 55 Riot, Disorderly Conduct and Related Offenses, limited to §§ 5501—5511 only.

(xv) 59 Public Indecency, limited to § 5901.

(xvi) 61 Firearms and Other Dangerous Articles.

(xvii) 63 Minors, limited to § 6308.

(xviii) 65 Nuisances.

(2) The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

(3) Title 75 of the *Pennsylvania Consolidated Statutes* §§ 3731, 3732, 3735 and 3742.

(4) The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), limited to misdemeanors and felonies.

(5) The Clean Streams Law (35 P. S. §§ 69.1—69.1001), limited to misdemeanors.

(d) *Construction.* The administrative procedures set forth in this section are intended to serve as guidelines for wildlife conservation officers in the performance of their duties. The administrative limitations in this subchapter do not invalidate an arrest, prosecution or law enforcement action incident thereto which a wildlife conservation officer may undertake, but which exceeds the limitations of subsections (a)—(c). Whenever wildlife conservation officers are acting within the scope of their employment, the principles of justification that apply to peace officers under 18 Pa.C.S. Chapter 5 (relating to general principles of justification) shall apply to their acts.]

General.

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conservation officers, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa.C.S. (relating to the Crimes code) or any other offense classified as a misdemeanor or felony.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, "when acting within the scope of their employment" means that period of time that a wildlife conservation officer is currently engaged in any activity the officer is employed to perform at the time and places the officer is authorized to perform the activity.

(b) Procedures.

(1) A wildlife conservation officer shall arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only to the degree necessary to protect life and property in the following circumstances:

- (i) The offense occurs in the officer's presence.**
- (ii) The offense occurs on State game lands.**
- (iii) The offense arises out of Commission operations.**
- (iv) Another law enforcement agency has reasonably requested the assistance.**

(2) A wildlife conservation officer who exercises any authority vested by section 901(a)(17) of the act shall do the following, without unreasonable delay:

- (i) Notify the appropriate State or local law enforcement agency of the enforcement action.**
- (ii) Secure and maintain onsite information and evidence as deemed appropriate.**
- (iii) Transmit secured information and evidence to the appropriate State or local law enforcement agency for further investigation or prosecution, or both.**
- (iv) Prosecute violations, as may be reasonably necessary if the appropriate State or local law enforcement agency declines further action.**

[Pa.B. Doc. No. 07-497. Filed for public inspection March 23, 2007, 9:00 a.m.]

[58 PA. CODE CH. 139]
Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend § 139.4 (relating to seasons and bag limits for the license year).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2007-2008 seasons and daily season and possession limits are similar to those set in 2006-2007, the 2007-2008 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth. Some notable proposed

amendments for hunters next season will be expanded squirrel, rabbit and pheasant hunting opportunities Statewide, additional expanded pheasant hunting opportunities in Wildlife Management Units (WMU) 5C and 5D, expanded fall turkey hunting opportunities in WMUs 2G and 4D, reduced fall turkey hunting opportunities in WMUs 2A and 2F, expanded spring turkey hunting opportunities Statewide, expanded deer hunting opportunities in WMUs 2B, 5C and 5D, expanded elk hunting opportunities in Elk Hunt Zone 1 during the September season and expanded mink and bobcat hunting/trapping opportunities. As the next license year is fast approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2007-2008 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . ." The amendment to § 139.4 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2007-2008 license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2007-2008 license year will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2007, to June 30, 2008.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-251. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

(Editor's Note: As part of the proposed rulemaking, the Commission is proposing to rescind the contents of § 139.4 which appears at 58 Pa. Code pages 139-3—139-13, serial pages (320709) to (320718) and (322027) and replace it with the following text.)

(SEASONS AND BAG LIMITS TABLE)

**2007-2008 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	6	12
Squirrels—(Combined species)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Feb. 9, 2008	6	12
Ruffed Grouse—(Statewide)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Jan. 26, 2008	2	4
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 20 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Feb. 9, 2008	4	8
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 20	Nov. 24	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 20 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Feb. 9, 2008	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 20	Nov. 24	4	8

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2008	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	
Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
Wildlife Management Units 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 12		
Wildlife Management Units 2B (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 17		
Wildlife Management Units 2C, 2E, 2F, 4A and 4B	Oct. 27	Nov. 12		
Wildlife Management Units 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D and 4E Wildlife Management Units 5A and 5B	Oct. 27	Nov. 17		
Wildlife Management Units 5C and 5D (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 2		
Turkey (Spring Gobbler) Statewide ⁵ Bearded Bird only	April 26, 2008	May 26, 2008	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ⁵ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 19, 2008	April 19, 2008	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the Federal Register on or about August 27 and September 28 of each year.

Exceptions:

(a) Hunting hours in § 141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1 and Dec. 28	Nov. 24 April 6, 2008		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
FALCONRY				
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2008	6	12
Quail	Sept. 1	Mar. 31, 2008	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2008	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2008	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2008	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2008	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlered and Antlerless—(Statewide) ¹ (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Sept. 29 Dec. 26	Nov. 10 and Jan. 12, 2008	One antlered and an antlerless deer with each required antlerless license.
Deer, Antlerless—Wildlife Management Unit 2B, 5C and 5D (Archery—Bows and Arrows and Crossbows)	Sept. 15 Nov. 12	Sept. 28 and Nov. 24	An antlerless deer with each required antlerless license.
Deer, Antlerless—Wildlife Management Unit 2B (Archery—Bows and Arrows and Crossbows)	Dec. 10	Dec. 22	An antlerless deer with each required antlerless license.
Deer, Regular Antlered & Antlerless—(Statewide) ¹	Nov. 26	Dec. 8	One antlered, and An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ² PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 18	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) ¹ (Flintlock Muzzleloading season)	Dec. 26	Jan. 12, 2008	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 26, 2008	An antlerless deer with each required antlerless license.

Species	First Day	Last Day	Season Limit
Deer, Antlerless Wildlife Management Units 5C and 5D	Dec. 10 and Dec. 26	Dec. 22 Jan. 26, 2008	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age—(Bows and Arrows only) ⁴ Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B and 4D	Nov. 14	Nov. 15	1	1
Bear, any age—(Statewide) ⁴	Nov. 19	Nov. 21	1	1
Bear, any age ⁴ Wildlife Management Units 3C and that portion of 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 26	Dec. 1	1	1

Also, those portions of Wildlife Management Units 2G and 3B in Lycoming County that Lie North of the West branch of the Susquehanna River from the Rt. 405 bridge, West to the Rt. 220 bridge, East of Rt. 220 to Rt. 44 and East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West branch of the Susquehanna River.

Bear, any age ⁴ Wildlife Management Unit 3D	Nov. 28	Dec. 1	1	1
Bear, any age ⁴ Rockview Prison	Nov. 26	Dec. 1	1	1

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Antlered & Antlerless ⁶ (With each required license)	Nov. 5	Nov. 10	1	1
Elk, Antlered & Antlerless ⁶ (With each required license) Elk Hunt Zone 1	Sept. 3 and Sept. 1, 2008	Sept. 29 Sept. 27, 2008	1	1

FURTAKING—TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats—(Statewide)	Nov. 17	Jan. 6, 2008		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2008		
Wildlife Management Units 2E, 2F and 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C and 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D (Combined)			10	10

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 22	Feb. 17, 2008		Unlimited
Coyotes and Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 17, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C and 3D	Oct. 22	Feb. 17, 2008	1	1

FUR TAKING—HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(Statewide)		Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.		Unlimited
Coyotes—(During any archery deer season)		May be taken while lawfully hunting deer or with a furtaker's license.		
Coyotes—(During the regular firearms deer season and any bear season)		May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360° arc.		
Coyotes—(During the spring gobbler turkey season)		May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.		
Opossums, Skunks, Weasels ⁷ (Statewide)		No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.		
Raccoons and Foxes—(Statewide) ⁷	Oct. 21	Feb. 16, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C and 3D	Oct. 21	Feb. 16, 2008	1	1

No open seasons on other wild birds or wild mammals.

¹Only one antlered deer (buck) may be taken during the hunting license year.

² Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

³ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to 1/2 hour after sunset.

⁴ Only one bear may be taken during the hunting license year.

⁵ Second spring gobbler may only be taken by persons who possess a valid special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees).

⁶ Only one elk may be taken during the hunting license year.

⁷ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to 1/2 hour after sunset.

[58 PA. CODE CH. 147]

Special Permits; Deer Management Assistance Program Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend § 147.674 (relating to issuance of DMAP harvest permits).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. *Purpose and Authority*

Since the implementation of the Deer Management Assistance Program (DMAP) in 2003, harvest permit fees for residents and nonresidents have remained unchanged. However, operating costs throughout the Commission have increased significantly, especially since the Commission's last license fee increase occurred in 1999. Given the added recreational opportunities that DMAP harvest permits offer and the nominal cost currently associated with them, the Commission has determined that an increase in permit fees will better represent the value of the privilege and improve funding for the management of wildlife resources. Therefore, the Commission is proposing to amend § 147.674 to increase DMAP harvest permit fees from \$6 to \$10 for residents and \$26 to \$35 for nonresidents.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.674 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.674 to increase DMAP harvest permit fees from \$6 to \$10 for residents and \$26 to \$35 for nonresidents.

3. *Persons Affected*

Persons wishing to purchase DMAP harvest permits from the Commission will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-249. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.674. Issuance of DMAP harvest permits.

* * * * *

(c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$ [6] 10 for residents and \$ [26] 35 for nonresidents.

* * * * *

[Pa.B. Doc. No. 07-499. Filed for public inspection March 23, 2007, 9:00 a.m.]

[58 PA. CODE CH. 137]

Wildlife; Release of Animals

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2007, meeting, proposed to amend § 137.2 (relating to release of animals).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 23, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 13, 2007.

1. *Purpose and Authority*

Wild boar, Russian boar or feral hog all refer to a breed of pigs that are believed to have been brought into this Commonwealth by hunting preserves. Many of these feral hogs have either escaped or been intentionally released into the wild and evidence suggests they are successfully reproducing. The Commission's participation in the Commonwealth's Invasive Species Council has resulted in a collaborative determination that feral hogs are an invasive species that must be eliminated and kept out of the wild. Feral hogs are known to pose a number of threats to the health, safety and welfare of wildlife,

wildlife habitat, private property, humans and this Commonwealth's agricultural industry. The Commission is currently taking a number of steps to help combat this growing problem but it recognizes that eliminating feral hogs from the wild cannot be successful if their continued release into the wild is not restricted. Therefore, the Commission is proposing to amend § 137.2 to prohibit the release of members of the porcine family into the wild.

Section 322(c)(9) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Prohibit the possession, importation, exportation or release of any species of birds or animals which may be considered dangerous or injurious to the general public or to the wildlife of this Commonwealth." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 137.2 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 137.2 to prohibit the release of members of the porcine family into the wild.

3. *Persons Affected*

Persons who release members of the porcine family into the wild will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-250. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.2. Release of animals.

(a) Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on to any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail and chukar partridge may be released for dog training or hunting purposes.

(b) It is unlawful to release any domestic or feral hogs in to the wild. Domestic or feral hogs include any animals from the porcine family.

(c) A person violating this section is subject to the penalties provided in the act.

[Pa.B. Doc. No. 07-500. Filed for public inspection March 23, 2007, 9:00 a.m.]

STATEMENTS OF POLICY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

M-00072009

Default Service and Retail Electric Markets

The Pennsylvania Public Utility Commission, on February 8, 2007, adopted a proposed policy statement order which addresses elements of the default service regulatory framework, including default service program terms, electric generation supply procurement and competitive bid solicitation process.

Public Meeting held
February 8, 2007

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli, statement as follows; Terrance J. Fitzpatrick, statement as follows

Default Service and Retail Electric Markets; Doc. No. M-00072009

Proposed Policy Statement

By the Commission:

In December of 2004 the Commission issued a proposed rulemaking order to define the obligation of electric distribution companies (EDC) to serve retail electric customers at the conclusion of the restructuring transition periods. *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant To 66 Pa.C.S. § 2807(e)(2)*, Docket No. L-00040169 (Proposed Rulemaking Order entered December 16, 2004). The Public Comment period for this rulemaking ended in April of 2006.

Over the past several years the Commission has studied developments in retail and wholesale energy markets with the objective of developing a final version of these regulations, including the integration of the requirements of the Alternative Energy Portfolio Standards Act of 2004, 73 P.S. § 1648.1, et seq. We also initiated a separate investigation in 2006 to develop policy tools to mitigate the effect of potential electricity price increases. In addition to this policy statement, today we are releasing an advance notice of final rulemaking for the default service regulations, and our findings regarding proposals for addressing electricity price mitigation.¹

In reviewing the comments and considering the revisions to the proposed default service rules, the Commission recognized that there were practical limits to its regulation of large, complex energy markets. Requirements that might seem very appropriate today could be rendered obsolete by changes in markets, applicable law, or advances in technology. Accordingly, the Commission determined that some elements of the default service regulatory framework would be best addressed in the context of a policy statement that provides guidance to the industry as opposed to strict rules. A policy statement is more readily subject to change, and can provide needed

flexibility to the Commission and market participants in the context of default service as energy markets continue to develop. The Commission anticipates that the initial guidelines will be applied to the first set of default service programs following the expiration of the generation rate caps, and these guidelines will be reevaluated prior to the filing of subsequent default service plans.

This policy statement, coupled with the default service regulations, and the order on electricity price mitigation, represents a comprehensive strategy for addressing retail rates in the context of expiring rate caps. We recommend that interested parties review all three documents in formulating their comments.

DISCUSSION

In the following sections we will review each element of this policy statement.

A. § 69.1801. and § 69.1802. *Statements of Scope and Purpose*

Sections 69.1801 and 69.1802 identify the Commission's objective for this policy statement. Given the rapid pace of change in wholesale energy markets, the Commission concludes that it would be unwise to craft a one size fits all approach at this time to every aspect of default service. These guidelines and the associated default service regulations will provide the necessary framework for default service providers (DSPs) and the Commission to manage the default service obligation.

B. § 69.1803. *Definitions*

For ease of reference, the Commission incorporates many of the default service regulation definitions at this section.

C. § 69.1804. *Default service program terms and filing schedules*

In the advance notice of final rulemaking order for default service (ANOFR), we state that we are unable to identify the optimal program duration. It may be that there is no standard program duration that is appropriate to all DSPs in all circumstances. Accordingly, we have included these guidelines recommending two year terms for all DSP programs following the initial filing. The Commission may modify this standard as markets mature.

D. § 69.1805. *Electric generation supply procurement*

The Commission has made the decision at this time not to follow the statewide energy procurement model used by New Jersey. While this approach is attractive to many wholesale energy suppliers, given its administrative efficiencies and manifest transparency, we have concluded that each DSP should craft an approach best suited to its own service territory. Our decision to encourage a portfolio approach with regular price adjustments also does not lend itself to the application of the New Jersey model. Finally, we are not convinced that the New Jersey procurement approach for residential customers has allowed meaningful retail competition to develop for these customers at this time.

We acknowledge that the recommendations found in this policy statement are guidelines, and not regulations. Accordingly, a DSP may propose procurement approaches that vary from those outlined in this policy statement. However, a DSP should be prepared to offer compelling evidence for taking an alternative approach. While we are

¹ The Commission looks forward to working with the Governor and the Pennsylvania General Assembly to implement any new default service requirements that may result from legislation related to the "Energy Independence Strategy" announced by Governor Rendell on February 1, 2007.

giving DSPs some latitude in managing this obligation, we will be closely monitoring their performance. Should our experience lead us to conclude that too much discretion has been afforded to DSPs, we will revise the default service regulations and this policy statement accordingly.

Section 69.1805 encourages DSPs to consider a portfolio approach in managing their default service obligation. As discussed at length in the ANOFR, the Commission is cognizant of the risks associated with procuring all supply for several years or more at a single point in time. New Jersey has attempted to mitigate this risk by laddering the wholesale energy contracts used to satisfy basic generation service.

We also encourage the laddering of contracts. However, we also recommend that each DSP consider making multiple procurements over the course of a year, and to incorporate spot market purchases into their strategy. We suggest different procurement strategies for different customer classes, consistent with the level of energy knowledge, financial resources, and opportunity to shop associated with these groups.

E. § 69.1806. Alternative energy portfolio standard compliance

Many parties have asserted that the portfolio requirement of the Alternative Energy Portfolio Standards Act of 2004, 73 P.S. § 1648.1, et seq., cannot be satisfied without the use of long-term power purchase agreements between DSPs and alternative energy suppliers. Without the ability to sell electricity through a long-term contract, some project developers may not be able to acquire needed investment to build these systems.

This is a problematic issue given the requirements of Section 2807(e)(3) of the Public Utility Code, 66 Pa.C.S. § 2807(e)(3), that supply for default service customers be acquired at "prevailing market prices." The alternative energy portfolio requirement, as it impacts sales of electricity to retail customers after the expiration of generation rate caps, is a component of our regulation default service.

In § 69.1806 of this proposed policy statement, the Commission observes that its default service regulations neither mandate nor prohibit long-term contracts. The term "long-term contract" is not readily subject to definition. A twenty to thirty year contract is certainly long-term. Some parties dispute whether a twenty to thirty year PPA can reflect prevailing market prices. We are reminded of our experience with PPAs approved by the Commission pursuant to the Public Utility Regulatory Policies Act of 1978. The rates negotiated for electricity under these PPA often diverged substantially from prevailing market prices over time. It is less clear whether contracts of shorter duration are as problematic.

F. § 69.1807. Competitive bid solicitation processes

This section includes an array of guidelines intended to improve competitive solicitation processes. In this section the Commission expresses its policy preferences on a range of issues. For example, the Commission recommends that load be procured for customer groupings (e.g., small customers vs. large customers), as opposed to slices of the DSP's overall load.

We also identify several issues that will be referred to an existing proceeding, *Standardization of Request for Proposal Documents and Supplier Master Agreements in the Context of Default Service*, Docket No. M-00061960, for study and policy recommendations. This includes the development of uniform bidder qualification rules, stan-

dards for confidential bid information, etc. This working group should provide recommendations on these issues, and those previously assigned, to the Commission by July 1, 2007.

G. § 69.1808. Default service cost elements

While utility rates were unbundled into transmission, distribution and generation components as part of the restructuring process, there is significant concern on the part of the Commission and others that some generation costs have been improperly allocated, or "embedded," in EDC distribution rates. The Commission has not undertaken a full-fledged review of distribution rates with the goal of resolving this issue. This was in part due to the existence of rate caps and the agreements reached in the restructuring settlements. With the expiration of rate caps, there is now no obstacle to taking this issue up for consideration.

Our preference is that this issue will be addressed in the next distribution rate case for each EDC. For those EDCs who have not initiated cases by the end of 2007, the Commission reserves the right to initiate a cost allocation proceeding to resolve this issue.

H. § 69.1809. Interim price adjustments and cost reconciliation

In the ANOFR, the Commission has revised the default service regulations to require regular price adjustments and to permit a DSP to reconcile its costs and revenues. The Price-to-Compare (PTC) will change during the term of a default service program for two reasons. First, prices will be adjusted to reflect changes in incurred costs due to the use of a portfolio approach. With a portfolio approach, DSPs will be acquiring electricity through multiple procurements, some of which may be laddered contracts or spot market energy purchases. As the term covered by the laddered contract or spot market energy purchases expire, new contracts, most likely at different prices, will take effect. The PTC must be adjusted accordingly to reflect the change in costs.

Second, the PTC will need to be refined at an adjustment interval in order to reconcile default service costs and revenues. There will almost certainly be some variation between revenues received and costs incurred on a month to month basis. The Commission encourages the DSP to reconcile its rates at the regular PTC adjustment interval, similar to what a natural gas distribution company does with its gas rates. Specifically, the PTC should be recalculated to correct this divergence, and to eliminate undercollections or overcollections that have accumulated since the last PTC adjustment interval. The revised rate should be designed to eliminate these amounts by the time of the next adjustment.

This policy statement allows for interim adjustments, that is, a change in rates more frequently than at a normal adjustment interval, if there is a divergence greater than 5%. For example, a DSP may propose to revise the PTC for residential customers every quarter. In the event that incurred costs diverge from revenues by more than 5%, the DSP does not need to wait until the end of the quarter to revise its rates. It instead may file for an interim adjustment and recalculate the PTC.

I. § 69.1810. Retail rate design

The Commission finds that the PTC should reflect the cost of energy incurred, and that any disincentives to energy conservation should be eliminated from rate design. The proposed regulations expressly prohibit the PTC from being adjusted lower with increased customer usage.

Accordingly, the design feature commonly known as “declining blocks” must be eliminated from rate design. The policy statement reaffirms this, and further provides that demand charges should be removed. We observe that Duquesne Light Company, in its most recent default service filing, is planning to discontinue all declining blocks and demand charges by 2010.

J. § 69.1811. Rate change mitigation

The Commission recognizes that some customers may experience significant rate increases when the generation rate cap expires in their EDC’s service territory. This is more likely to occur in those territories where the generation rate has remained capped significantly below wholesale energy prices. The Commission finds it to be in the public interest that retail customers have reasonable opportunities to mitigate the effect of these price increases.

This policy statement recommends that DSPs give customers the option to defer paying some portion of a rate increase for a period of time in certain circumstances. Rather than adjusting a customer’s PTC to the full market price all at once, the PTC would be moved incrementally over a period of several years. The customer would also gradually pay down the portion of the rate increase that was deferred. It must be acknowledged that the DSP will incur some additional expense with this type of plan, as its recovery of costs is being deferred. A customer who elects to defer some portion of the rate increase will ultimately pay more for their electricity, analogous to paying interest on a loan. Accordingly, we find that customers should have the choice to select such an option, but should not be automatically assigned to such a plan. Those who have the means and inclination to immediately pay market prices should be allowed to do so.

A DSP may propose other reasonable rate mitigation strategies for our consideration. For example, a DSP might offer customers the option to pre-pay some portion of an anticipated rate increase. Customers would be shown the current market price of energy on their monthly bill, compared to the capped rate. They would then have the option to pay the market price. This extra money would remain in the customer’s account, accumulate interest, and be applied in the event that there was a significant rate increase once the rate cap expired. If the increase was less than expected, the monies could be refunded or credited to the customer’s bill. This process would have the added benefit of educating consumers about market prices prior to the expiration of rate caps.

K. §§ 69.1812—69.1818. Retail Market Issues

In these sections the Commission provides guidelines on the integration of default service with the competitive retail market. The Commission has identified a number of issues where opportunities exist to enhance customer choice and facilitate the development of retail markets. Robust, effective markets are a vital element of any post-rate cap price mitigation strategy.

We are referring each issue identified in these sections to the Retail Markets Working Group for study and policy recommendations. Commission staff should convene this working group within forty five days of the issuance of a final-form policy statement. Within a reasonable period of time after convening the group, Commission staff will propose a schedule to the Commission for the development of policy recommendations. Our expectation is that the activities of this working group will be completed well before the expiration of the remaining generation rate caps.

We also find that customer education is a vital component of fostering effective retail markets. Consumer education plans that address retail choice will be required pursuant to an order we are issuing in the price mitigation proceeding at Docket M-00061957.

CONCLUSION

The Commission welcomes comments on all aspects of this proposed policy statement. It must be observed that this policy statement is closely related to the final outcome of the default service rulemaking process. Accordingly, a final policy statement will not be promulgated for publication in the *Pennsylvania Bulletin* until the Commission has obtained final approval of the default service regulations. Should the Independent Regulatory Review Commission or other entity require changes to the final-form version of the rule, this policy statement may need to be revised for consistency.

Therefore,

It Is Ordered That:

1. The proposed Statement of Policy in §§ 69.1801—69.1817 as set forth in Annex A, is issued for comment.
2. The Secretary shall submit this order and Annex A to the Governor’s Budget Office for review of fiscal impact.
3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
4. Interested persons may submit, by March 2, 2007, an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Reply comments will be submitted by March 23, 2007. To facilitate the timely posting of comments to the Commission’s public internet domain, comments should also be submitted by e-mail to Shane Rooney, srooney@state.pa.us. Attachments may not exceed 3 megabytes.
5. A copy of this order shall be posted on the Commission’s public internet domain and served on the Office of Consumer Advocate and Office of Small Business Advocate.
6. The contact person for this matter is Shane Rooney, (717) 787-3464, srooney@state.pa.us.
7. Commission staff convene the Retail Markets Working Group within 60 days of the issuance of a Final Form Policy Statement, consistent with the instructions given in this order.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-254. No fiscal impact; (8) recommends adoption.

Statement of Commissioner Kim Pizzigrilli

Public Meeting
February 8, 2007

Electric Distribution Companies’ Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2); FEB-2007-L-0009; Doc. No. L-00040169*

Default Service and Retail Electric Markets Proposed Policy Statement; FEB-2007-L-0010; Doc.No. M-00072009*

Today, we issue an Advance Notice of Final Rulemaking Order (ANOFr) with an accompanying Policy Statement

regarding electric distribution companies' obligation to serve retail customers at the conclusion of the transition period pursuant to Section 2807(e)(2) of the Electricity Generation Customer Choice and Competition Act (Competition Act).²

The Commission is very cognizant of how important its Default Service regulations are in the transition process to a competitive market. We have proceeded in formulating the regulations and Policy Statement in a deliberative fashion studying the experiences of other jurisdictions and taking into account stakeholder comments. I would like to thank all those who have shared their thoughts and expertise in comments filed in this proceeding.

Since the passage of the Competition Act, we have learned that the transition to market-based pricing is an evolving process. For this reason, we have chosen to issue a Policy Statement to accompany the Default Service advanced notice of final regulations. I believe that the guidance of a Policy Statement and not the mandate of a regulation is the best way to manage this process going forward allowing both the Commission and stakeholders a greater amount of flexibility as electricity markets develop. The Policy Statement announces to the public the course which the Commission intends to follow and serves to provide supplemental guidance on the fundamental provisions found in the regulations.

I also support the use of an ANOFR. These are complex issues that will have a direct impact on retail electricity prices across the Commonwealth. Therefore, the Commission would like to receive comments on the modifications made from the proposed version before they are finalized and sent to the Senate Consumer Protection and Professional Licensure Committee, the House Consumer Affairs Committee and the Independent Regulatory Review Commission for review.

Finally, I would like to thank Commission staff, particularly Shane Rooney from the Law Bureau, for the countless hours spent reviewing comments and drafting regulations.

Statement of Commissioner Terrance J. Fitzpatrick

Public Meeting
February 8, 2007

*Default Service and Retail Electric Markets;
FEB-2007-L-10*; M-00072009*

This matter involves a proposed policy statement regarding default service and retail electric markets. The policy statement is a companion document to the rule-making regarding default service (Docket No. L-00040169) that we are also voting upon today. Both items will be issued for comment and made final later this year.

I support the approach the Commission is taking in dividing the issues regarding default service between regulations and a statement of policy. A policy statement is a more flexible tool—it is not legally binding, and it is not subject to the procedural requirements that apply to regulations. It will allow the Commission to change its policies over time as the Commission gains more experience, and as circumstances change.³ In particular, it will allow us to recognize that the default service programs filed to take effect immediately after 2010, when the generation rate caps expire for most utilities, raise a

unique set of issues because of the potential for steep price increases as customers pay market-based generation prices for the first time. The policies that we apply for the first two to three years after expiration of the caps should not be the same policies that we apply to later programs. Specifically, I expect that the Commission's policies will be aimed at developing more robust retail competition over time.

Second, while I will review carefully the comments that are filed on this issue, I am inclined at the outset to support the default service purchasing strategy reflected in this policy statement. This policy encourages utilities to purchase a varied supply of energy products at different points in time, and to make timely adjustments in their retail prices for generation supply. By doing so, the supply portfolio of the utility, and the retail price for this supply, will stay reasonably in touch with changes in wholesale market conditions. At the same time, the diversity of the supply portfolio should hedge against the risk of sudden, dramatic changes in wholesale prices. This approach will allow the Commission to fulfill its duty under the Competition Act⁴ to establish effective retail competition, but to do so in a gradual, deliberate manner that recognizes the difficulty customers may face in making the shift from capped generation prices to market-based prices.

The Competition Act requires the Commission to encourage actual, effective retail competition⁵, although the exact speed and manner of reaching that goal is within the discretion of the Commission. The bedrock policy of the Act is that "[c]ompetitive market forces are more effective than economic regulation in controlling the cost of generating electricity." 66 Pa. C.S. § 2802 (5). Accordingly, it is the Commission's duty to foster a truly competitive retail market, rather than to implement policies that will encourage customers to remain on the regulated default service offering, contrary to the purpose of the Act. In a nutshell, the Commission may not implement a statute entitled "The Electricity Generation Customer Choice and Competition Act" with an attitude of indifference as to whether competition and customer choice actually result.

I am looking forward to reading the comments on this proposed policy statement, and to taking final action in this matter in a few months.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

DEFAULT SERVICE AND RETAIL ELECTRIC MARKETS

⁴ Formally entitled the Electricity Generation Customer Choice and Competition Act, Act 138 of 1996, 66 Pa. C.S. § 2801 et seq.

⁵ Some parties have suggested in comments in the default service rulemaking that the Act was designed to encourage wholesale competition rather than retail competition. This is an attempt to rewrite both history and the purpose of the Act. Wholesale competition is subject to federal, not state, jurisdiction. Moreover, the language of the Act itself supports the notion that the primary innovation in the Act was giving customers the right to "direct access to a competitive market for the generation and sale or purchase of electricity." 66 Pa.C.S. § 2802 (13) (emphasis added). The term "direct access" is a description of retail competition, whereas wholesale competition, by itself, provides only "indirect access" to a competitive market because the customer must purchase electricity from its electric utility.

² 66 Pa.C.S. §§ 2801—2812.

³ The New York Public Service Commission has developed its retail competition policies through policy statements, and I believe that this approach has been successful. See, *Statement of Policy on Further Steps Toward Competition in Retail Energy Markets*, Case 00-M-0504, N.Y. Public Service Com. (August 25, 2004).

(Editor's Note: This statement of policy refers to regulations that were proposed at 35 Pa.B. 1421 (February 26, 2005) (Fiscal Note #57-237). The regulations have not yet been adopted by the Commission.)

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

§ 69.1801. Statement of scope.

Sections 69.1802—69.1817 provide guidelines to default service providers regarding the acquisition of electric generation supply, the recovery of associated costs and the integration of default service with competitive retail electric markets.

§ 69.1802. Statement of purpose.

(a) The Commission has proposed regulations governing the default service obligation in §§ 54.181—54.189 (relating to default service), as required by 66 Pa.C.S. § 2807(e) (relating to duties of electric distribution companies). The regulations address the elements of a default service regulatory framework. The goal of default service regulations is to bring competitive market discipline to historically regulated markets. This can be accomplished by structuring default service in a way that encourages the entry of new retail and wholesale suppliers. Greater diversity of suppliers will benefit ratepayers and this Commonwealth. However, the regulations are not designed to resolve every possible issue relating to the acquisition of electric generation supply, the recovery of reasonable costs, the conditions of service and the relationship with the competitive retail market.

(b) The Commission is very cognizant of the practical limits of regulating large, complex markets. Changes in Federal or State law, improvements in technology and developments in wholesale energy markets may render obsolete an all-inclusive regulatory approach to this Commonwealth's retail electric market.

(c) The Commission has devised an approach that will allow this Commonwealth to adapt to changes in energy markets and the regulatory environment. The regulations which will be codified in Chapter 54 (relating to electric generation customer choice) will serve as a general framework for default service and provide an appropriate measure of regulatory certainty for ratepayers and market participants. This section and §§ 69.1801 and 69.1803—69.1817 will provide guidelines on those matters when a degree of flexibility is required to respond effectively to regulatory and market challenges. The Commission anticipates that the initial guidelines will be applied to the first set of default service plans following expiration of the generation rate caps, and that the guidelines will be reevaluated prior to the filing of subsequent default service plans.

§ 69.1803. Definitions.

The following words and terms, when used in this section and §§ 69.1801, 69.1802 and 69.1804—69.1817, have the following meanings, unless the context clearly indicates otherwise:

Alternative energy portfolio standards—A requirement that a certain percentage of electric energy sold to retail customers in this Commonwealth by EDCs and EGSs be derived from alternative energy sources, as defined in the Alternative Energy Portfolio Standards Act (73 P.S. §§ 1648.1—1648.8).

Competitive bid solicitation process—A fair, transparent and nondiscriminatory process by which a DSP awards

contracts for electric generation supply to qualified suppliers who submit the lowest bids.

DSP—Default service provider—The incumbent EDC within a certificated service territory or a Commission approved alternative default service provider.

Default service—

(i) Electric generation supply service provided by a DSP to a retail electric customer who is not receiving generation service from an EGS.

(ii) Electric generation supply service provided pursuant to a Commission approved default service plan.

Default service implementation plan—The schedule of competitive bid solicitations and spot market purchases, technical requirements and related forms and agreements.

Default service procurement plan—The electric generation supply acquisition strategy the DSP will utilize in satisfying its default service obligations, including the manner of compliance with the alternative energy portfolio standards requirement.

Default service program—A filing submitted to the Commission by the DSP that identifies a procurement plan, an implementation plan, a rate design to recover all reasonable costs and all other elements identified in § 54.185 (relating to default service implementation plans and terms of service).

EDC—Electric distribution company—The term has the same meaning as defined in 66 Pa.C.S. § 2803 (relating to definitions).

EGS—Electric generation supplier—The term has the same meaning as defined in 66 Pa.C.S. § 2803.

Maximum registered peak load—The highest level of demand for a particular customer, based on the PJM Interconnection, LLC, peak load contribution standard, or its equivalent, and as may be further defined by the EDC tariff in a particular service territory.

PTC—Price-to-compare—The rate charged to a retail electric customer by the DSP for default service.

Prevailing market prices—Prices that are available in the wholesale market at particular points in time for electric generation supply.

RTO—Regional transmission organization—A Federal Energy Regulatory Commission (FERC)-approved regional transmission organization.

Retail customer or retail electric customer—The terms have the same meaning as defined in 66 Pa.C.S. § 2803.

Spot market energy purchase—The purchase of an electric generation supply product in a FERC-approved real time or day ahead energy market.

§ 69.1804. Default service program terms and filing schedules.

The default service regulations provide for a standard initial program term of 2 to 3 years. Initial programs may vary from this standard to comply with the applicable regional transmission organization planning year. Subsequent programs should be for 2 years, unless otherwise directed by the Commission. The Commission will monitor developments in wholesale or retail markets and revisit this issue as appropriate. The Commission may revise the duration of the standard program term and program filing schedules based on market developments.

§ 69.1805. Electric generation supply procurement.

A proposed procurement plan should balance the goals of allowing the development of a competitive retail supply

market and also include a prudent mix of arrangements to minimize the risk of over-reliance on any particular source. In developing a proposed procurement plan, a DSP should consider including a prudent mix of supply-side and demand-side resources such as long-term, short-term, staggered-term and spot market purchases to minimize the risk of contracting for supply at times of peak prices. Long-term contracts should only be used when necessary and required for DSP compliance with alternative energy requirements, and should be restricted to covering a relatively small portion of the default service load. An over reliance on long-term contracts would mute demand response, create the potential for future default service customers to bear future above market costs, and limit operational flexibility for DSPs to manage their default service supply. The plan should be tailored to the following customer groupings, but DSPs may propose alternative divisions of customers by registered peak load to preserve existing customer classes.

(1) *Residential customers and nonresidential customers with less than 25 kW in maximum registered peak load.* Initially, the DSP should acquire electric generation supply for these customers using a mix of resources as described in the introductory paragraph to this section. Consideration should be given to procuring most fixed-term supply through full requirements contracts of 1 to 3 years in duration. Contracts should be laddered to minimize risk, with a minimum of two competitive bid solicitations a year to further reduce the risk of acquisition at a time of peak prices. In subsequent programs, the percentage of supply acquired through shorter duration full requirements contracts and spot market purchases should be gradually increased, depending on developments in retail and wholesale energy markets.

(2) *Nonresidential customers with 25—500 kW in maximum registered peak load.* The DSP should acquire electric generation supply for these customers using a mix of resources as described in the introductory paragraph to this section. Fixed-term contracts should be 1 year in length and may be laddered to minimize risk, with a minimum of two competitive bid solicitations a year to further reduce the risk of acquisition at a time of peak prices. In subsequent programs, the percentage of supply acquired through shorter duration purchases and spot market purchases should gradually be increased, depending on developments in retail and wholesale energy markets.

(3) *Nonresidential customers with greater than 500 kW in maximum registered peak load.* Hourly priced or monthly-priced service should be available to these customers. The DSP may propose a fixed-price option for the Commission's consideration.

§ 69.1806. Alternative energy portfolio standard compliance.

In procuring electric generation supply for default service customers, the DSP shall comply with the Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8). The Commission's default service regulations neither prohibit nor mandate the use of long-term contracts to satisfy the alternative energy portfolio standards obligation. In satisfying this obligation, a DSP's procurement strategy should reflect the incurrence of reasonable costs.

§ 69.1807. Competitive bid solicitation processes.

The following guidelines will apply to competitive bid solicitation processes:

(1) DSPs should use standardized request for proposal documents and supplier master agreements approved by the Commission for use in the default service procurements. The Commission will review these documents and agreements on a regular basis and revise them when appropriate after consultation with stakeholders.

(2) The public interest would be served by the adoption of uniform criteria and processes for bidder qualification.

(3) Competitive bid solicitations should be structured along customer classes, consistent with the groupings identified in § 69.1804 (relating to default service program terms and filing schedules). Bids should be solicited for tranches of load within each customer class. Slice of system bid designs should not be utilized.

(4) The Commission finds that a clearly optimal bid solicitation model does not exist at the current stage of wholesale market development. DSPs may utilize various competitive bid solicitation approaches, including request for proposals that result in the submission of sealed bids and real time auctions in which energy suppliers compete with each other for tranches of customer load.

(5) DSPs are encouraged to coordinate their competitive bidding solicitation schedules to minimize conflicts that might negatively affect the ability of suppliers to participate in multiple procurements. DSPs with loads of greater than 50 megawatts should avoid scheduling prebid conferences, auctions, and the like, on the same day as other DSPs with loads greater than 50 megawatts.

(6) The Commission's objective is to review the results of competitive bidding processes in a manner sensitive to market dynamics but that also allows it to discharge its statutory obligations. The Commission recognizes that bid prices may be negatively affected by the length of time taken for Commission review. In the default service regulations, the Commission has reserved a period of 1 business day to review the results of competitive procurements. As retail and wholesale markets mature, and as other appropriate safeguards become available, the Commission may elect to reduce the amount of time it uses to review bidding results.

(7) The public interest would be served by the adoption of uniform rules for the confidentiality of competitive solicitation information. Supplier participation, bid prices and retail rates may be impacted by protecting certain information, including, the identity of winning and losing bidders, the number of bids submitted, bid prices, the allocation of load among winning bidders, and the like. At the same time, the Commission recognizes that there is a legitimate public interest in knowing some of this information when there is no possibility of any prejudice to ratepayer interests.

(8) The competitive bid solicitation process will be monitored by an independent evaluator. The Commission may direct that this evaluator administer competitive bid solicitations to ensure the independence of the process. This independent party will be selected by the DSP in consultation with the Commission. The DSP may not have an ownership interest in the evaluator, and vice versa, and the DSP should disclose any potential conflicts of interest on the part of the evaluator during this consultation process. The Commission will review conflicts of interest and may disqualify an evaluator in order to ensure the independence of the position. The evaluator should have an expertise in the analysis of wholesale energy markets, including methods of energy procurement. The evaluator should monitor compliance with Commission orders relating to a default service program,

confidentiality agreements, and other directives. The evaluator should report all information it obtains to the Commission.

§ 69.1808. Default service cost elements.

(a) The PTC should be designed to recover all generation, transmission related and other related costs of default service. These cost elements include:

(1) Wholesale energy, capacity, ancillary, congestion, applicable RTO or ISO administrative and transmission costs.

(2) Supply management costs, including supply bidding, contracting, hedging, risk management costs, any scheduling and forecasting services provided exclusively for default service by the EDC and applicable administrative and general expenses related to these activities.

(3) Administrative costs, including billing, collection, education, regulatory, litigation, tariff filings, working capital, information system and associated administrative and general expenses related to default service.

(4) Applicable taxes, excluding sales tax.

(5) Costs for alternative energy portfolio standard compliance.

(b) EDC rates should be scrutinized for any generation related costs that remain embedded in distribution rates. This review should occur no later than the next distribution rate case for each EDC filed after _____. (*Editor's Note:* The blank refers to the effective date of adoption of this statement of policy.). The Commission may initiate a cost allocation case for an EDC on its own motion if a case is not initiated by December 31, 2007. Changes to rates resulting from the examination would take effect after the expiration of Commission-approved rate caps.

§ 69.1809. Interim price adjustments and cost reconciliation.

(a) Consistent with the default service regulations, the PTC will be adjusted on a regular basis to reflect changes in and ensure the recovery of reasonable costs resulting from changes in wholesale energy prices or other costs. For example, the PTC will be adjusted at least every quarter for residential customers and as frequently as every month for large business customers. This PTC adjustment may be driven by changes in spot market prices, the use of laddered contracts, the use of seasonal rate design, and the like.

(b) The public interest may be served if default service costs and the revenues received through default service rates are reconciled as part of the PTC adjustment process. Reconciliation would ensure that DSPs fully recover their actual, incurred costs without requiring customers to pay more than is required. The PTC adjustment will therefore also reflect changes required due to the reconciliation of costs and revenues. Reconciliation proposals should result in a PTC adjustment that will resolve cumulative under or over collections by the time of the next PTC adjustment interval.

(c) It may be in the public interest to reconcile default service costs more frequently than at each PTC adjustment interval. The DSP should propose interim reconciliation prior to the next subsequent PTC adjustment interval when current monthly revenues have diverged from current monthly costs, plus any cumulative over/under recoveries, by greater than 5% since the last rate adjustment. When the divergence is less than 5%, the DSP has the discretion to propose interim reconciliation prior to the next PTC adjustment interval. Interim

reconciliation proposals should result in a PTC adjustment that will resolve cumulative under or over collections by the time of the next PTC adjustment interval.

§ 69.1810. Retail rate design.

Retail rates should be designed to reflect the actual, incurred cost of energy and therefore encourage energy conservation. The PTC should not incorporate declining blocks, demand charges or similar elements. The PTC for a particular customer class may be converted to a time of use design if the Commission finds it to be in the public interest.

§ 69.1811. Rate change mitigation.

(a) The following provision should apply when a DSP's total retail rate rises by more than 25% following the expiration of a generation rate cap due to wholesale energy prices. If DSPs should offer all residential and small business customers of up to 25 kW in maximum registered peak load the opportunity to prepay or defer some portion of the rate increase for as long as 3 years. These mitigation options should be included in the default service program filed for the period that begins with the expiration of the Commission-approved generation rate cap. Customers may not be assigned to a rate increase prepay or deferral program without their affirmative consent. DSPs would be able to fully recover the reasonable carrying costs associated with a rate increase deferral program, including associated administrative costs.

(b) DSPs may propose other reasonable rate mitigation strategies that would reflect the incurrence of reasonable costs.

§ 69.1812. Information and data access.

The public interest would be served by common standards and processes for access to retail electric customer information and data. This includes customer names and addresses, customer rate schedule and profile information, historical billing data and real time metered data. Retail choice, demand side response and energy conservation initiatives can be facilitated if EGSs, curtailment service providers, and other appropriate parties can obtain this information and data under reasonable terms and conditions common to all service territories, with due consideration given to customer privacy.

§ 69.1813. Rate ready billing.

The public interest would be served by the consideration of the availability of rate ready billing in each service territory.

§ 69.1814. Purchase of receivables.

The public interest would be served by the consideration of an EGS receivables purchase program in each service territory.

§ 69.1815. Customer referral program.

The public interest would be served by consideration of customer referral programs in which retail customers are referred to EGSs.

§ 69.1816. Supplier tariffs.

The public interest would be served by the adoption of supplier tariffs that are uniform as to both form and content. Uniform supplier tariffs may facilitate the participation of EGSs in the retail market of this Commonwealth and reduce the potential for mistake or misunderstandings between EGSs and EDCs.

§ 69.1817. Retail choice ombudsman.

The public interest would be served by the designation of an employee as a retail choice ombudsman at each EDC and the Commission. The ombudsman would be responsible for responding to questions from EGSs, monitoring competitive market complaints and facilitate informal dispute resolution between the DSP and EGSs.

[Pa.B. Doc. No. 07-501. Filed for public inspection March 23, 2007, 9:00 a.m.]

NOTICES

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Request for Proposal

The Administrative Office of Pennsylvania Courts is announcing its intention to release a Request for Proposal for the selection of vendors to provide a Wide Area Network (WAN) and managed services to support the data networking requirements of the Pennsylvania Judiciary. The RFP will be released on March 26, 2007. Persons who wish to receive a copy of the RFP may request one by contacting the Administrative Office of Pennsylvania Courts, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055-3095, Attention: James Tulio, james.tulio@pacourts.us.

Include your company's name, address, telephone number, contact name and contact name email address.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

[Pa.B. Doc. No. 07-502. Filed for public inspection March 23, 2007, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Referendum on Continuation of the Pennsylvania Potato Research Program

Under the applicable provisions of 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a review referendum was held from January 3 to January 22, 2007, to determine if the producers affected by the Pennsylvania Potato Research Program (program) wished to increase the program assessment fee from \$4 to \$5 per acre. To pass, a majority of eligible producers voting had to vote in favor of the program's assessment increase. The referendum also required that the majority of voters casting a favorable ballot represent a majority of potato production by acreage among the voters. An impartial teller committee met on February 13, 2007, to count the ballots. The following results were submitted by the Teller Committee: a total of 62 eligible votes were cast with 41 producers voting in favor of and 21 voting against the proposed assessment increase. (One additional ballot was invalid, because it was not signed.) Votes favoring the assessment increase represented 66.13% and votes against represented 33.87% of the total, eligible 62 votes cast. Voters favoring the assessment increase represented 72.26% of total potato production acreage among those voting. Because a majority of the votes were cast in favor of the proposed assessment increase and represented a majority by production volume, the program shall increase the assessment fee from \$4 to \$5 per acre, effective July 1, 2007.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-503. Filed for public inspection March 23, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

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

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-07	Royal Asian Bank Philadelphia Philadelphia County Purchase of assets/assumption of liabilities of one branch of Wilshire State Bank, Los Angeles, California, located at: 136-52 39th Avenue Flushing Queens County, NY	Philadelphia	Approved

NOTICES

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-07	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1305-11 Bethlehem Pike Flourtown Montgomery County	Opened
3-8-07	Fulton Bank Lancaster Lancaster County	515 Hershey Avenue and Wabank Road Lancaster Lancaster County	Approved
3-8-07	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	South Brinton Lake Road and Baltimore Pike Glen Mills Delaware County	Approved
3-8-07	Mifflinburg Bank and Trust Company Mifflinburg Union County	8 North Routes 11 and 15 Selinsgrove Snyder County	Approved
3-8-07	Abington Savings Bank Jenkintown Montgomery County	4000 Fox Hound Drive Lafayette Hill Montgomery County (Limited service facility)	Approved
3-12-07	Abington Savings Bank Jenkintown Montgomery County	30000 Ann's Choice Way Warminster Bucks County (Limited service facility)	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-07	Republic First Bank Philadelphia Philadelphia County	<i>To:</i> 333 City Avenue Bala Cynwyd Montgomery County <i>From:</i> 4190 City Avenue Philadelphia Philadelphia County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-07	Standard Bank, PaSB Murrysville Westmoreland County	730 Penn Avenue Pittsburgh Allegheny County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-8-07	Superior Credit Union Collegeville Montgomery County	2020 Swamp Pike Gilbertsville Montgomery County	Approved
3-8-07	Trumark Financial Credit Union Trevose Bucks County	Bond Shopping Center 1891 South State Road Upper Darby Delaware County	Approved

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

VICTORIA A. REIDER,
Acting Secretary

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

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.83 to which was added 2.50 percentage points for a total of 7.33 that by law is rounded off to the nearest quarter at 7 1/4%.

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 07-505. Filed for public inspection March 23, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Chatham College for Approval of Change to University Status, Name Change and Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Chatham College, for a Certificate of Authority approving the institution's change to university status and a change of name to Chatham University. Additionally and in tandem, the Department will consider the request to amend and restate the institution's Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23—35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-506. Filed for public inspection March 23, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N ?</i>
PA0062910 (Minor Sewage)	Borough of Bowmanstown P. O. Box 127 490 Ore Street Bowmanstown, PA 18030	Bowmanstown Borough Carbon County	Lehigh River 02B	Y
PA0028495	FedChem, LLC 275 Keystone Drive Bethlehem, PA 18020-9464	Lower Nazareth Township Northampton County	Monocacy Creek 02C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N ?</i>
PA0083208 (Sew)	Refreshing Mountain Camp, Inc. 455 Camp Road Stevens, PA 17578	Lancaster County Clay Township	UNT Middle Creek 7-J	Y
PA0083046 (IW)	Easco Hand Tools, Inc. Cadmus Journal Systems 14600 York Road Suite A Sparks, MD 21152	Lancaster County West Hempfield Township	West Branch Little Conestoga Creek 7-J	Y

NOTICES

1347

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N ?</i>
PA0246433 (SEW)	Broad Top Township Hess Mobile Home Park 187 Municipal Road Defiance, PA 16633-0057	Bedford County Broad Top Township	UNT Sherman Valley Run 11-A	Y
PA0083569 (SEW)	Riverview Estates Homeowner's Association 1610 Timberline Road Altoona, PA 16601	Bedford County West Providence Township	Raystown Branch Juniata River 11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N ?</i>
PA0209392 Sewerage	Richmond Township Municipal Authority 563 Valley Road Mansfield, PA 16901	Richmond Township Tioga County	UNT Tioga River 4A	Y
PA0112488 SP	Ralpho Township Municipal Authority 32 A South Market Street Elysburg, PA 17824	Northumberland Ralpho Township	UNT of Millers Run 6B	Y
PA0009385 IW	Con Agra Grocery Products Company 30 Marr Street Milton, PA 17847	Northumberland County Milton Borough	Storm Sewer to West Branch Susquehanna River 10D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N ?</i>
PA0100986	PHB Machining Division STP 8150 West Ridge Road Fairview, PA 16415	Fairview Township Erie County	Trout Run 15	Y
PA0033421	Mercer Grove City KOA 1337 Butler Pike Mercer, PA 16137	Findley Township Mercer County	UNT to Pine Run 20-A	Y

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

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

PA0060372, Sewage, **Factoryville Borough**, 163 College Avenue, P. O. Box 277, Factoryville, PA 18419. This proposed facility is located in Clinton Township, **Wyoming County**.

Description of Proposed Activity:

The receiving stream, South Branch Tunkhannock Creek, is in the State Water Plan Watershed No. 4F and is classified for TSF. The nearest downstream public water supply intake for Danville Borough Water Authority is located on the Susquehanna River and is over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.086 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform	A minimum of 5.0 mg/l at all times.		
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		3.3
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		

The proposed effluent limits for Outfall 001 based on a design flow of 0.185 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		3.3
Total Nitrogen	7,306 lbs./year as an annual loading		
Total Phosphorus	974 lbs./year as an annual loading		

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

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

Application No. PA 0051560, Industrial Waste, SIC Code 4951, **Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608-9362. This facility is located in Lower Heidelberg Township, **Berks County**.

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

The receiving stream, Tulpehocken Creek, is in Watershed 3-C and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.026 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine			1.5		2.5
Total Suspended Solids	Monitor and Report	Monitor and Report	30	60	75
Total Aluminum	Monitor and Report	Monitor and Report	4.0	8.0	10
Total Manganese	Monitor and Report	Monitor and Report	1.0	2.0	2.5
Total Iron	Monitor and Report	Monitor and Report	2.0	4.0	5.0

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

The EPA waiver is in effect.

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

PA0253278, Industrial Waste, SIC, 4941, **Masontown Municipal Authority**, 2 Court Street, Masontown, PA 15461-1841. This application is for a new NPDES permit to discharge treated backwash water from Masontown Municipal Water Works in Masontown Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Carmichaels Municipal Water Authority, located at approximately 4.38 miles downstream of discharge point.

Outfall 001: new discharge, design flow of 0.042 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			0.5		1.0
pH	Between 6.0 and 9.0 at all times				

The EPA waiver is in effect.

PA0024864, Sewage, **Ligonier Borough**, 120 East Main Street, Ligonier, PA 15658. This application is for renewal of an NPDES permit to discharge treated sewage from Ligonier Borough Sewage Treatment Plant in Ligonier Borough, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.9 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0	7.5		10.0
(11-1 to 4-30)	15.0	22.5		30.0
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			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0038792, Sewage, **Adams Township Municipal Authority**, P. O. Box 265, Sidman, PA 15955-0265. This application is for renewal of an NPDES permit to discharge treated sewage from Village of Mine 42 STP in Adams Township, **Cambria County**.

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

Outfall 001: existing discharge, design flow of 0.0296 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
5-1 to 9-30	200/100 ml as a geometric mean			
10-1 to 4-30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
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)

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

WQM Permit No. 1507403, Sewerage, **Pennsylvania American Water Company**, 4 Wellington Boulevard, P. O. Box 32, Wyomissing, PA 19610. This proposed facility is located in Coatesville City, **Chester County**.

Description of Action/Activity: Replacement of a sewer main and manholes with upsized 15" PVC main.

WQM Permit No. 0907401, Sewerage, **Villa Building Company, Inc.**, 3720 Skipview Lane, Collegeville, PA 19426. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small single-residence sewage treatment plant.

WQM Permit No. 0907402, Sewerage, **Villa Building Company, Inc.**, 3720 Skipview Lane, Collegeville, PA 19426. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small single-residence sewage treatment plant.

WQM Permit No. 0907403, Sewerage, **Villa Building Company, Inc.**, 3720 Skipview Lane, Collegeville, PA 19426. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small single-residence sewage treatment plant.

WQM Permit No. 2307401, Sewerage, **Knights Bridge Corporation**, 112 Chesley Drive, Media, PA 19063-2600. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Installation of a new chemical feed system at Knights Bridge Corporation WWTP to meet a new phosphorus limit.

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

WQM Permit No. 3107401, Sewerage, **Central PA Conference of the United Methodist Church**, 303 Mulberry Drive, P. O. Box 2053, Mechanicsburg, PA 17055-2053. This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking approval to install a modified trickling filter wastewater treatment plant.

WQM Permit No. 2107402, Sewerage, **Thomas N. Stewart**, 1301 Enola Road, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single-family residence on a parcel located between 1301 and 1341 Enola Road.

WQM Permit No. 2807404, Sewerage, **Robert Blubaugh**, 374 Martina Drive, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single-family residence located at 955 Shatzer Road.

WQM Permit No. 3607201, CAFO, **S & A Kreider & Sons**, 761 Spring Valley Road, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking authorization for the construction of a farm building, removal of an earthen manure storage pond and the construction of a HDPE lined manure storage pond. Stormwater management will consist of a basin which will discharge to a dry swale and two terraces, which will flow to an existing stormwater pipe.

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

WQM Permit No. WQG016143, Sewerage, **H. J. Lallier**, 304 Phillips Street, Charleroi, PA 15022. This proposed facility is located in California Borough, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

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

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

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

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

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q207R	Department of Transportation 1002 Hamilton Street Allentown, PA 18101	Lehigh	Lower Macungie and Upper Macungie and South Whitehall Townships	Little Lehigh Creek HQ-CWF
PAI023907002	Michael Weaver Brookshire Partners 1750 Walton Road Blue Bell, PA 19422	Lehigh	Upper Milford and Hereford Townships	Perkiomen Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907003	John Gould N. W. Lehigh School District 6493 Route 309 New Tripoli, PA 18066	Lehigh	Lynn and Heidelberg Townships	School Creek EV Maiden Creek EV
PAI023907005	Upper Macungie Township 8330 Schantz Road Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Hadden Creek HQ-CWF Iron Run Creek HQ-CWF
PAI023907004	Matthew Sorrentino Castle Holdings 6616B Ruppsville Road Allentown, PA 18106	Lehigh	North Whitehall Township	Jordan Creek TSF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033607004	Samuel K. Fisher 1564 Slate Hill Road Peach Bottom, PA 17563	Lancaster	Drumore and Fulton Townships	Gregs Run & Peters Creek HQ-WWF
PAI032807002	Rich Yencha Columbia Gas Transmission Corp. 216 Firetower Road Milford, PA 18337	Franklin	Antrim Township	UNT to Muddy Run HQ-CWF
PAI030707001	Department of Transportation 1620 North Juniata Street Hollidaysburg, PA 16648	Blair	Frankstown Township	UNT Canoe Creek HQ-CWF
PAI034407001	Snyder Developers 119 W. Lancaster Avenue Shillington, PA 19607	Mifflin	Granville Township	UNT to Juniata River HQ-CWF
PAI030607001	John T. Kennedy 431 Schoffer Road Reading, PA 19606-9782	Berks	Pike Township	Pine Creek HQ-CWF

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

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041707002	Department of Conservation and Natural Resources 400 Market Street Harrisburg, PA 17105	Clearfield	Covington and Girard Townships	Reactor Run HQ-CWF

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

Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055606005	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Somerset	Allegheny Township	UNTB Wolf Camp Run HQ-CWF

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

Erie Conservation District: 1927 Wager Road, Erie, PA 16509, (814) 825-6403.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062507001	Sun Lake Estates Subdivision Phase 3 Sun Lake Development, Inc. 10615 Peach Street Girard, PA 16417	Erie	Girard Township	UNT Crooked Creek HQ-CWF; MF

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI091107001	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Cambria County	Jackson Township	Saltlick Run HQ-CWF

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

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

CAFO Notices of Intent Received

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

PAG124803, CAFO, By A Dam Site Farms, 282 Troup Road, Beaver Springs, PA 17812-9249. This existing facility is located in Spring Township, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: Existing hog, pullet, beef cow and horse CAFO with a combined total of 432 AEU's.

The receiving stream, UNT to Middle Creek, is in Watershed 06A and classified for CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

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. 3907501, Public Water Supply.

Applicant	Lehigh County Authority Upper Macungie Township Lehigh County
Responsible Official	Aurel M. Arndt, General Manager Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106
Type of Facility	Community Water System
Consulting Engineer	Charles L. Myers, P. E. RETTEW Associates, Inc. 630 Selvaggio Drive Nazareth, PA 18064 (610) 746-6530
Application Received Date	February 21, 2007
Description of Action	Application for upgrade of the Applewood Pump Station to include replacement of two (2) existing pumps, installation of two (2) variable frequency drives, installation of a new vault with ultrasonic flow meter and installation of an emergency power generator with transfer switch.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water

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

Application Minor Amendment.

Applicant	Freeland Municipal Authority Foster Township Luzerne County
Responsible Official	John Brogan, Chairperson Freeland Municipal Authority 711 Birkbeck Street Freeland, PA
Type of Facility	Community Water System
Consulting Engineer	Christopher McCue, P. E. Borton-Lawson Engineering 613 Baltimore Drive Wilkes-Barre, PA 18702 (570) 821-1994, Ext. 250
Application Received Date	February 16, 2007
Description of Action	Application for injection of caustic soda for general corrosion control at the Sandy Run Well Pumphouse.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**UNDER ACT 2, 1995****PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Calbar Inc., City of Philadelphia, **Philadelphia County**. Robert H. Marion, GCI Env. Svc., 1250 East King Street, Lancaster, PA 17602 on behalf of Gerry Galster, PA-REO, 759 Bristol Pike, Bensalem, PA 19030 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of chlorinate solvents. The future use of the site will remain the same.

Glanzmann Subaru, Jenkintown Borough, **Montgomery County**. Karl M. Pfizenmayer, Strob Env. Inc., 410 North Easton Road, Willow Grove, PA 19090 on behalf of James Glanzmann, Glanzmann Subaru, 99 Old York Road, Jenkintown, PA 19046 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of chlorinate solvents. The future use of the site will remain the same.

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

Seedway, Inc.—Spring Garden Facility, Spring Garden Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Growmark F. S., Inc., 1701 Towanda Avenue, P. O. Box 2500, Bloomington, IL 61702-2500, submitted a Notice of Intent to Remediate soils and groundwater contaminated from an herbicide spill from a rail car. The property is and will continue to be used for industrial purposes. The applicant seeks to remediate to the site-specific standard.

City of Reading/Baer Park, Reading City, **Berks County**. Services Environmental, Inc., 375 Morgan Street, Phoenixville, PA 19460, on behalf of City of Reading/Department of Public Works, 503 North 6th Street, Reading, PA 19067, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil.

The property is and will remain a public park. The applicant seeks to remediate to the Statewide Health Standard.

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

Howes Leather Corp. Tannery, Curwensville Borough, **Clearfield County**, Malcolm Pirnie Inc., 1603 Carmody Court, Suite 403, Sewickley, PA 15143 on behalf of Rick DeCesar, Sunnyside Ethanol, LLC, 5000 McKnight Road, Suite 404, Pittsburgh, PA 15237 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with VOCs and inorganic compounds and metals. The applicant proposes to remediate the site to meet the Site-specific Standard. The site will be used by Sunnyside Ethanol, LLC to construct a fuel grade ethanol plant.

Howes Leather Corp. Sludge Lagoon, Curwensville Borough, **Clearfield County**, Malcolm Pirnie Inc., 1603 Carmody Court, Suite 403, Sewickley, PA 15143 on behalf of Rick DeCesar, Sunnyside Ethanol, LLC, 5000 McKnight Road, Suite 404, Pittsburgh, PA 15237 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganic compounds and metals. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will be used by Sunnyside Ethanol, LLC to construct a fuel grade ethanol plant and waste-coal fired cogeneration energy plant.

Lingle Property, Lynwood Mobile Home Park, Lawrence Township, **Clearfield County**, Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Andrew Lingle, c/o Law Offices of T. Andrew Lingle, P.C., 9211 Forest Hill Avenue, Suite 201, Richmond, VA 23235 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a residential area.

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.

67-05005F: PPL Generation LLC (2 North Ninth Street, Allentown, PA 18101) for replacement of the electrostatic precipitator on the Unit No. 2 boiler at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

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

18-315-002: First Quality Products, Inc. (North Road, McElhattan, PA 17748) for construction of two absorbent products (adult briefs) production lines (Line 31 and Line 32) in Wayne Township, **Clinton County**.

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

10-309K: MultiServ (Route 8 South, Butler, PA 16003) for installation of torch cutting operation exhausted to a 50,000 ACFM fabric filter at the AK Steel site in South Butler, **Butler County**. This is not a Title V facility.

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

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

09-0152A: Gelest, Inc. (11 East Steel Road, Falls Township, PA) for modification of the allowable scrubber parameters to allow 95% removal efficiency from existing 99% required in their permit for the facility in Falls Township, **Bucks County**. This modification will not change any emissions. This facility is a Minor For NOx and VOC. Emissions from this source are 10.3 tons of VOCs per year. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

23-0066B: Pyropure—Pyromet (5 Commerce Drive, Aston, PA 19014, Chester Township, PA) for installation of three baghouses which replace the existing five Baghouses in Chester Township, **Delaware County**. This facility is a Minor facility. There is no emissions increase. Emissions from these sources are 4.09 tons of PMs. The Plan approval will contain recordkeeping and operating restriction 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.

06-05109A: Atlas Minerals and Chemicals, Inc. (P. O. Box 38, Mertztown, PA 19539) for installation of a second asphalt processing line in Longswamp Township, **Berks County**. The new equipment is expected to increase SOx and CO emissions by 64.5 and 44.3 tpy, respectively. The Plan Approval will include emission and throughput limits, stack testing, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05014H: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604) for installation of a hot rolling mill strip cooling bar at the secondary aluminum processing plant in Manheim Township, **Lancaster County**. The plant is subject to: 40 CFR Part 63, Subpart GGGGG—National Emissions Standards for Hazardous Air Pollutants for Site Remediation; Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Plants; Subpart SSSS—National Emission Standards for Hazardous Air Pollutants—Surface Coating of Metal Coils and 40 CFR Part 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating. The plant's potential emissions of VOCs will increase by around 16 tpy from this installation. The plan approval and operating permit will specify emission limits and work practices along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

67-05079A: York Building Products Co., Inc. (950 Smile Way, York, PA 17404-1798) for replacement of the existing fabric filter baghouse at their existing Thomasville Asphalt Plant in Jackson Township, **York County**. This will result in a net decrease in actual emissions of 0.20 tpy of PM. Other emissions from the facility will remain unchanged. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

08-313-038H: Osram Sylvania Products, Inc. (Hawes Street, Towanda, PA 18848-0504) for construction

and operation of a natural gas fired multiple hearth furnace (Source ID P117) and associated material handling equipment (Source ID P118) at their facility in North Towanda Township, **Bradford County**. The proposed multiple hearth furnace and associated material handling equipment's emissions will be controlled by a Torit Donaldson model DFO-4-64 cartridge collector (ID C117A) and a Torit Donaldson model 3H X 3W fabric collector (ID C117B) operating in series. The proposed multiple hearth furnace will be used to generate tungsten oxide (tungsten powder) from tungsten containing material.

The Department's review of the information contained in the application submitted by OSRAM indicates that the sources and the air-cleaning devices will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code §§ 123.13, the SOx emission limitation of 25 Pa. Code § 123.21 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated in an operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of a natural gas fired multiple hearth furnace and associated material handling equipment. The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from Source ID P117 shall be controlled by a Torit Donaldson model DFO-4-64 cartridge collector (ID C117A) and Torit Donaldson model 3H x 3W fabric collector (ID C117B) operating in series.

a. Source ID P117 is an International Furnace Company, Inc. multiple hearth furnace equipped with eight 1.00 mmBtu/hr North American model MHF 4419 natural gas fired burners and flue gas recirculation.

b. Source ID P118 consists of the following material handling sources:

- i. One 1,000 pound per hour TCM sifter.
- ii. One 750 pound per hour TCM mixer.
- iii. One 35-foot long by 1-foot wide transfer conveyor.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of the ID C117B associated with Source IDs P117 and P118 shall not exceed 0.0004 grains per dry standard cubic-foot and 0.23 ton in any 12-consecutive month period.

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 the NOx emissions from Source ID P117 shall not exceed 0.89 pound per hour and 3.90 tons in any 12-consecutive month period. Additionally, the CO emissions from Source ID P117 shall not exceed 0.05 pounds per hour and 0.23 ton in any 12-consecutive month period.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from Source ID P117 shall not exceed 0.41 pound per hour and 1.77 tons in any 12-consecutive month period.

5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions in the exhaust of control device IDs C117A and ID C117B associated with Source IDs P117 and P118.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total HAP emissions from Source ID P117 shall not exceed 0.24 ton in any 12-consecutive month period.

7. (a) Within 120 days of the initial operation of Source ID P117, the permittee shall conduct PM and VOC stack testing upon the exhaust of control device ID C117B associated with Source ID P117 and P118 to determine compliance with the PM and VOC emission limitations for Source ID P117.

(b) At least 60 days prior to the performance of the stack testing required by this condition, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(c) The Department shall be given at least 14 days advance notice of the scheduled dates for the performance of the stack testing required by this condition.

(d) Within 60 days of the completion of the stack tests required by this condition, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data and a copy of all calculations generated during data analysis.

8. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the multiple hearth furnace of Source ID P117 shall only be fired on natural gas.

9. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall check all drums of tungsten containing material (TCM) received onsite for VOCs. The permittee shall only accept the TCM if the VOC content of the material is less than 50% of the lower explosive limit and the material does not contain any halogenated hydrocarbons.

10. The permittee shall collect a grab sample from every drum of material in each truckload accepted for processing tungsten. From these grab samples, the permittee shall create a composite sample from the truckload and analyze the composite sample for the following elements: arsenic, beryllium, calcium, cadmium, cobalt, chromium, copper, iron, manganese, molybdenum, niobium, nickel, phosphorus, sulfur, antimony, tantalum, titanium, vanadium, tungsten and zirconium.

11. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Torit Donaldson model DFO-4-64 cartridge collector (ID C117A) and Torit Donaldson model 3H x 3W fabric collector (ID C117B) associated with Source IDs P117 and P118 shall be equipped with instrumentation that continuously monitors the pressure drop across the collectors.

12. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Source ID P117 shall be equipped with instrumentation to monitor the temperature. Additionally, the permittee shall continuously monitor and record the temperature at the combustion zone of source ID P117.

13. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a

sufficient number of spare cartridges for ID C117A and filters for ID C117B in order to replace any cartridge or filter that requires replacement.

14. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall maintain the temperature at a minimum of 1400° F with a minimum residence time of 2 seconds at the combustion zone of source ID P117.

15. The permittee shall keep records of the following:

a. Supporting calculations, which verify compliance with the PM, CO, SO_x, NO_x, VOC and HAP emission limitations.

b. The results of the sample analysis done on the composite samples of tungsten containing material from each truckload of material received.

c. The pressure drop across the Torit Donaldson model DFO-4-64 cartridge collector (ID C117A) and Torit Donaldson model 3H x 3W absolute filter (ID C117B) associated with Source ID P117 at least once per day.

These records shall be kept on site for a minimum of five years and shall be presented to the Department upon request.

16. The permittee shall submit an annual report to the Department which contains at a minimum the following:

a. Supporting calculations on a monthly basis, which verify compliance with the PM, CO, SO_x, NO_x, VOC and HAP limitations in any 12 consecutive month period.

b. Results of the analysis of the samples taken from the tungsten containing material.

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

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

AMS 07001: Innovation Printing and Communications (11601 Caroline Road, Philadelphia, PA 19154) for installation of four nonheatset, sheet-feed lithographic printing presses in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 23.1 tons for VOCs and a potential annual emission increase of 1.0 ton for HAPs. The plan approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

49-00024: Sunbury Property, LLC—Knight-Celotex, LLC (1400 Susquehanna Avenue, Sunbury, PA 17801) for renewal of Title V Operating Permit 49-00024 for the operation of a low density fiberboard manufacturing facility in the City of Sunbury, **Northumberland County**.

The facility incorporates two 35 million Btu per hour natural gas-fired boilers, a fiberboard production operation (consisting of two woodchip digesters, two refiners and associated equipment), a 146 million Btu per hour natural gas-fired fiberboard dryer, a fiberboard laminating operation, various fiberboard sawing operations, a fiberboard door core sanding operation, a fiberboard printing press, a fiberboard edge spray operation, a 135 horsepower kerosene-fired emergency generator, a 115 horsepower kerosene-fired fire pump, a solvent parts cleaner and various kerosene, diesel fuel, gasoline, etc. storage tanks. The air contaminant emissions from the two digesters are controlled by two scrubbers, those from the fiberboard dryer are controlled by a regenerative thermal oxidizer, those from the wet end dryer loading area are controlled by a scrubber, those from the sawing operations are controlled by two scrubbers and those from the fiberboard door core sanding operation are controlled by a cyclone collector and a cartridge collector operating in series.

The facility has the potential to emit up to 223.63 tons of PM (including PM with an aerodynamic diameter of 10 microns or less, also known as PM10), 94.63 tons of NOx, 78.24 tons of CO, 69.81 tons of VOCs, .69 ton of SOx and 7.16 tons of HAPs per year.

The Department proposes to renew Title V Operating Permit 49-00024. The Department intends to incorporate into this renewal all conditions currently contained in Title V Operating Permit 49-00024 with these exceptions, changes and additions:

1. Conditions restricting the sulfur content of the fuel oil used in the facility's two boilers, requiring a demonstration of the sulfur content of all fuel oil used and requiring the maintenance and reporting of records of the amount of fuel oil used have been removed from the permit as the respective boilers will henceforth not use fuel oil as fuel.

2. Conditions have been added to the permit restricting the fuel used in the facility's two boilers to natural gas.

3. Numerous references to Consent Decree No. 4CV-97-0256 have been removed from the permit, as the respective Consent Decree is no longer in force.

4. Conditions requiring the semi-annual reporting of ink usage in, and VOC emissions from, the fiberboard printing press have been changed to require quarterly reporting of the respective data in order to be consistent with the reporting requirements specified for other sources in the permit.

5. Conditions have been added to the permit requiring the maintenance of records of the amount of natural gas burned in the fiberboard dryer each month and the reporting of this data on a quarterly basis.

6. Conditions requiring the maintenance of records of "supporting calculations" used to verify compliance with the annual NOx emission limitation for the facility, the SOx, PM and annual VOC emission limitations for the facility's two boilers, the annual VOC emission limitation for the emergency generator and fire pump, the annual VOC emission limitation for the fiberboard laminating operation, the PM emission limitation for the fiberboard

production operation, the SOx and PM emission limitations for the fiberboard dryer, the PM emission limitation for the wet end dryer loading, the PM emission limitations for the dry saws, fabrication saws and laminating saws and the PM and annual VOC emission limitations for the fiberboard edge spray operation have been removed from the permit as the respective conditions are either redundant of other recordkeeping and reporting requirements (material usage, etc.) or have been determined by the Department to provide meaningless data as the situation is one in which compliance cannot be determined by means of a "calculation."

7. "Plant Roadways" will no longer be identified as an air contamination source in Section D of the permit as roadways are adequately addressed with the site-level conditions contained in Section C of the permit.

8. A solvent parts cleaner has been added to the permit (as Source P120) along with conditions specifying the applicable 25 Pa. Code § 129.63 requirements for such a source.

9. A condition has been added to the permit specifying the requirement of 25 Pa. Code § 121.7.

10. A condition has been removed from the permit requiring the maintenance of records of the pressure differential across the cartridge collector associated with the fiberboard door core sanding operation.

The proposed Title V operating permit renewal will be submitted to the United States Environmental Protection Agency for approval as a permit issued in accordance with the permit program requirements of 40 CFR Part 70.

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.

15-00129: Premier Woodcraft, Ltd. (131 Birch Street, Coatesville, PA 19320) for operation of a wood coating operation (spray booth) at an architectural woodwork and fixtures manufacturing facility in South Coatesville Borough, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap VOCs and HAPs to less than 25 tpy VOC and less than 25 tpy combination HAP and less than 10 tpy individual HAP. The facility is therefore a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00191: Bucks County Water and Sewer Authority (360 Green Street, Doylestown, PA 18901) for a non-Title V Facility, State-only, Natural Minor Operating Permit in Doylestown Borough, **Bucks County**. The permit is for the operation of a wastewater treatment plant (WWTP) and associated packed bed wet scrubber to control odor (hydrogen sulfide) emissions. The facility's major emission point is an emergency generator that provides backup power for the WWTP. The emergency generator is limited to operating no more than 500 hours per year, such that the facility pollutant potential to emit for NOx (the main pollutant emitted at the facility) is less than 3 tpy. The permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

46-00240: Moyer Packing Co. (249 Allentown Road, Souderton, PA 18964), for a non-Title V, State-only, Synthetic Minor Operating Permit in Franconia Township, **Montgomery County**. Moyer Packing Company's Beef Plant is a slaughtering and meat packing facility. The boilers that are used for facility heating are a major source of NOx. The company has elected to take appropriate operating and emission restrictions to restrict NOx emissions to below 21 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

48-00087: Federal White Cement, Inc. (72 West 21st Street, Northampton, PA 18067-1276) for a portland cement distribution terminal in West Easton Borough, **Northampton County**. The facility's main sources include two cement distribution silos. The facility has the potential to emit PM above Title V emission thresholds. The permittee shall operate a fabric collector control device to keep PM emission levels below the Title V limit. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

36-05094: Keystone Wood Specialties, Inc. (2225 Old Philadelphia Pike, Lancaster, PA 17602-3416) for renewal of an operating permit for a wood working operations, at East Lampeter Township, **Lancaster County**. The facilities primary sources are kitchen cabinet parts coating booths and woodworking operations. The facility's primary emissions are VOCs. The facility VOC emissions shall be kept at less than 50 tpy. Synthetic Minor Operating Permit renewal shall contain monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

36-05150: Ivy Creek Custom Cabinetry, Inc. (499 Running Pump Road, Suite 113, Lancaster, PA 17601) for their custom cabinet facility, including two surface coating booths in East Hempfield Township, **Lancaster County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

N06-007: I.C.S. Corp. (2225 Richmond Street, Philadelphia, PA 19125) for a printing and mailing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three nonheatset web offset lithographic printing presses.

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and

relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
alkalinity greater than acidity*			

*The parameter is applicable at all times.

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

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

Permit Number 56910701 and NPDES Permit PA0213560, PBS Coals, Inc., (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Job 10 Refuse in Brothersvalley and Somerset Townships, **Somerset County** and related NPDES Permit. No additional discharges. Application received January 23, 2007.

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

65020101 and NPDES Permit No. PA0250082. AFMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Renewal application for reclamation only of an existing bituminous surface mine located in Unity Township, **Westmoreland County**, affecting 68 acres. Receiving stream UNT to Nine Mile Run, classified for the following use WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received March 8, 2007.

03940110 and NPDES Permit No. PA0200999. Seven Sisters Mining Co., Inc. (200 US Route 22, Delmont, PA 15626). Renewal application for continued mining of an existing bituminous surface mine located in Wayne Township, **Armstrong County**, affecting 55.5 acres. Receiving streams: UNTs to the North Branch of the South Fork of Pine Creek, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received March 8, 2007.

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

16920104 and NPDES Permit No. PA0211206. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254). Renewal of an existing bituminous surface strip operation in Perry and Toby Townships, **Clarion County** affecting 89.9 acres. Receiving streams: UNT to Black Fox Run and Black Fox Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received March 7, 2007.

Noncoal Applications Received

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹		greater than 6.0; less than 9.0	
pH ¹			

¹ The parameter is applicable at all times.

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

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

34070801. Long's Excavation, Inc., (R. R. 2, Box 503, Port Royal, PA 17082), commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres, receiving streams: UNT to Licking Creek. Permit received February 14, 2007.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17070103 and NPDES No. PA0256498. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), commencement, operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 280.0 acres. Receiving streams: UNTs to Deer Creek; UNTs to Little Deer Creek; Deer Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 19, 2007.

1479401 and NPDES No. 0118001. Graymont (PA) Inc. (965 E. College Avenue, Pleasant Gap, PA 6823), revision of an existing bituminous surface mine with incidental boundary correction to add a sight barrier along the eastern permit boundary, NPDES revision to add one point and eliminate six existing points, increase mineral extraction area toward SR 64, and a final land use change in Spring Township, **Centre County**. Receiving streams: Logan Branch and Nittany Creek to Spring Creek followed by the Bald Eagle Creek to the Susquehanna River, classified as HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 8, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-764. Harlan Corporation, 214 Pond View Drive, Chadds Ford, PA 19317, East Goshen Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities across the East branch of Ridley Creek (HQ-TSF) associated with the driveway access realignment to Sorrell Hill subdivision:

1. To remove the existing arch culvert and to construct and maintain in its place, approximately 29 linear feet of 11-foot wide by 5-foot rise open bottom box culvert and associated retaining walls impacting 0.01 acre of wetlands (PEM).

2. To construct and maintain a sanitary sewer and a water main downstream of the proposed culvert.

3. To construct and maintain a temporary cofferdam.

The site is located approximately 1,400 feet south of the intersection of Line Road and Forest Lane (Malvern, PA, USGS Quadrangle N: 3.3 inches; W: 5.6 inches).

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

E35-402. Scranton—Lackawanna Industrial Building Company, 222 Mulberry Street, P. O. Box 431, Scranton, PA 18501-0431, in the City of Scranton, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To fill 0.13 acre of PEM Wetlands for the purpose of constructing the "Mount Pleasant Corporate Center" Commercial Subdivision. The project is located on the west side of the North Scranton Expressway near the 7th Avenue exit ramp (Scranton, PA Quadrangle N: 7.5 inches; W: 6.2 inches).

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

E31-210: Franklin Township, 5054 Greystone Lane, Tyrone, PA 16686, Franklin Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain: 1) a 6-inch diameter pipe dry hydrant along the left bank of Warrior's Mark Run (HQ-CWF) located in Huntingdon Furnace village (Franklinville, PA Quadrangle N: 5.8 inches; W: 15.72 inches; Latitude: 40° 39' 25"; Longitude: 78° 06' 48"); 2) a 6-inch diameter pipe dry hydrant along the right bank of Spruce Creek (HQ-CWF) located in Franklinville village (Franklinville, PA Quadrangle N: 3.73 inches; W: 12.68 inches; Latitude: 40° 38' 44"; Longitude: 78° 05' 29"); 3) a 6-inch diameter pipe dry hydrant along the left bank of Spruce Creek (HQ-CWF) located in Graysville village (Franklinville, PA Quadrangle N: 12.26 inches; W: 3.58 inches; Latitude: 40° 41' 33"; Longitude: 78° 01' 33"); 4) a 6-inch diameter pipe dry hydrant along the right bank of Spruce Creek (HQ-CWF) located in PA Furnace village (Franklinville, PA Quadrangle N: 14.53 inches; W: 0.39 inch; Latitude: 40° 42' 18"; Longitude: 78° 00' 10") all for

the purpose of providing access to drawing water for the Warriors Mark—Franklin Volunteer Company in Franklin Township, Huntingdon County.

E21-387: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, Monroe Township, Cumberland County and Carroll Township, **York County**, ACOE Baltimore District.

To replace the SR 2011 bridge over the Yellow Breeches Creek involving the following:

(1) To remove a three span bridge, having a total span of 142 feet and an underclearance of 8 feet, to construct and maintain a three span bridge, having a total span of 200-feet and an underclearance of 6.5 feet, carrying SR 2011, Section 005 over Yellow Breeches Creek (CWF) at a point located just downstream of the existing SR 2011 Bridge Crossing of the Yellow Breeches Creek (Mechanicsburg, PA Quadrangle; N: 4.14 inches; W: 4.04 inches; Latitude 40° 08' 52"; Longitude 77° 01' 44") in Monroe Township, Cumberland County and Carroll Township, York County. This permit also authorizes the installation of a temporary causeway for the purpose of constructing the new bridge and removing the old bridge.

(2) To remove an existing 30 lineal-foot box culvert having a span of 16.0 feet and an underclearance of 5.5-feet, to construct and maintain 55 lineal-foot box culvert, having a width of 14.3 feet and an underclearance of 4.0 feet, carrying SR 2011, Section 005 over a mill race of the Yellow Breeches Creek (CWF) at a point located approximately 50 feet downstream of the existing box culvert under SR 2011 (Mechanicsburg, PA Quadrangle; N: 4.05 inches; W: 4.08 inches; Latitude 40° 08' 51"; Longitude 77° 01' 46") in Monroe Township, Cumberland County and Carroll Township, York County.

(3) The project will result in 0.09-acre of permanent wetland impact (0.03 acre PFO, 0.03 acre PEM/PSS and 0.03-acre PEM/PFO), which will be mitigated through the creation of a minimum of 0.015-acre of replacement wetlands. An additional 0.05 acre of wetlands will be temporarily impacted by causeway construction and silt fence installation. These temporary impacts will be restored upon completion of the project.

E67-819: Edward Salabsky, Spring Garden Township, 558 South Ogontz Street, York, PA 17403, Spring Garden Township, **York County**, ACOE Baltimore District.

To construct and maintain a 48-inch smoothed-lined plastic pipe, rerouting approximately 300-feet and replacing approximately 195-feet, replace three concrete endwall structures, replace a 47-foot concrete retaining wall and install approximately 50-foot of gabion basket bank protection all in a UNT to Tyler Run (WWF). (York, PA Quadrangle beginning N: 13.3 inches, W: 15.0 inches; Latitude: 39° 56' 54", Longitude: 76° 43' 55" to N: 12.9 inches, W: 14.9 inches; Latitude: 39° 56' 47", Longitude: 76° 43' 54") in Spring Garden Township, York County.

E38-153: Borough of Myerstown, 101 East Washington Avenue, Myerstown, PA 17067, Jackson Township, **Lebanon County**, ACOE Philadelphia District.

To (1) remove the existing outfall structure and to install and maintain a concrete encased 24-inch DIP for an effluent treatment outfall in a 4.5-foot long by 3.66-foot wide by 3.33-foot high effluent box in Tulpehocken Creek (TSF) approximately 70 feet upstream of the existing outfall, (2) remove the existing 72.0-foot by 70.5-foot Rotating Biological Contactors and to construct and maintain a 67.5-foot by 62.2-foot Garage/Maintenance

Building in the 100-year floodplain of the Tulpehocken Creek (TSF) (Richland, PA Quadrangle; North: 22.6 inches, West: 5.6 inches; Latitude: 40° 22' 30" N, Longitude: 76° 17' 24" W) (3) construct and maintain a 70.0-foot by 55.6-foot Headworks Building, a 10.0-foot by 43.25-foot UV Channel, and a 10.6-foot by 59-foot Post Aeration Basin in the 100-year floodplain of the Tulpehocken Creek (TSF), (Richland, PA Quadrangle; North: 22.5 inches, West: 5.5 inches; Latitude: 40° 22' 19" N, Longitude: 76° 17' 22" W) for the purpose of upgrading the existing wastewater treatment facility located in Jackson Township, Lebanon County.

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

E17-428. Clearfield Creek Watershed Association, 216 Bedlin Hollow Road, Ashville, PA 16613. Morgan Run No. 7 Acid Mine Drainage Treatment Project in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallacetown, PA Quadrangle Latitude: 40° 54' 19.2"; Longitude: 78° 21' 31.4").

The applicant proposes to construct, operate and maintain a passive treatment acid mine drainage abatement system resulting in 0.053 acre of permanent impact to wetlands associated to a UNT to Morgan Run (CWF) and 50 feet of permanent stream impacts to the same UNT. The proposed permanent wetland impact results in construction of a treatment-train settling basin. Stream impacts result from 30 feet of channel being incorporated into the treatment system for alkaline addition and 20 feet of stream impact associated with constructing an intake structure and access road crossings. The project is located along the northern right-of-way of SR 2012 approximately 1 stream mile north of the point where Morgan Run crosses beneath SR 2012. The Morgan Run No. 7 Acid Mine Drainage Project permanently impacts 0.053 acre of wetland for which the applicant has agreed to replace with 0.053 acre of wetland for mitigation of those impacts.

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

E02-1557. Allegheny County Airport Authority, Pittsburgh International Airport, Landside Terminal, Suite 4000, P. O. Box 12370, Pittsburgh, PA 15230. To fill wetlands in Findlay Township, **Allegheny County**, Pittsburgh ACOE District. (Oakdale, PA Quadrangle N: 17.5 inches; W: 15.6 inches; Latitude: 40° 28' 19"; Longitude: 80° 14' 17"). The applicant proposes to remove fill from a hillside that impacts a UNT to Montour Run (TSF) and associated wetlands for the purpose of restoring an existing side slope, utility right-of-way and Waste Site E located at the Allegheny County Airport on the east side of SR 978, approximately 1,500 feet northeast from the intersection of SR 978 and Clinton Road and will impact 0.2 acre of wetlands.

E32-480. D. L. Resources, Inc., 1066 Hoover Road, Smicksburg, PA 16256. To upgrade a ford crossing in Blacklick Township, **Indiana County**, Pittsburgh ACOE District. (Bolivar, PA Quadrangle N: 21.5 inches; W: 15.5 inches and Latitude: 40° 29' 35"; Longitude: 79° 14' 12"). The applicant proposes to upgrade and maintain an existing temporary ford crossing on Muddy Run (CWF) for permanent use, for the purpose of providing access to a natural gas well. The project is located approximately 1.6 miles north of the confluence of Muddy Run and Blacklick Creek.

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

E37-156, Wayne Township Municipal Authority, 1418 Wampum Road, Ellwood City, PA 16117. Wayne Township Sewer Project in Wayne Township, **Lawrence County,** ACOE Pittsburgh District.

Contract 2004-01

To construct and maintain a conventional gravity sewage collection system having nine stream crossings of Squaw Run (WWF) beginning at latitude 40° 52' 45", longitude 80° 15' 37" and ending at latitude 40° 53' 27" longitude 80° 15' 24" and nine wetland crossings located at latitude 40° 53' 02", longitude 80° 15' 33"; latitude 40° 53' 09" longitude 80° 15' 29"; latitude 40° 53' 08", longitude 80° 15' 29"; latitude 40° 53' 15", longitude 80° 15' 25"; latitude 40° 53' 18", longitude 80° 15' 23"; latitude 40° 52' 57", longitude 80° 15' 08"; latitude 40° 53' 18", longitude 80° 15' 39"; latitude 40° 53' 21", longitude 80° 15' 41"; latitude 40° 52' 44", longitude 80° 15' 17" (New Castle South, PA Quadrangle).

Contract 2004-02

To construct and maintain a conventional gravity sewage collection system having six stream crossings of Squaw Run (WWF) beginning at latitude 40° 53' 54", longitude 80° 15' 22" and ending at latitude 40° 54' 09", longitude 80° 15' 17" and ten wetland crossings located at latitude 40° 54' 13", longitude 80° 15' 31"; latitude 40° 54' 18", longitude 80° 15' 37"; latitude 40° 53' 57", longitude 80° 15' 44"; latitude 40° 53' 51", longitude 80° 15' 08"; latitude 40° 53' 52", longitude 80° 15' 04"; latitude 40° 53' 56", longitude 80° 15' 21"; latitude 40° 53' 58", longitude 80° 15' 20"; latitude 40° 54' 07", longitude 80° 15' 18"; latitude 40° 54' 09", longitude 80° 15' 18"; latitude 40° 54' 20", longitude 80° 15' 18" (New Castle South, PA Quadrangle).

Contract 2004-03

To construct and maintain approximately 6,150 linear feet of sanitary force main with one crossing of Duck Run (WWF) and to construct and maintain an access road within the floodway of Duck Run to provide access to the existing pump station located at latitude 40° 52' 35"; longitude 80° 15' 51" (New Castle South, PA Quadrangle).

E42-299, Bradford Economic Redevelopment Corporation, P. O. Box 490, 20 Russell Boulevard, Bradford, PA 16701. Lafferty Hollow Industrial Park in Foster Township, **McKean County,** ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 0.6 inch; W: 7.5 inches).

The applicant proposes to construct a 350 acre industrial park on 22 lots in five phases including building pads and access roads involving: (1) to construct and maintain a prestressed concrete I-beam bridge having a clear span of 75 feet and an underclearance of 15.36 feet over Kendall Creek, (2) to fill 225 feet of branch channels off of the main channel of Kendall Creek, (3) to abandon 210 feet of a branch channel off of the main channel of Kendall Creek by cutting off the flow to the channel, (4) to construct and maintain a 90-foot long, 3-foot diameter culvert in a branch channel off of the main channel of Kendall Creek, (5) to install and maintain five culverts having lengths of 120 feet, 80 feet, 40 feet, 65 feet and 72 feet in tributaries to Kendall Creek having drainage areas less than 100 acres, (6) to fill 6,006 feet of tributaries to Kendall Creek having drainage areas of less than 100 acres, (7) to relocate 3,007 feet of tributaries to Kendall Creek having drainage areas less than 100 acres, (8) to fill 2.46 acres of 35 PEM and PSS wetlands, (9) to

temporarily impact 0.0366 acre of wetland and 90 linear feet of Kendall Creek with temporary access roads and causeways during bridge construction, (10) to construct 2.82 acres of wetland as mitigation for wetland impacts and to construct 0.44 acre of wetland as mitigation for stream impacts, and (11) to construct 2,210 feet of anastomosing channel, 1,200 feet of Kendall Creek improvements and smaller branch channel improvements to mitigate for stream impacts. Kendall Creek and the tributaries in the project area are perennial streams classified as WWF.

E42-326, Norfolk Southern Corporation, 110 Franklin Road, S.E., Roanoke, VA 24042-0013. Keating Summit Derailment Site in Norwich Township, **McKean County,** ACOE Baltimore District (Keating Summit, PA Quadrangle N: 41° 38' 36"; W: 78° 12' 43").

The permittee has and proposes to excavate contaminated soils from regulated waters of this Commonwealth resulting from the Norfolk Southern train derailment that occurred on June 30, 2006. This derailment resulted in spilling approximately 42,000 gallons of sodium hydroxide into Big Fill Hollow, Sinnemahoning Portage Creek and downstream. Much of this excavation is to take place within the watercourse, floodway and wetlands of Big Fill Hollow watershed and the watercourse, floodway and wetlands of Sinnemahoning Portage Creek watershed. The scope of this project begins approximately 100-feet upstream of at the Norfolk Southern crossing of Big Fill Hollow (N: 41° 38' 36"; W: 78° 12' 43") and proceeds downstream approximately 800 feet and ends near the confluence of Big Fill Hollow and Sinnemahoning Portage Creek. The confluence of Big Fill Hollow and Sinnemahoning Portage Creek (N: 41° 38' 32"; W: 78° 12' 50") is approximately 1.6 miles north of the village of Gardeau in Norwich Township, McKean County.

The watercourse of Big Fill Hollow and Sinnemahoning Portage Creek are classified within 25 Pa. Code, Chapter 93 as Exceptional Value CWF. The wetlands within this project area are characterized as 25 Pa. Code, Chapter 105 Exceptional Value Wetlands and as 25 Pa. Code, Chapter 93 Surface Water of Exceptional Ecological Significance.

Sinnemahoning Portage Creek is classified by the Fish and Boat Commission as a Stream that Support Natural Reproduction of Trout and 1.5 miles downstream of the site as a 2006 Class a Wild Trout Waters. The Big Fill Hollow watercourse is classified by the Fish and Boat Commission as Stream Section that Support Natural Reproduction of Trout.

Portions of the following activities have been authorized by Emergency Permits EP4206602 and EP4206603 and have been or are to be done in accordance to the relevant portions of the text and drawings of the *Emergency Permit Request Remediation and Restoration Project; Keating Summit Derailment Site, Norwich Township, McKean County, PA; CEC Project 061-379.0011, November 3, 2006.*

Encroachment and water obstructions activities proposed to be authorized by this application include:

East of the Norfolk Southern Railroad tracks was a 100-foot log temporary diversion of the Big Fill Hollow watercourse, excavation and restoration of 2,500 sq. ft. of Big Fill Hollow watercourse floodway, construction of a temporary clean water ditch through the floodway of the Big Fill Hollow watercourse and the construction and removal of groundwater collection devices in the floodway of the Big Fill Hollow watercourse. This work has been

completed and the areas restored. Restoration is the maintenance of a 60-foot long natural stream bank stabilization along the south bank of the Big Fill Hollow watercourse.

A continued inspection and maintenance plan for the 150-foot long stone arch enclosure that carries the Big Fill Hollow watercourse under the Norfolk Southern Railroad tracks.

West of the Norfolk Southern Railroad tracks is a 500-foot long temporary diversion of the Big Fill Hollow watercourse; excavation of the contaminated soils in the Big Fill Hollow watercourse; excavation of contaminated soils out of 0.68-acre of Exceptional Value Wetland A, excavation of contaminated soils out of 0.14-acre of Exceptional Value Wetland B; excavation of contaminated soils out of the watercourses and floodway of Big Fill Hollow for the length of 1,052-feet; excavation of the watercourse, bank and floodway along Sinnemahoning Portage Creek up to a length of 200-feet; the construction and removal of groundwater collection devices; implementation of erosion and sedimentation control best management practices to temporarily stabilize the affected watercourses and wetlands. All excavated Exceptional Value Wetlands will be restored in their original positions, extent of 1.03-acres and functions using clean replace-

ment soil and native vegetation. The Big Fill Hollow watercourse and Sinnemahoning Portage Creek, 513-foot and 200-foot respectively, will be restored using natural stream reconstruction techniques.

This application does not change the classification of Big Fill Hollow and Sinnemahoning Portage Creek or their wetlands as set forth in 25 Pa. Code Chapter 93 or the characterization of the Exceptional Value Wetlands Under 25 Pa. Code, Chapter 105.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1709-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project in Woodward Township, **Clearfield County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes one dangerous highwall totaling 750 linear feet. The project will also include the backfilling of one hazardous water body (0.18 acre) that has developed within the open surface mine pit. (Glen Richey Quadrangle N: 5 inches, W: 1.9 inches).

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0013650 (Minor Industrial Waste)	General Dynamics Ordnance and Tactical Systems Scranton Operation 156 Cedar Avenue Scranton, PA 18505	Scranton City Lackawanna County	Roaring Brook 05A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PA0218839 (Sewage)	Indiana County Municipal Services Authority Cherry Tree STP 827 Water Street Indiana, PA 15701	Burnside Township Clearfield County	West Branch Susquehanna River 8B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0003239 Industrial Waste	Penn State Special Metals, LLC 7544 Route 18 North P. O. Box Q Koppel, PA 16136	Beaver County Big Beaver Borough	Beaver River	N
PA0035483 Sewage	Camp Albryoca 2801 Greenville Road Meyersdale, PA 15552	Somerset County Greenville Township	Little Piney Creek	Y
PA0043516 Sewage	Mount Pleasant Township P. O. Box 158, Poker Road Mount Pleasant, PA 15644	Westmoreland County Mount Pleasant Township	Sewickley Creek	Y
PA0092801 Sewage	Community College of Allegheny County 800 Allegheny Avenue Pittsburgh, PA 15233	Allegheny County North Fayette Township	Ephemeral to UNT to North Branch Robinson Run	Y
PA0093050 Sewage	Burrell Township Municipal Authority P. O. Box 454 Blacklick, PA 15716	Indiana County Burrell Township	Blacklick Creek	Y
PA0093432 Sewage	West Penn Power Company d/b/a Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601	Fayette County Bullskin Township	UNT of Mounts Creek	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0102369	Rainbow Valley Mobile Home Park STP 900 Lord Road Fairview, PA 16415	Waterford Township Erie County	UNT to LeBoeuf Creek 16-A	Y

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

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

NPDES Permit No. PA0253201, Sewage, **East Franklin Township**, R. D. No. 3, Box 211A, Cherry Orchard Avenue, Kittanning, PA 16201. This proposed facility is located in East Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance of NPDES limits for municipal sewage treatment plant.

NPDES Permit No. PA0253375, Sewage, **Sewickley Township Municipal Authority**, P. O. Box 46, Hermanie, PA 15637. This proposed facility is located in Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for discharge for new municipal sewage treatment plant.

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

PA0239950, Sewage, **Michael Guidotti**, 213 Heim Avenue, Butler, PA 16335. This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Activity: a new discharge of treated sewage from a small flow treatment facility.

The receiving water is the UNT to Bonnie Brook. The receiving stream is in State Water Plan 20-C and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Beaver Falls Municipal Authority—Eastvale Plant intake on the Beaver River is located at Eastvale and is approximately 35 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report.

The EPA waiver is in effect.

PA0239968, Sewage, **Robert Miller**, 420 Franklin Street, Kennerdell, PA 16374. This proposed facility is located in Clinton Township, **Venango County**.

Description of Proposed Activity: a new discharge of treated sewage from a small flow treatment facility.

The receiving water is the UNT to Scrubgrass Creek. The receiving stream is in State Water Plan 16-G and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Water Company intake on the Allegheny River located at Emlenton and is approximately 20 miles below the point of discharge.

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

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Total Residual Chlorine	XX		
Fecal Coliform		200/100ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report.

The EPA waiver is in effect.

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

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

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

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

WQM Permit No. 2306403, Sewerage, **Richard W. and Nancy M. Borkowski**, 3653 Wyola Drive, Newtown Square, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a small single-residence sewage treatment plant.

WQM Permit No. 0900412, Sewerage, Amendment, **Chalfont New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Expansion of the facility to increase the peak handling capacity of the treatment system to 2.0 mgd.

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

WQM Permit No. 6606402, Sewerage, **Meshoppen Borough**, P. O. Box 237, Meshoppen, PA 18630. This proposed facility is located in Meshoppen Borough, **Wyoming County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for construction of a wastewater collection system and a 0.050 mgd treatment plant.

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

WQM Permit No. WQG02360701, Sewage, **East Donegal Township Sewer Authority**, 90 Rock Point Road, Marietta, PA 17547. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the construction of the sewage interceptor for Castleton residential development.

WQM Permit No. WQG01210701, Industrial Waste, **Jason and Jennifer Klinger**, 446 Brick Church Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction of a single-family residence small flow treatment facility.

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

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

Description of Proposed Action/Activity: Permit issued approving the design, construction and operation of a small flow treatment facility to serve a residence. Discharge will be to a UNT to Steel Hollow, a CWF.

WQM Permit No. WQG01140701, Sewerage, **Day Family Trust**, 10 James Street, Mill Hall, PA 17751. This proposed facility is located at 840 Hunter Run Road, Howard in Liberty Township, **Centre County**.

Description of Proposed Action/Activity: Permit issuance for a 1,000-gallon septic tank, 600 square foot sand filter, UV disinfection and discharge to Hunters Run.

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: Permit issuance for upgrades to the existing Scott Road Pump Station to include two new dual submersible pump systems along with related valves and piping.

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

WQM Permit No. 0474208-A1, Industrial Waste, **Jewel Acquisition, LLC**, 100 River Road, Brackenridge, PA 15014-1597. This existing facility is located in Midland Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 3206402, Sewerage, **White Township Municipal Authority**, 950 Indian Springs Road, Indiana, PA 15701-3506. This proposed facility is located in White Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity sewers, force main and submersible type wastewater pumping station.

WQM Permit No. 6384416-T1-A2, Sewerage, **South Franklin Township**, 100 Municipal Road, Washington, PA 15301. This existing facility is located in South Franklin Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for sewage treatment plant modifications.

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

WQM Permit No. 1006408, Sewerage, **Michael Guidotti**, 212 Heim Avenue, Butler, PA 16001. This proposed facility is located in Summit Township, **Butler County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023507003	McLane Company 4747 McLane Parkway Temple, TX 76504	Lackawanna	Jessup Borough	Grassy Island Creek HQ-CWF Sterry Creek CWF
PAI024505016	Dunn Twigg Co., LLC 1665 Valley Center Parkway Suite 110 Bethlehem, PA 18017	Monroe	Stroud Township	Pocono Creek HQ-CWF
PAI023905038	Posocco Properties 2610 Walbert Avenue Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406018	Loesch Construction Elksview Townhomes 2101 Circleville Road State College, PA 16803	Centre	Harris Township	Spring Creek HQ-CWF
PAS10F093R	James Stein—CDG Properties Country Cove II 551 East College Avenue Pleasant Gap, PA 16823	Centre	Spring Township	Logan Branch HQ-CWF

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

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052606002	Department of Transportation Engineering District 12-0 P. O. Box 459 North Gallatin Avenue Ext. Uniontown, PA 15401	Fayette	Wharton Township	Big Sandy Creek HQ-CWF

Somerset County Conservation District, 604 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055606004	The Buncher Company 5600 Forward Avenue P. O. Box 81930 Pittsburgh, PA 15217	Somerset	Jefferson Township	Laurel Hill Creek HQ-CWF

Westmoreland County Conservation District, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056505006	Bridges Investment Company 1300 Brighton Road Pittsburgh, PA 15233	Westmoreland	North Huntingdon Township	UNT to Long Run HQ

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 Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Benton Township Nicholson Township Lackawanna Co. Wyoming County	PAG2003506033	William Dobitsch Skyline Holdings, Inc. 727 Windsock Lane Factoryville, PA 18419	South Branch Tunkhannock Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495 Wyoming Co. Cons. Dist. (570) 836-2589
Whitehall Township Lehigh County	PAG2003906035	Lowe's Home Centers, Inc. 1605 Curtis Bridge Road Wilkesboro, NC 28697	Lehigh River TSF	Lehigh Co. Cons. Dist. (610) 391-9583
Old Forge Borough Lackawanna Co.	PAG2003506037	Joseph Spano 310 17th Avenue Scranton, PA 18504	St. John's Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
City of Pottsville Schuylkill County	PAG2005406031	Schuylkill Co. School Employees Credit Union 15-17 Westwood Road Pottsville, PA 17901	West Branch of Schuylkill River 800 ft. CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
St. Clair Borough Schuylkill County	PAG2005406029	Lehigh Engineering, LLC Attn: Pat Higgins P. O. Box 1200 200 Mahantongo Street Pottsville, PA 17901	Mill Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
South Abington Township Lackawanna County	PAG2003506027	Hal Cross 538 Venard Road Clarks Summit, PA 18411	Fall Brook CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Taylor Borough Lackawanna County	PAG2003506040	Robert Cordaro 200 Adamo Avenue Scranton, PA 18503	Keyser Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Silver Spring Township Cumberland County	PAG2002107011	Sutliff Hummer David Johnson 6462 Carlisle Pike Mechanicsburg, PA 17050	Quarry Impoundment Pond Tributary to the Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002106032	Brubaker Property Snyder Hardware, Inc. Richard Snyder 119 W. Lancaster Avenue Shillington, PA 19607	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York Township York County	PAG2006707007	Michael J. Redlawsk Westminster Place Partnership 2601 West 26th Street Erie, PA 16506	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Township and Manchester Township York County	PAG2006706103	Quarles Fuel Network 1701 Fall Hill Avenue Suite 300 Fredericksburg, VA 22401	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006706111	Manchester Township Municipal Authority 3200 Farmtrail Road York, PA 17406	Little Conewago Creek TSF Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Snake Spring Township Bedford County	PAG2000507004	Center for Community Service 10241 Lincoln Highway Everett, PA 15537	UNT to Raystown Branch of Juniata River WWF	Bedford County Conservation District 702 W. Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900
City of Altoona Blair County	PAG2000707002	Altoona Railroaders Museum 1300 Ninth Avenue Altoona, PA 16602	UNT Little Juniata River WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Bedford Township Bedford County	PAG2000507003	Clifton Clark 145 Clark Building Road Bedford, PA 15522	Raystown Branch of Juniata River TSF	Bedford County Conservation District 702 W. Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900
Bedford Township Bedford County	PAG2000507001	Department of Transportation Walter Tomassetti 1620 North Juniata Street Hollidaysburg, PA 16648	UNT to Raystown Branch of Juniata River WWF	Bedford County Conservation District 702 W. Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900
Exeter Township Berks County	PAG2000606008(1)	Exeter Township Troy Bingaman, Sec. 4975 Demoss Road Reading, PA 19606	UNT to Antietam Creek CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Hamburg Borough Berks County	PAG2000606094(1)	Balfour Beatty Construction, Inc. Raymond Jaynes 601 Monument Road Hamburg, PA 19526	Mill Creek TSF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG2000606105	Mast Homes, LLC P. Marlin Mast 2612 Conestoga Road Morgantown, PA 19543	Conestoga River WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumru Township Berks County	PAG2000607001	Robert Rhoads 129 Lisa Court Mohnton, PA 19540	UNT to Angelica Creek-Schuylkill River CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Cumru Township Berks County	PAG2000606088	Rite Aid of Pennsylvania Mike Gragilla 30 Hunter Lane Camp Hill, PA 17011	Angelica Creek CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Borough of Chambersburg Franklin County	PAG2002807049	Chambersburg Area Development Corp. 100 Lincoln Way East Chambersburg, PA 17201	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Greene Township Franklin County	PAG2002807004	Greene Township Municipal Authority Randall Rotz 4182 Sunset Pike Chambersburg, PA 17201	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Hamilton Township Franklin County	PAG2002807004	Steven and Jody Spencer 1823 Leafmore Road Chambersburg, PA 17201	UNT to Back Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Centre County Huston Township	PAG2001407002	Timothy Tressler/Michael Fedor Tressler and Fedor Land Development 26 Sandrock Court Port Matilda, PA 16870	Bald Eagle Creek TSF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Tioga County Wellsboro Borough	PAG2005907003	Robert W. English 170 Meade Street Wellsboro, PA 16901-6798	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Tioga County Wellsboro Borough	PAG2005907004	Craig A. Webster 8 Sturock Street Wellsboro, PA 16901	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Tioga County Wellsboro Borough	PAG2005907005	Kevin G. Cavanaugh 20 Meade Street Wellsboro, PA 16901	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Allegheny County Franklin Park Borough	PAR10A539R	Castletown, LLC 120 Brennan Lane Evans City, PA 16033	Rippling Run TSF Fish Run WWF	Allegheny County CD (412) 241-7645

NOTICES

1371

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Allegheny County Collier, Scott, Robinson and South Fayette Townships Bridgeville and Heidelberg Boroughs	PAG20002040251	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Chariters Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Tarentum Borough	PAG20002051081	East 10th Avenue Associates 141 Oak Manor Drive Natrona Heights, PA 15065	Bull Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Pittsburgh	PAG2000206073	Rite Aid Corporation 51 South Third Street Pittsburgh, PA 15219	Ohio River WWF	Allegheny County CD (412) 241-7645
Allegheny County Thornburg Borough	PAG2000206080	Londonbury Homes 431 Jane Street Carnegie, PA 15106	Chartiers Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000206085	David Moritz 4000 Washington Road McMurray, PA 15317	Big Sewickley Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000206089	Faison Development 7920 Norfolk Avenue Suite 800 Bethesda, MD 10814	Campbells Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG2000206094	JGB Partners 101 Bradford Road Wexford, PA 15090 and Daniel R. Sosso Builders Inc. 12630 Perry Highway Wexford, PA 15090	Brush Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAG2000206097	Elmhurst Group One Bigelow Square Pittsburgh, PA 15219	Turtle Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County O'Hara Township	PAG2000206098	Windmill Associates, LP 119 Gamma Drive Pittsburgh, PA 15238	Powers Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Braddock Borough	PAG2000206101	Redevelopment Authority of Allegheny County 425 Sixth Avenue Suite 800 Pittsburgh, PA 15219	Monongahela River WWF	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG2000206102	The Paradise Group 115 Federal Street Pittsburgh, PA 15212	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Bradford Woods Borough	PAG2000206106	SBAWP 134 Shenot Road Wexford, PA 15090	Brush Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000206108	Wickline Development, LLC 2100 Corporate Drive Wexford, PA 15090	McCaslin Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Bethlel Park	PAG2000206112	Dollar Bank 3 Gateway Center—Suite 9E Pittsburgh, PA 15222	Painters Run WWF	Allegheny County CD (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Ohio Township	PAG2000206113	Veterinary Ventures 882 Butler Street Pittsburgh, PA 15223	Lowries Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000206118	St. Clair Country Club 2300 Old Washington Road Pittsburgh, PA 15241	McLaughlin Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Pittsburgh	PAG2000206125	RIDC 425 Sixth Avenue Suite 500 Pittsburgh, PA 15219	Allegheny River WWF	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAG2000206128	Respironics, Inc. 1001 Murry Ridge Road Murrysville, PA 15668	Abers Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAG2000207006	Win-Moon Group 115 Federal Street Pittsburgh, PA 15212	Narrows Run WWF	Allegheny County CD (412) 241-7645
Fayette County Redstone Township	PAG2002606019	Frank Kempf Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	UNTs of Colvin Run WWF and Dunlap Creek TSF	Fayette County CD (724) 438-4497
Fayette County Menallen Township	PAG2002607005	Joyce Hall R. D. 1 447 Upper Middletown Road Smock, PA 15480	Keister Hollow and Fars Run WWF	Fayette County CD (724) 438-4497
Greene County Cumberland Township	PAG2003007001	Rick Hoffman 1225 South Main Street Suite 104 Greensburg, PA 15601	Little Whitely Creek WWF	Greene County CD (724) 852-5278
Greene County Freeport, Gilmore, Jackson and Wayne Townships	PAG2003006004	Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Hamilton Run and UNTs, PA Fork of Dunkard Creek and UNTs, Garrison Fork of Dunkard Creek and UNTs, Bloody Run and UNTs, Roberts Run, Blockhouse Run and UNTs, Tom's Run and UNTs, Hoover Run and UNTs, PA Fork of Fish Creek WWF	Greene County CD (724) 852-5278
Greene County Franklin Township	PAG2003006009	Anchor Properties, Inc. 128 East 2nd Street Covington, KY 41011	South Fork Ten Mile Creek WWF	Greene County CD (724) 852-5278
Somerset County Stonycreek Township	PAG2005606012	Stonycreek Valley Development Corporation P. O. Box 163 Shanksville, PA 15560	UNTB Boone Run CWF	Somerset County CD (814) 445-4652
Washington County Township				Washington County CD (724) 228-6774

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Taylor Borough Lackawanna County	PAR502206	Environmental & Recycling Services, Inc. 1100 Union Street Taylor, PA 18517	St. John's Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Dauphin County Middletown Borough	PAR803571	FedEx National LTL, Inc. 1144 West Griffin Road Lakeland, FL 33805	Swatara Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Erie Erie County	PAR708305	Mayer Brothers Construction Company 1902 Cherry Street Erie, PA 16502	Municipal stormwater sewers to Cascade Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Punxsutawney Borough Jefferson County	PAR118317	NAC Carbon Products, Inc. P. O. Box 436 Punxsutawney, PA 15767	Elk Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Spartansburg Borough Crawford County	PAR228315	Clear Lake Lumber Inc. P. O. Box 129 Spartansburg, PA 16434-0129	Clear Lake and a UNT of the East Branch Oil Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County Upper Frankford Township	PAG043858	Jason and Jennifer Klinger 446 Brick Church Road Newville, PA 17241	UNT to Rock Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Greene Township	PAG043859	Robert Blubaugh 374 Martina Drive Chambersburg, PA 17201	UNT Conococheague Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Centre County Huston Township	PAG045236	James and Christina McGinley 132 Silverdale Road Julian, PA 16844	UNT to Steel Hollow CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
840 Hunter Run Road Howard, PA 16841 Liberty Township Centre County	PAG045232	Day Family Trust 10 James Street Mill Hall, PA 17751	Hunter Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:
Municipality &
County*Watson Township
Warren CountyPermit No.
PAG049317*Applicant Name &
Address*
Joseph P. Sitarik
21 Paddock Drive
New Hope, PA 18938*Receiving
Water/Use*
Allegheny River
16-F*Contact Office &
Phone No.*
DEP
NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Spring Creek
Township
Warren CountyPermit No.
PAG048822*Applicant Name &
Address*
Frank J. Malena, Jr.
1811 West 8th Street
Erie, PA 16505*Receiving
Water/Use*
UNT of Hosmer Run
16-B*Contact Office &
Phone No.*
DEP
NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Shenango Township
Mercer CountyPermit No.
PAG048411*Applicant Name &
Address*
Sandra Shuttleworth
3118 S. Keel Ridge Road
West Middlesex, PA
16159-2725*Receiving
Water/Use*
UNT to the West Branch
Little Neshannock Creek
20-A*Contact Office &
Phone No.*
DEP
NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Pine Township
Mercer CountyPermit No.
PAG048789*Applicant Name &
Address*
Robert S. and Tracy
Black
416 Nutt Road
Grove City, PA 16127*Receiving
Water/Use*
UNT to East Branch
Wolf Creek
20-C*Contact Office &
Phone No.*
DEP
NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-5**Facility Location &
Municipality*Mount Pleasant
Township
Washington CountyPermit No.
PAG056217*Applicant Name &
Address*
Coen Oil Company
P. O. Box 34
1045 West Chestnut
Street
Washington, PA 15301*Receiving
Water/Use*
Chartiers Run*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8**Facility Name*

ALCOSAN

Permit No.
PAG086101*Applicant Name &
Address*
ALCOSAN
3300 Preble Avenue
Pittsburgh, PA 15233*Facility Municipality &
County*
City of Pittsburgh
Allegheny County*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*North Lebanon and
Swatara Townships
Lebanon CountyPermit No.
PAG083503*Applicant Name &
Address*
City of Lebanon
Authority
2321 Ridgeview Road
Lebanon, PA 17042*Site Name &
Location*
Linford Snyder
343 Farm
North Lebanon and
Swatara Townships
Lebanon County*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Burrell Township
Armstrong CountyPermit No.
PAG086101*Applicant Name &
Address*
Allegheny County
Sanitary Authority
3300 Preble Avenue
Pittsburgh, PA
15233-1092*Site Name &
Location*
Batistig Farm*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

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

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

Permit No. 4106502—Construction, Public Water Supply.

Applicant	Lycoming County Water and Sewer Authority
Township or Borough	Muncy Township
County	Lycoming
Responsible Official	Christine Maggi Executive Director Lycoming County Water and Sewer Authority 216 Old Cement Road Montoursville, PA 17754
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Brian Book, P. E. Herbert, Rowland & Grubic, Inc. 474 Windmere Drive State College, PA 16801
Permit Issued Date	March 9, 2007

Description of Action

Construction of a new public water system to serve portions of Fairfield and Muncy Townships, including the Lycoming Mall. The system will consist of the following components: a source of supply, known as Well No. 1; an onsite sodium hypochlorite generation system; a pH adjustment system; a 316,000 gallon finished water storage tank; and distribution lines.

Permit No. M.A. 1403505—Operation, Public Water Supply.

Applicant	Penn State University
Township or Borough	College Township
County	Centre
Responsible Official	Robert Cooper Manager of Engineering Services Penn State University 101P Physical Plant Building University Park, PA 16802-1118
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	March 12, 2007
Description of Action	Operation of the Big Hollow water distribution main extension.

Permit No. 1406506—Construction, Public Water Supply.

Applicant	Penn State University
Township or Borough	College Township
County	Centre
Responsible Official	Robert Cooper Manager of Engineering Services Penn State University 101P Physical Plant Building University Park, PA 16802-1118
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Jeffery S. Culton, P. E. Buchart-Horn, Inc. 445 West Philadelphia Street York, PA 17401
Permit Issued Date	March 12, 2007
Description of Action	Construction of a raw water main and modification of the chlorination facility.

Permit No. 1499503—Construction and Operation, Public Water Supply.

Applicant	Snow Shoe Borough Authority
Township or Borough	Snow Shoe Borough
County	Clearfield
Responsible Official	Gary Fox, Chairperson Snow Shoe Borough Authority 112 East Sunset Avenue Snow Shoe, PA 16874

Type of Facility Public Water Supply—Construction/Operation
 Consulting Engineer Eric Lundy, P. E.
 Nittany Engineering
 2836 Earlstown Road
 Suite 1
 Centre Hall, PA 16828-9162
 Permit Issued Date March 12, 2007
 Description of Action Modifications to Well No. 2, including lowering the pump intake to 105 feet below ground level, extension of the existing 1-inch conduit, suspension of a pressure transducer and installation of associated instrumentation.

Permit No. M. A.—Operation, Public Water Supply.

Applicant **Graham Township**
 Township or Borough Graham Township
 County **Clearfield**
 Responsible Official Samuel F. Carr, Chairperson
 Graham Township Board of Supervisors
 3395 Deer Creek Road
 Morrisdale, PA 16858

Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date March 12, 2007
 Description of Action Operation of the extended Pennsylvania American's waterline to the residents of the Graham Township area. The construction included 14,000 LF of 8 inch DIP waterline.

Permit No. 4907501—Construction, Public Water Supply.

Applicant **The Meadows at Watsonstown, LLC**
 Township or Borough Delaware Township
 County **Northumberland**
 Responsible Official Alvin Thompson, Managing Member
 The Meadows at Watsonstown, LLC
 2814 Walbert Avenue
 Allentown, PA 18104

Type of Facility Public Water Supply—Construction
 Consulting Engineer Charles A. Kehew, II, P. E.
 James R. Holley & Associates, Inc.
 18 South George Street
 York, PA 17401
 Permit Issued Date March 12, 2007
 Description of Action Replacement of Well No. 1 with new Well No. 3 and associated water system improvements.

Coudersport Borough Authority and Charles Cole Memorial Hospital (Public Water), Potter County.
 The Source Water Protection (SWP) report for these

Authorities has been approved on March 12, 2007. Coudersport Borough Authority and Charles Cole Memorial Hospital are to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under Section 5 of the Pennsylvania Sewage Facilities Act, (35 P. S. § 750.5)

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

Plan Location: 5160 Shimerville Road, Schnellman Property

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Milford Township	5831 Kings Highway South P. O. Box 210 Old Zionsville, PA 18068	Lehigh

Plan Description: The approved plan provides for a single-family residence on a 0.5-acre lot. This project proposes a small flow treatment facility to repair a malfunctioning onlot sewage disposal system, which currently serves the residence. The proposed treatment facility will include a two-compartment septic tank with Zabel Filter, Ecoflo® ST-650 Peat Filter followed by an ultraviolet radiation disinfection unit. The discharge will be to a tributary of Leibert's Creek. A private well is located on the property. This discharge to high quality waters is the only environmentally sound and cost-effective nondischarge alternative available to correct an existing public health or pollution hazard, thereby satisfying the SEJ requirements in 25 Pa. Code § 93.4c (b) (1) (iii). The proposed development is located at 5160 Shimerville Road, Upper Milford Township, Lehigh County.

Plan Location: Eagle Ridge

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Whitehall Township	3256 Levans Road Coplay, PA 18037	Lehigh

Plan Description: The approved plan provides for a revision consisting of a 55 lot, single-family residential subdivision of a 26.9 acre tract with proposed sewage flows of 14,437 gpd. A pump station and 3" pvc force main will connect the new collection system within the development to the existing Allied Utility Services, Inc. MH No. 1 located in Schneck Road. Allied Utility Services, Inc. will provide conveyance and wastewater treatment facilities. Lehigh County Authority will provide public water to the project. The proposed development is located at Schneck Road and Bruce Street, North Whitehall Township, Lehigh County.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Road Carlisle, PA 17013	Cumberland

Plan Description: The approved plan provides for a Small Flow Treatment Facility (SFTF) to serve the proposed new residence on the newly created 7.13 acre Richard Miller lot, which is located on the east side of Hoy Road, approximately 2/3 mile south of its intersection with Wertzville Road. The proposed SFTF will discharge to Wertz Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Ukstins Residence, Richlandtown Borough, **Bucks County**. Daniel Caprio, Patriot Env. Management, LLC, on behalf of Mark Ebbert, Rapid Response, Inc., 14 Brick Kiln Court, P. O. Box 629, Douglassville, PA 19518 has submitted a Final Report concerning remediation of site

soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Crebilly Farm, Westtown Township, **Chester County**. Paul Hayden, Geo-Technology Assoc., Inc., 3445A Box Hill Corp. Drive, Abington, MD 21009 on behalf of David Robinson, Crebilly Farm Family Assoc., 501 W. Street Road, West Chester, PA 19382 has submitted a Remedial Investigation Report and Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard and the Statewide Health Standards.

Sunoco Ship Road Leak, West Whiteland Township, **Chester County**. Jennifer Huha, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Barry Albright, 1330 Ship Road, West Chester, PA 19380, Hower Sok, 1323 Ship Road, West Chester, PA 19380, Henry Melius, 1319 Ship Road, West Chester, PA 19380, David McKinney, 1313 Hillcrest Avenue, West Chester, PA 19380, Deverux Foundation, 2012 Renaissance Boulevard, King of Prussia, PA 19406, David Tinney, 1327 Ship Road, West Chester, PA 19380, Richardo Coroniti, Northwyn Court Apartments, 468 Drive, King of Prussia, PA 19406, Richard Brane, 1314 Dunsinane Drive, West Chester, PA 19380, Henry Stockley, 1308 Dunsinane Drive, West Chester, PA 19380, Paul Miler, 1306 Dunsinane Drive, West Chester, PA 19380, Frederick Custer, 1306 Hillcrest Avenue, West Chester, PA 19380, Robert Erhard, 1308 Hillcrest Avenue, West Chester, PA 19380, Michael Downs, 1309 Hillcrest Avenue, West Chester, PA 19380, Frederick Trautman, 1304 Dunsinane Drive, West Chester, PA 19380, Lillian Cree, 1309 Hillcrest Avenue, West Chester PA 19380, Donald Farr, 1303 Hillcrest Avenue, West Chester, PA 19380, David Sulpizi, 1301 Dunsinane Drive, West Chester, PA 19380, Bradford Fish, P. O. Box, 1135, Marcus Hook, PA 19061, Thomas Hedberg, 690 East Boot Road, West Chester, PA 19380, Tolentino Enterprises, 459 Foster Drive, Springfield, PA 19064, John McBratni, 651 East Boot Road, West Chester, PA 19380, Bruce Jones, 1298 County Lane, West Chester, PA 19380, Dat Senh, 1296 County Lane, West Chester, PA 19380, Barbara Mooney, 1307 Dunsinane Drive, West Chester, PA 19380 has submitted a Remedial Investigation Report and Final Report concerning remediation of site soil and groundwater contaminated with petroleum and unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standards.

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

A & E Automotive, Hallstead Borough, **Susquehanna County**. Dawn Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 has submitted a Final Report (on behalf of her client Johnnie Florance, A & E Automotive, 238 Main Street, Hallstead, PA 18222) concerning the remediation of soils impacted by gasoline as the result of the removal of underground storage tanks and/or historical operations. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report appeared in the *Susquehanna County Transcript* on February 21, 2007.

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

Alice Demey Elementary School, Middletown Area **School District**, Middletown Borough, **Dauphin**

County. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of Middletown Area School District, c/o Elizabeth A. Reister, Esq., Solicitor for Middletown Area School District, Kegel Kelin Almy & Grimm, LLP, 24 North Lime Street, Lancaster, PA 17602, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil from a removed underground storage tank. The report is intended to document remediation of the site to the Statewide Health Standard.

Thomas Kerns Property, Spring Township, **Berks County.** GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Thomas Kerns, 612 Mohns Hill Road, Reading, PA 19068-9037, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the residential Statewide Health Standard. The property is and will remain a private residence. The report was submitted within 90 days of the release.

Steelton Highspire Elementary School, Steelton Borough, **Dauphin County.** Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Steelton Highspire School District, Swatara Street and Reynders Avenue, Steelton, PA 17113, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated with PAHs from a 1972 Agnes landfill. The Report and Cleanup Plan are intended to document remediation of the site to the Site-Specific Standard.

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

Landon's Cedar Ledge Service Station Property, Canton Township, **Bradford County.** Pennsylvania Technologies, Inc., 826 Main Street, Peckville, PA 18452 on behalf of Frank S. and Joyce C. Landon, Landon's Cedar Ledge Service Station, R. R. 2, Box 211, Canton, PA 17724 has submitted a Final Report concerning remediation of site groundwater contaminated with dissolved lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Sonneborn, (PF:Crompton Petrolia 664781), Fairview Township, **Butler County.** WSP, Environmental Strategies, 300 Corporate Center Drive, Suite 200, Moon Township, PA 15108, on behalf of Chemtura Corporation, 199 Benson Road, Middlebury, CT 06749, has submitted a Remedial Investigation and Risk Assessment report concerning remediation of a site soil with arsenic and lead and sulfonic acids. Groundwater contaminated with benzene and LNAPL and sulfonic acids. The reports are intended to document remediation of the site to meet the Site Specific Standard.

Trinity Industry, (PF-665558) City of Bulter, **Butler County.** Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Community Development Corporation of Butler County, 112 Woody Drive, Butler, PA 16001, has submitted a Clean-up Plan that details the remedial measures to address the soil Areas of Concern. The Areas of Concern are: Lead impacted soils, Arsenic and Iron impacted soils and localized PCB impacted soils. The plan was prepared in general accordance with the requirements specified in 25 Pa. Code § 250 for sites seeking releases from liability in accordance with ACT 2.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Thomas Kellogg Property, Lower Macungie Township, **Lehigh County.** Mark Zunic, GemChem, Inc., 55

North Cedar Street, Lititz, PA 17543 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 demonstrated attainment of the residential Statewide Health Standard and was approved on March 8, 2007.

Victoria Square V, Palmer Township, **Northampton County**. Tony Dellaria, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, has submitted a combined Remedial Investigation Report and Cleanup Plan (on behalf of his client, Nicholas Pugliese, Victoria Place, Inc., 1072 Grand Street, Phillipsburg, NJ 08865) concerning the disposal of material contaminated with inorganics and benzo(a)pyrene on the referenced property. The combined report was submitted in partial fulfillment of the Site-Specific Standard and was approved on March 1, 2007.

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

Sunset Landfill (Olmstead AFB, Sunset Annex), Londonderry Township, **Dauphin County**. MWH Americas, Inc., 335 Phoenixville Pike, Malvern, PA 19355, on behalf of Londonderry Township, 783 Geyers Church Road, Middletown, PA 17057 and Air Force Regional Environmental Office, 60 Forsyth Street, SW, Suite 8M80, Atlanta, GA 30303, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs and metals. The final report demonstrated attainment of a combination of the Nonresidential and Site-Specific Standards and was approved by the Department on March 2, 2007.

Former ENCO Realty Facility, Reading City, **Berks County**. Whittmore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, on behalf of QMM Properties, LLC, P. O. Box 350, Shillington, PA 19607-0350, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soil contaminated with VOCs and lead. The final report demonstrated attainment of a combination of the Nonresidential Statewide Health and Site-Specific Standards and was approved by the Department on March 6, 2007. Groundwater will be addressed in a separate report.

Rite Aid Store 3608, Harrisburg City, **Dauphin County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with gasoline constituents. The combined report demonstrated attainment of a combination of Residential Statewide Health and Site-Specific Standards, and was approved by the Department on March 5, 2007.

608 Glebe Avenue, Borough of Newville, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Redevelopment and Housing Authorities of Cumberland County, 114 North Hanover Street, Suite 104, Carlisle, PA 17013, submitted a final report concerning remediation of site soils and groundwater contaminated with metals, SVOCs and VOCs. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on March 9, 2007.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Art Keller, (Lyons Property) Pine Creek Township, **Jefferson County**. Blazosky Associates Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803 on behalf of Shortway Service Inc., 311 Jackson Street, Reynoldsville, PA 15851 has submitted a Final Report concerning the remediation of the following contaminants: VOCs, SVOCs such as BTEX, Fluorene and Phenanthrene. The report has been approved by the Department on February 26, 2007, and met the Residential Statewide Health Standard.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

09-310-069GP. Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on March 13, 2007, to operate a portable nonmetallic processor in West Rockhill Township, **Bucks County**.

09-328-001GP. Exelon Generation Co. (3901 North Delaware Avenue, Philadelphia, PA 19137) on March 13, 2007, to operate a landfill gas fired cycle turbines in Falls Township, **Bucks County**.

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

40-310-069GP3. HUD, Inc.—Emerald Anthracite (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634) on March 6, 2007, to construct and operate a portable stone crushing plant and associated air cleaning device at the facility in Newport Township, **Luzerne County**.

54-310-042GP3. Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 6, 2007, to construct and operate a portable stone crushing plant and associated air cleaning device at the facility on Darkwater Road, New Castle Township, **Schuylkill County**.

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

GP3-01-03033. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) on March 9, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Cumberland Township, **Adams County**.

GP3-22-03072. Pennsy Supply, Inc. (1 Clear Spring Road, Annville, PA 17003) on March 12, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Lower Swatara Township, **Dauphin County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

GP5-63-00929. CNX Gas Corp. (100 Evergreen Drive, Suite 103, Waynesburg, PA 15370-9999) on March 12, 2007, to operate a Natural Gas-Fired Compressor Engine at their Fallowfield Processing Plant in Fallowfield Township, **Washington County**.

GP5-30-00163B. CNX Gas Corp. (4000 Brownsville Road, Pittsburgh, PA 15129) on March 12, 2007, to operate a Natural Gas-Fired Compressor Engine at their Green Hill Processing Plant in Center Township, **Greene 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.

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

35-317-005. Polarized Meat Co., Inc. (107 Keystone Industrial Park, P. O. Box 172, Dunmore, PA 18512) on February 8, 2007, to install air cleaning devices to capture emissions from two existing cooking lines at their facility in Dunmore Borough, **Lackawanna County**.

48-303-057. Haines & Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 5, 2007, to install an air cleaning device and to increase the amount of recycled asphalt pavement in the product mix at the ABE Materials Easton Asphalt Plant in Lower Mount Bethel Township, **Northampton County**.

39-318-117. Mack Truck, Inc. (7000 Alburtis Road, Macungie, PA 18062) on March 2, 2007, to construct a multitone paint spray operation and associated air cleaning device at their facility in Lower Macungie Township, **Lehigh County**.

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

06-05022B. Kutztown University of PA (Main Street, Kutztown, PA 19530) on March 9, 2007, to construct three 37.66 million Btu per hour boilers at Kutztown University of Pennsylvania in Maxatawny Township, **Berks County**.

67-03138A. DCP Midstream, LP (370 17th Street, Suite 2500, Denver, CO 80202-5604) on March 6, 2007, to construct a new propane terminal in West Manchester Township, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

65-00101B. MAX Environmental Technologies, Inc. (233 Max Lane, Yukon, PA 15698) on March 5, 2007, to install an EAF baghouse dust treatment system at their Yukon Plant in South Huntingdon Township, **Westmoreland County**. MAX Environmental is an environmental services company that offers hazardous and nonhazardous industrial waste transportation, treatment, disposal, analytical, environmental remediation and construction services at the Yukon Plant.

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.

46-0158A. Colorcon Div.—BPSI (415 Moyer Boulevard, West Point, PA 19486) on March 8, 2007, to operate a wet and dry dispersions in Upper Gwynedd Township, **Montgomery County**.

15-0060C. SECCRA LDFL (P. O. Box 221, Kennett Square, PA 19348) on March 5, 2007, to operate a landfill gas-to-energy system in London Grove Township, **Chester County**.

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

41-305-009E. Keystone Filler and Manufacturing Co. (214 Railroad Street, Muncy, PA 17756) on March 5, 2007, to construct a rotary coal dryer (No. 5 dryer), associated conveying, processing and loadout systems and associated air cleaning devices (two fabric collectors) to June 30, 2007, in Muncy Creek Township, **Lycoming County**. The plan approval has been extended.

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

10-349A. Recmix of PA, Inc., (359 North Pike Road, Sarver, PA 16056) on February 28, 2007, to install a drying process for processed pellets (Reclime) in the Township of Clinton, **Butler County**.

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

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

09-00066. Exelon Generation Co.—Richmond Generation Station, (3901 North Delaware Avenue, Philadelphia, PA 19137) on March 13, 2007, to operate the manufacturing electric services of a facility Title V Operating Permit in Falls Township, **Bucks County**.

23-00041. ConocoPhillips Co. (1400 Park Avenue, Linden, NJ 07036) On March 13, 2007, to operate their manufacturing refined petroleum pipelines operation of a Renewal Title V Operating Permit in Upper Chichester Township, **Delaware County**.

46-00041. Bluegrass Folding Carton Co., LLC (1035 Longford Road, Phoenixville, PA 19460) on March 13, 2007, to operate the manufacturing folding paperboard boxes operation of a Renewal Title V Operating Permit in Upper Providence Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702

36-05081. Lancaster County Solid Waste Authority (1299 Harrisburg Pike, Lancaster, PA 17604) on March 5, 2007, for landfill operations at their Frey Farm-Creswell landfill in Manor Township, **Lancaster County**. This Title V operating permit was administratively amended to incorporate Plan Approval 36-05081A. This is revision No. 1.

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.

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

09-00190. Transcontinental Direct (75 Hawk Road, Warminster, PA 18974) on March 13, 2007, to operate their manufacturing commercial printing for operation of a nonheatset web lithographic in Warminster Township, **Bucks County**.

46-00123. Wesco Industrial Products, Inc. (1250 Welsh Road, P. O. Box 47, Lansdale, PA 19446) on March 13, 2007, to operate their manufacturing fabricated metal products for operation in Montgomery Township, **Montgomery County**.

23-00099. Haven Memorial Park (2500 Concord Road, Chester, PA 19013) on March 13, 2007, to operate the manufacturing funeral service and crematories operation of a Natural Minor Operating Permit in Chester Township, **Delaware County**.

46-00252. Reading Material, Inc.—Sanatoga Asphalt Plant (394 Sanatoga Road, Pottstown, PA 19446) on March 13, 2007, to operate the crushing, screening and wet suppression equipment at their quarry in Lower Pottsgrove Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. 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.

06-03042. Fairmount Foundry, Inc. (P. O. Box 466, Hamburg, PA 19526-0466) on March 8, 2007, to operate a gray iron foundry in Hamburg Borough, **Berks County**. This is a renewal of the State-only operating permit.

07-05031. Union Tank Car Co. (P. O. Box 2003, Altoona, PA 16603-2003) on March 9, 2007, for a facility wide State-only operating permit for the rail tank car abrasive blast, cleaning, coating and flare operations at Altoona Township, **Blair County**.

22-05024. Milton S. Hershey Medical Center (P. O. Box 850, Hershey, PA 17033-0850) on March 6, 2007, to operate a medical services facility in Derry Township, **Dauphin County**. This is a renewal of the State-only operating permit.

38-05020. G & H Fortyniners, Inc.—Keystone Protein Co. (P. O. Box 37, Fredericksburg, PA 17026-0037) on March 9, 2007, to process poultry feathers and offal in Bethel Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

63-00570. RAS Industries (12 Arentzen Boulevard, Charleroi, PA 15022) on March 6, 2007, for a State-only operating permit to operate their polyurethane millwork manufacturing facility in Speers Borough, **Washington County**.

65-00051. Elliott Turbomachinery Co., Inc. (901 North 4th Street, Jeanette, PA 15644) on March 8, 2007, to operate a turbine and compressor manufacturing shop in Jeanette, **Westmoreland County**.

11-00423. Johnstown Wire Technology, Inc. (124 Laurel Avenue, Johnstown, PA 15906) on March 6, 2007, to operate steel wire processing at Johnstown Wire Plant in Johnstown, **Cambria County**.

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

33-00168. Miller Welding and Machine Company—Maplevalle Plant (1000 Miller Drive, Brookville, PA 15825) on March 8, 2007, to operate a metal fabrication and surface coating facility in Rose Township, **Jefferson County**.

24-00136. National Fuel Gas Supply Corp.—Sackett Station (SR, St. Marys, PA 15857) on March 8, 2007, to operate this natural gas compressor station located in Highland Township, **Elk County**.

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

S05-013. Tenet Health System—Hahnemann University Hospital (230 North Broad Street, Philadelphia, PA 19102) on March 6, 2007, to operate a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes four mmBtu/hr boilers, ten emergency generators and three fire pumps.

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.

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

23-00064. Lawn Croft Cemetery (1000 Ridge Road, Linwood, PA 19061) on March 13, 2007, to operate human crematory in Lower Chichester Township, **Delaware County**. This amendment is to address the incorporation of a crematory unit previously permitted under plan approval, PA-23-0064. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00003. ConocoPhillips Co. (1400 Park Avenue, Linden, NJ 07036) on March 13, 2007, to modify the manufacturing Claus Sulfur Recovery Plant for the facility Title V Operating Permit in Trainer Borough, **Delaware County**.

46-00054. Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001) on March 13, 2007, an amendment to incorporate Plan Approval 46-0054A for two Caterpillar; diesel fired emergency generators under Source ID 101, Miscellaneous Generators in Abington Township, **Montgomery County**. Administrative Amendment of State-only Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

38-03024. O'Sullivan Films, Inc. (1507 Willow Street, Lebanon, PA 17046-4578) on March 8, 2007, to operate a flexible vinyl sheet manufacturing plant in the City of Lebanon, **Lebanon County**. This operating permit was administratively amended due to a change of ownership. This is revision No. 1.

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

27-00015. Tennessee Gas Pipeline Co.—Station 307 (State Highway 66, Marienville, PA 16239) on March 5, 2007, for amendment of the Title V Operating Permit to transports natural gas through a system of compressors and pipelines in the Howe Township, **Forest County**. This amendment is to change the name of responsible official to Ronald F. Miller.

43-00272. Tennessee Gas Pipeline Co. (1211 Greenville-Mercer Road, Mercer, PA 16137) on March 5, 2007, for amendment of a Title V Permit to change the name of responsible official to Ronald F. Miller in Jefferson Township, **Mercer 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.

<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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

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

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

Permit Number 56910701 and NPDES Permit Number PA0213560. PBS Coals, Inc., (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Job 10 Refuse in Brothersvalley and Somerset Townships, **Somerset County** and related NPDES Permit. No additional discharges. Application received January 23, 2007.

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

65020101 and NPDES Permit No. PA0250082. AFMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Renewal application for reclamation only of an existing bituminous surface mine, located in Unity Township, **Westmoreland County**, affecting 68 acres. Receiving stream: UNT to Nine Mile Run, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received March 8, 2007.

03940110 and NPDES Permit No. PA0200999. Seven Sisters Mining Co., Inc. (200 US Route 22, Delmont, PA 15626). Renewal application for continued mining of an existing bituminous surface mine, located in

§§ 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 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:

Wayne Township, **Armstrong County**, affecting 55.5 acres. Receiving streams: UNTs to the North Branch of the South Fork of Pine Creek, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received March 8, 2007.

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

16920104 and NPDES Permit No. PA0211206. Ancient Sun, Inc. (P. O. Box 129, Shippensburg, PA 16254). Renewal of an existing bituminous surface strip operation in Perry and Toby Townships, **Clarion County** affecting 89.9 acres. Receiving streams: UNT to Black Fox Run and Black Fox Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received March 7, 2007.

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

54813224T. Fox Coal Company, Inc., (1380 Tioga Street, Coal Township, PA 17866), transfer of an existing anthracite coal refuse reprocessing operation from Richard E. Tallman in Butler Township, **Schuylkill County** affecting 9.6 acres, receiving stream: none. Application received March 5, 2007.

54920201R3. Northeastern Power Company, (P. O. Box 7, McAdoo, PA 18237), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and surface mine operation in Kline and Packer Townships, **Schuylkill and Carbon Counties** affecting 876.0 acres, receiving stream: none. Application received March 8, 2007.

49950202R2. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an

existing anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 142.0 acres, receiving stream: none. Application received March 8, 2007.

Coal Permits Actions

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

Permit Number 30841319 and NPDES Permit Number PA0043559, Consolidation Coal Company, (1800 Washington Road, Pittsburgh, PA 15241), to renew the permit the Blacksville Mine No. 1 in Wayne Township, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received May 4, 2006. Permit issued March 6, 2007.

Permit Number 56841321 and NPDES Permit Number PA0001881, Miller Springs Remediation Management, Inc., (2480 Fortune Drive, Suite 300, Lexington, KY 40509-4168), to renew the permit for the Bird Mine No. 2/No. 3 in Conemaugh Township, **Somerset County** and Stoneycreek Township, **Cambria County** and related NPDES permit for water treatment only. No additional discharges. Application received June 1, 2006. Permit issued March 8, 2007.

Permit Number 30831303 and NPDES Permit Number PA0013511, Cumberland Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add surface acres to install the No. 5 Bleeder Shaft for ventilation. No additional discharges. Application received May 5, 2006. Permit issued March 8, 2007.

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

56040105 and NPDES No. PA0249602. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, revision of an existing bituminous surface-auger mine to revise existing Surface Mining Permit No. 56040105 to include a request for a permit boundary correction to add 3.4 acres for extracting coal, an additional 10.3 acres for support facilities; to delete 38.8 acres from the SMP and to revise the Subchapter "F" abatement plan. Total SMP acres goes to 150.1 in Paint and Shade Townships, **Somerset County**. Receiving streams: UNTs to Shade Creek classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received September 15, 2006. Permit issued: March 8, 2007.

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

24920101 and NPDES Permit No. PA0211338. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 33.8 acres. Receiving streams: UNT to Little Toby Creek. This renewal is issued for reclamation only. Application received January 12, 2007. Permit Issued March 5, 2007.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17060104 and NPDES No. PA0256358. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 132.0 acres. Receiving streams: UNTs to

Moshannon Creek; Hawk Run; Alder Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 12, 2006. Permit issued March 2, 2007.

Noncoal Permits Actions

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

37960303. B & P Slag Corp. (19 Lattavo Drive, New Castle, PA 16101) Renewal of NPDES Permit No. PA0227293 in Union Township, **Lawrence County** affecting 146.0 acres. Receiving streams Mahoning River. Application received January 12, 2007. Permit Issued: March 5, 2007.

16030302. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347) Renewal of NPDES Permit No. PA0242365 in Richland Township, **Clarion County** affecting 129.5 acres. Receiving streams: Two UNTs to Turkey Run and Turkey Run; Two UNTs to Clarion River. Application received January 8, 2007. Permit Issued March 7, 2007.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17071001. Maxwell Trucking & Excavating, Inc. (689 E. College Avenue, Pleasant Gap, PA 16823), application to extract noncoal (industrial minerals) in Bald Eagle Township, **Clinton County** to provide fill material to the First Quality Tissue 2 construction project. Receiving stream: Bald Eagle Creek, tributary to West Branch Susquehanna. Application received February 13, 2007. Issued February 27, 2007.

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

64060805. James T. LoPresti, (146 Gridline Road, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Texas Township, **Wayne County** affecting 1.0 acre, receiving stream: none. Application received May 3, 2006. Permit issued March 5, 2007.

58060873. Herbert Kilmer, (R. R. 4, Box 56 C, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received November 3, 2006. Permit issued March 6, 2007.

49040301. Central Builders Supply Company, (125 Bridge Avenue, Sunbury, PA 17801), commencement, operation and restoration of a quarry operation in Point Township, **Northumberland County** affecting 58.6 acres, receiving stream: none. Application received August 16, 2004. Permit issued March 7, 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.

BLASTING PERMITS ACTIONS

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

21074112. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for residential development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is February 25, 2008. Permit issued February 27, 2007.

21074111. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is February 25, 2008. Permit issued February 27, 2007.

21074113. Warrens Excavating & Drilling, Inc., P. O. Box 189, Bowmansville, PA 17507-0189, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 1, 2008. Permit issued February 28, 2007.

28074115. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Greene Township, **Franklin County**. Blasting activity permit end date is February 23, 2008. Permit issued February 28, 2007.

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

65054003. Golden Triangle Inc. (40 Patridge Lane, Imperial, PA 15126). Permit extension issued for continued blasting activities at a highway construction site located in the Municipality of Murrysville, the Borough of Export and Salem Township, **Westmoreland County**, with an extended duration to September 15, 2007. Permit extension issued: March 5, 2007.

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

42074001. Homeland Energy Ventures (15 Public Square, Suite 201, Wilkes-Barre, PA 18701). Blasting activity permit for a stone pit for building gas well roads in Hamilton Township, **McKean County**. This blasting activity permit will expire on August 1, 2007. Application received March 2, 2007. Application issued March 5, 2007.

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

06074104. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Clematis and Keller Streets Storm Sewer in Sinking Spring Borough, **Berks County** with an expiration date of March 1, 2008. Permit issued March 5, 2007.

36074120. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Charity Gardens in Clay Township, **Lancaster County** with an expiration date of March 1, 2008. Permit issued March 5, 2007.

45074110. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Lake in the Clouds Development in Barrett and Greene Townships, **Monroe County** with an expiration date of January 31, 2008. Permit issued March 5, 2007.

45074111. Silver Valley Drilling & Blasting, Inc., (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for East Stroudsburg School in East Stroudsburg Borough, **Monroe County** with an expiration date of April 1, 2008. Permit issued March 5, 2007.

67074110. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction

blasting for Pleasant View in Fairview Township, **York County** with an expiration date of March 1, 2008. Permit issued March 5, 2007.

22074105. Dyno Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Hummelstown Cemetery in Hummelstown Borough, **Dauphin County** with an expiration date of March 30, 2008. Permit issued March 6, 2007.

36074119. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Hempville School in East Hempfield Township, **Lancaster County** with an expiration date of December 31, 2007. Permit issued March 6, 2007.

36074121. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Wellsley Manor in Manheim Township, **Lancaster County** with an expiration date of March 1, 2008. Permit issued March 6, 2007.

36074122. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Parkside Development in East Hempfield Township, **Lancaster County** with an expiration date of March 1, 2008. Permit issued March 6, 2007.

38074103. Dyno Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for UCC Cemetery Campbelltown in South Londonderry Township, **Lebanon County** with an expiration date of March 30, 2008. Permit issued March 6, 2007.

67074112. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Glenbrook in Fairview Township, **York County** with an expiration date of March 1, 2008. Permit issued March 6, 2007.

22074106. Dyno Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for The Townes at Forest Hills in Lower Paxton Township, **Dauphin County** with an expiration date of March 30, 2008. Permit issued March 7, 2007.

36074123. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a manure storage pit in Earl Township, **Lancaster County** with an expiration date of April 30, 2007. Permit issued March 7, 2007.

38074104. Dyno Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Stone Knoll in South Londonderry Township, **Lebanon County** with an expiration date of March 30, 2008. Permit issued March 7, 2007.

45074112. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Timber Hills in Paradise and Price Townships, **Monroe County** with an expiration date of March 31, 2008. Permit issued March 7, 2007.

45074113. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Alpine Lake in Pocono Township, **Monroe County** with an expiration date of March 31, 2008. Permit issued March 7, 2007.

45074114. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Lake in the Clouds in Barrett Township, **Monroe County** with an expiration date of March 31, 2008. Permit issued March 7, 2007.

52074103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wild Acres

in Delaware Township, **Pike County** with an expiration date of March 31, 2008. Permit issued March 7, 2007.

67074115. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Whisper Run Development in Windsor Township, **York County** with an expiration date of March 1, 2008. Permit issued March 7, 2007.

06074105. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Brookfield Manor in Sinking Spring Borough, **Berks County** with an expiration date of March 15, 2008. Permit issued March 8, 2007.

15074103. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Willistown Township Sewer System in Willistown Township, **Chester County** with an expiration date of March 8, 2008. Permit issued March 8, 2007.

36074124. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Calvary Church in Manheim Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued March 8, 2007.

46074106. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for commercial development in Limerick Township, **Montgomery County** with an expiration date of March 5, 2008. Permit issued March 8, 2007.

67074113. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Stonegate Commons in Conewago Township, **York County** with an expiration date of December 30, 2008. Permit issued March 8, 2007.

67074114. Fitz & Smith, Inc., (P. O. Box 178, Dal-lastown, PA 17313), construction blasting for Eastern Boulevard Medical Office in Springettsbury Township, **York County** with an expiration date of February 28, 2008. Permit issued March 8, 2007.

67074115. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Friendship Estates in Warrington Township, **York County** with an expiration date of March 15, 2008. Permit issued March 8, 2007.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-904. Anderson Property, 27 Ring's End Road, Darien, CT 06820, Springfield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain 24 linear feet of 6-foot by 3-foot box culvert in and along a UNT to Cooks Creek (EV) to provide driveway access for a proposed single-family residence. Utilities will be installed within the disturbance area for the culvert. This project is located approximately 1,500 feet south of the intersection Adam's Way and SR 212 (Hellertown, PA, USGS Quadrangle N: 11.1 inches, W: 2.5 inches) in Springfield Township, **Bucks County**.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

E64-264. Andrew and Christina Dzerovych, 18 Heritage Court, Randolph, NJ 07869. Paupack Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To remove the top 4.5' of a boulder having approximate dimensions of 13' by 11' by 8' high and to remove a rock pile having approximate dimensions of 7' by 5' by 3' high containing approximately 25 rocks in Lake Wal-lenpaupack. The project is located at 39 Ledge Drive within the Rockledge Development (Hawley, PA Quadrangle N: 10.6 inches; W: 13.3 inches).

E64-262. Richard and Rita Mahler, 596 Annadale Road, Staten Island, NY 10312. Salem Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To excavate 0.27-acre of PEM wetlands within the Wallenpaupack Creek watershed (HQ-CWF) for the purpose of constructing a pond having a surface area of approximately 4.2 acres, a volume of approximately 38 acre-feet and a depth of 10 feet. The permittee is required to provide 0.27 acre of replacement wetlands. The project is located on the east side of Catterson Road approximately 0.75 mile south of Goose Pond Road (Lakeville, PA Quadrangle N: 3.5 inches; W: 13.8 inches).

E40-664. Kenneth and Patricia Ustynoski, 110 Ondish Road, Shavertown, PA 18708. Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To modify and maintain an existing boathouse and dock structure in Harveys Lake (HQ-CWF) with work consisting of the construction of an additional 546 sq. ft. pile supported dock. The total surface area of the modified structure will be approximately 1,388 sq. ft. and the dock will extend approximately 48 feet from the shoreline. The project is located on the southern end of the Lake at Pole No. 302. (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 5.4 inches). (Subbasin: 5B)

E35-389. David Stafursky, 502 Main Street, Archbald, PA 18403. Archbald Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain two at-grade road crossings of an existing stream enclosure and floodway of Wildcat Creek (CWF) and to construct and maintain a detention basin and various sanitary and stormwater lines in the floodway of Wildcat Creek (CWF). The work is associated with the Clover Leaf Residential Development. The project is located on the north side of Betty Street (SR 1010), approximately 700 feet east of Route 6 (Olyphant, PA Quadrangle N: 22.4 inches; W: 10.75 inches).

E45-476. Big Ridge Developers, LLP, 130 Buck Road, Holland, PA 18337. **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two road crossings and one utility crossing in tributaries to Pond Creek (HQ-CWF) and adjacent EV, PFO wetlands, as detailed on the attached list, to provide access and utility service to the remaining phases of the Country Club of the Poconos planned residential development and 18-hole golf course. A number of water obstructions and encroachments were previously authorized and constructed under Permit Nos. E45-147, E45-238 and E45-360 and this permit authorizes the remaining water obstructions and encroachments needed to complete the project. The project is generally located north of US Route 0209 between SR 1016 and Township Road T540 (Bushkill, PA-NJ Quadrangle N: 13.3 inches; W: 13.6 inches) in Middle Smithfield Township, Monroe County. The Environmental Assessments for the two stormwater management facilities (nonjurisdictional dams identified as Encroachment Nos. 32 and 33) have been approved. (Subbasin: 1E)

E45-496. Sanofi Pasteur, Inc., Discovery Drive, Route 611, P. O. Box 187, Swiftwater, PA 18370. Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with a proposed

wastewater treatment plant expansion project: 1.) A prefabricated steel pedestrian bridge having a single span of 77 feet and an underclearance of approximately 9.6 feet across Swiftwater Creek (HQ-CWF); 2.) various utility lines consisting of electrical conduits and wastewater processing and effluent pipes attached to the pedestrian bridge; 3.) an aerial utility line support structure carrying electrical conduits and wastewater processing and effluent pipes across approximately 100 feet of EV, PFO wetlands; and 4.) an outfall diffuser structure in Swiftwater Creek and associated piping across approximately 60 feet of adjacent wetlands. The project is located on the south side of Lower Swiftwater Road (SR 0314), approximately 0.4 mile downstream of SR 0611 (Mount Pocono, PA Quadrangle N: 17.0 inches; W: 9.8 inches). (Subbasin: 1E)

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

E06-614. Conrad Weiser Homestead, Pennsylvania Historical and Museum Commission, 28 Weiser Road, Womelsdorf, PA 19587-9718, Helderburg Township and Womelsdorf Borough, **Berks County**, ACOE Philadelphia District.

To install and maintain a 6-inch and a 4-inch cast iron pipe water line across two UNTs to the Tulpehocken Creek (TSF) for the purpose of delivering municipal water to the Historic Conrad Weiser Homestead. The project will impact approximately 12-feet of stream channel and is located off of SR 422 East, on Weiser Lane (Womelsdorf, PA Quadrangle; N: 4.9 inches, W: 4.5 inches; Latitude: 40° 21' 31.70", Longitude: 76° 10' 16.72") in Helderburg Township and Womelsdorf Borough, Berks County.

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

E02-478. Edward L. Baust, Sr., Peggy's Harbor & Boat Club, Foot of Liverpool Street, Pittsburgh, PA 15203. To amend Permit No. E02-478 in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 14.6 inches; W: 4.8 inches and Latitude: 40° 27' 19"; Longitude: 80° 2' 4"). In response to your February 26, 2002 request and information received on March 13, September 3 and 4, 2002, we hereby amend Permit No. E02-478 to include the operation and maintenance of an expansion to the boat docking facility and to construct and maintain an expansion to the existing walkway. The new total length of the marina will be 2,256 feet.

E02-1543. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a bridge in Collier Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 3.4 inches; W: 15.4 inches and Latitude: 41° 29' 26"; Longitude: 81° 46' 05"). To construct and maintain a 55.8 ft. span, 10.63 ft. underclearance, 32.9 ft. wide double lane bridge replacement of an existing 51.0 ft. span, 8.91 ft. underclearance, 16.0 ft. wide single lane bridge over Robinson Run (WWF) with a drainage area of 39.1 square miles; construct and maintain a 20 ft. culvert extension of an adjoining UNT to Robinson Run with a drainage area less than 100 acres located on Dorrington Road SR 3117.

E02-1552. Gigliotti-Sirera & Associates, LLC, 11279 Perry Highway, Suite 509, Wexford, PA 15090. To construct a culvert in West Deer Township, **Allegheny**

County, Pittsburgh ACOE District. (Curtisville, PA Quadrangle N: 0.6 inches; W: 17.0 inches and Latitude: 40° 37' 42"; Longitude: 79° 52' 21"). To construct and maintain a 72-inch diameter culvert depressed 6-inches below the natural streambed in the channel of a UNT to West Branch Deer Creek (CWF) located under Maple Court to provide access to the proposed Oakwood Heights Plan of Lots which is located approximately 150 feet south from the intersection of Maple Court and Dogwood Court. To construct and maintain seven stream crossings with various UNTs to the West Branch Deer Creek (CWF) within watersheds with drainage areas under 100 acres. This project will impact a total of approximately 831.0 linear feet of stream channel. The applicant also proposes to construct and maintain an 8-inch diameter utility line under the bed and across the channel of said stream located on Lots 230 and 231.

E03-440. Armstrong County Commissioners, Courthouse Administration Building, 450 Market Street, Kittanning, PA 16203. To construct a bridge in North Buffalo Township, **Armstrong County**, Pittsburgh ACOE District. (Worthington, PA Quadrangle N: 9.25 inches; W: 3.25 inches; Latitude: 40° 48' 01"; Longitude: 79° 38' 52"). To remove the existing structure (County Bridge No. 2) and to construct and maintain a bridge having a span of 86.33 feet with an underclearance of 13.6 feet across the channel of Buffalo Creek (TSF) for the purpose of improving highway safety. The project is located on T-659 (Beatty Mill Road), just east from the intersection of T-659 (Beatty Mill Road) and T-314 (Hogg Road) and will impact approximately 40.0 linear feet of stream channel.

E11-315. Blacklick Valley Municipal Authority, P. O. Box 272, Twin Rocks, PA 15960. To repair a flood control project in Vintondale Borough, **Cambria County**, Pittsburgh ACOE District. (Vintondale, PA Quadrangle N: 19.8 inches; W: 6.8 inches; Latitude: 40° 29' 02"; Longitude: 78° 55' 23"). To operate and maintain the reconstruction and repair of the Vintondale Flood Control Dike surrounding a water main and a wastewater main. The project consists of excavation and select backfill around a 6-inch diameter water main and a 6-inch diameter wastewater force main and appurtenance in accordance with the Department of Environmental Protection's letter dated November 3, 2004. The pipelines cross the South Branch Blacklick Creek flood protection levee. The project is located near the confluence of the north and south branches of Blacklick Creek (CWF).

E26-338. Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To construct a culvert in Wharton Township, **Fayette County**, Pittsburgh ACOE District. (Fort Necessity, PA Quadrangle N: 17.2 inches; W: 16.6 inches; Latitude: 39° 50' 38"; Longitude: 79° 37' 12"). To construct and maintain a 38 lf, 36 inches rcp culvert to replace an existing 12 lf, 24 inches rcp culvert section; construct and maintain a 125 lf 53 inches by 34 inches oval rcp culvert (depressed 5"); fill and maintain 0.04 acre of adjoining PEM wetland in a UNT to Big Sandy Creek (HQ-CWF) with a drainage area less than 100 acres. The project provides for road improvements to SR40 including the relocation of the intersection with SR2010.

E56-342. Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To construct and maintain a two span bridge in the Borough of Meyersdale, **Somerset County**, Pittsburgh ACOE District. (Meyersdale, PA Quadrangle N: 12.0 inches; W: 1.1 inches; Latitude: 39° 49' 56"; Longitude: 79° 00' 30"). To construct and main-

tain a 40 ft. wide, 127.8 ft. long, two span bridge with an underclearance of 6.94 ft. and 45 degree skew; to replace the existing SR 2006, 26.3 ft. wide, 76.4 ft. long, two span bridge with an underclearance of 9.68 ft. over Flaugherty Creek (CWF) with a drainage area of 23.89 square miles. The project is located approximately 0.4 miles east of the Borough of Meyersdale.

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

E04-308. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. I-76 in Big Beaver Borough, **Beaver County**, ACOE Pittsburgh District (Bessemer, New Gallalie, Beaver Falls, PA Quadrangles, 40° 52' 52" N; 80° 25' 22" W).

Turnpike Commission is proposing reconstruction of the existing Turnpike at Milepost 1.85 (Lawrence County) to Milepost 9.29 (Beaver County) from two 12-foot travel lanes with 12-foot shoulders to three 12-foot travel lanes, 12-foot shoulders and 3.5-foot shoulder back-ups.

This project includes 1,852.41 linear feet of stream impacts (420.17 linear feet in Beaver County for one stream relocation, as well as one culvert extension and two pipe extensions).

This project also includes placement of fill in 2.09 acre of wetland 1.89 acres PEM and 0.20 acre PSS wetland with 0.25 acre of wetland 0.246 acre PEM and 0.003 acre PSS being in Beaver County. Wetland replacement will consist of 2.283 acres of PEM/PSS wetland habitat located adjacent to both the north and southbound lanes of Interstate 76 at Milepost 6.1.

According 25 Pa. Code, Chapter 93, North Fork Little Beaver Creek is classified as HQ-CWF.

E20-547. Allegheny College, 520 North Main Street, Meadville, PA 16335. Construction Fill Area, in the City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 5.8 inches; W: 3.8 inches).

The applicant proposes to place approximately 35,000 cubic yards of clean fill from campus construction projects over a 10 to 15 year period approximately 0.75 mile N of the intersection of Park Avenue and Baldwin Street in the City of Meadville, Crawford County (Meadville, PA Quadrangle N: 5.8 inches; W: 3.8 inches) involving: 1) to fill 0.58 acre of PEM wetland; 2) to replace 0.61 acre of PEM wetland onsite; 3) channel changes including channel stabilization, channel reestablishment, construction and maintenance of culverts and channel fills within a 1165-foot length of watercourses with drainage areas of less than 10 acres. The project proposes to directly impact 0.58 acre of PEM wetland. The watercourses are intermittent tributaries to French Creek classified as WWF.

E37-173. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. I-76 in Little Beaver Township, New Beaver Borough, **Lawrence County**, ACOE Pittsburgh District (Bessemer, New Gallalie, Beaver Falls, PA Quadrangles, 40° 52' 52" N; 80° 25' 22" W).

Turnpike Commission is proposing reconstruction of the existing Turnpike at Milepost 1.85 (Lawrence County) to Milepost 9.29 (Beaver County) from two 12-foot travel lanes with 12-foot shoulders to three 12-foot travel lanes, 12-foot shoulders and 3.5-foot shoulder back-ups.

This project includes 1,852.41 linear feet of stream impacts (1,432.24 linear feet in Lawrence County) for six stream relocations, six culvert extensions, ten pipe extensions and the replacement of the following two bridge structures:

To remove the existing structure and to construct and maintain a simple-span bridge having a clear span of 72 feet 6 inches and an underclearance of 22.84 feet across Honey Creek on I-76 Milepost 2.24.

To remove the existing structure and to construct and maintain a simple-span bridge having a clear span of 43.5 feet and an underclearance of 7.93 feet across Beaverdam Run on I-76 Milepost 5.94.

This project also includes placement of fill in 2.09 acres of wetland 1.89 acres PEM and 0.20 acre PSS wetland with 1.84 acres of wetland 1.64 acres PEM and 0.19 acre PSS being in Beaver County. Wetland replacement will consist of 2.283 acres of PEM/PSS wetland habitat located adjacent to both the north and southbound lanes of Interstate 76 at Milepost 6.1.

According 25 Pa. Code, Chapter 93, North Fork Little Beaver Creek is classified as HQ-CWF.

**STORAGE TANKS
SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-39-003	Wakefern Food Corporation 33 Northfield Avenue P. O. Box 7812 Edison, NJ 08818-7812 Attn: John Parsons	Lehigh	Upper Macungie Township	2 ASTs storing diesel fuel	37,000 gallons total
07-09-005	Basic Chemical Solutions, LLC 5 Steel Road East Morrisville, PA 19067 Attn: Brian Young	Bucks	Morrisville Borough	2 ASTs storing hazardous substances	80,000 gallons total

SPECIAL NOTICES

Notice of Extension of Request for Comment Period For the Revised Final Total Maximum Daily Load (TMDL) for the Little Schuylkill River Watershed

The Department of Environmental Protection (Department) is accepting public comments on the revised (February 2007) final TMDL for the Little Schuylkill River Watershed. The Department will consider all comments to the revised final TMDL, which will be submitted to the Environmental Protection Agency for approval. The TMDL for the Little Schuylkill River Watershed was developed in accordance with the requirements of The Clean Water Act, Section 303(d).

The Department will accept written comments on the revised final Little Schuylkill River Watershed TMDL. All written comments must be postmarked by March 30, 2007, and sent to James Andrews, Geologic Specialist, Department of Environmental Protection, Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, jameandrew@state.pa.us

To request a copy of the TMDL and associated information sheet, contact Jim Andrews at the phone number or email address indicated previously.

The revised final TMDL for the Little Schuylkill River Watershed can be accessed through the Department's website at www.depweb.state.pa.us (DEP Keyword: TMDL) and click GO.

Notice of Extension of Request for Comment Period For the Draft Total Maximum Daily Load (TMDL) for the Upper Schuylkill River Watershed Addressing Impairments Due to Mine Drainage

The Department of Environmental Protection (Department) is accepting public comments on the draft TMDL

for the Upper Schuylkill River Watershed. The Department will consider all comments in developing the final TMDL for the Upper Schuylkill River Watershed, which will be submitted to the Environmental Protection Agency for approval. The draft TMDL for the Upper Schuylkill River Watershed was developed in accordance with the requirements of the Clean Water Act, Section 303(d).

The Department will accept written comments on the draft Upper Schuylkill River Watershed TMDL. All written comments must be postmarked by March 30, 2007 and sent to James Andrews, Geologic Specialist, Department of Environmental Protection, Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, jameandrew@state.pa.us

To request a copy of the TMDL and associated information sheet, contact Jim Andrews at the phone number or email address indicated previously.

The draft TMDL for the Upper Schuylkill River Watershed can be accessed through the Department's website at www.depweb.state.pa.us (DEP Keyword: TDML) and click GO.

[Pa.B. Doc. No. 07-507. Filed for public inspection March 23, 2007, 9:00 a.m.]

Bid Opportunities

OSM 61(2906)101.1. Abandoned Mine Land Reclamation Project, Woods Corners, Irwin Township, Venango County. The principal items of work include clearing and grubbing, dewatering and diversion and care of water, 118,550 cubic yards of grading, 4,410 tons of limestone bed aggregate, 530 square yards of maintenance roadway surface material, one diaphragm valve,

two flumes, one precast concrete vault, 5,300 square yards of impervious lining (PVC), 1,240 linear feet of subsurface drain, 106 linear feet of smooth interior corrugated polyethylene pipe, 195 linear feet of polyvinyl chloride (PVC) pipe, 3,750 cubic yards of sludge material excavation and 34 acres of seeding. This project issues on March 23, 2007, and bids will be opened on April 19, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Federal funds have been made available for this project from the \$22.4 million for Pennsylvania's 2006 AML Grant. 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. 07-508. Filed for public inspection March 23, 2007, 9:00 a.m.]

Request for Proposal

RFP No. BMR-MSI-2006-1. Notice is given that the Department of Environmental Protection (Department) will be soliciting proposals from qualified vendors to conduct an actuarial study that will evaluate the premiums, premium rates, premium calculations and coverage limits of the Mine Subsidence Insurance (MSI) Fund. The study period will be from July 1, 1991, through June 30, 2006. This is a Statewide contract covering all counties, and will last for 120 days. Proposals must be submitted to the Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461 no later than 10 a.m. on Tuesday, May 1, 2007. Note that for hand delivery or special mail delivery, the address is 5th Floor, Rachel Carson State Office Building (RCSOB), 400 Market Street, Harrisburg, PA 17101. A preproposal conference is scheduled for Tuesday, April 10, 2007, at 10 a.m., Rachel Carson State Office Building, 2nd Floor Training Room, 400 Market Street, Harrisburg, PA 17105. It is recommended that prospective proposers attend but it is not mandatory. The RFP is available at www.dgsweb.state.pa.us/comod/main.asp. The deadline to submit questions by means of e-mail to lrueane@state.pa.us is April 2, 2007.

KATHLEEN MCGINTY,
Secretary

[Pa.B. Doc. No. 07-509. Filed for public inspection March 23, 2007, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

Contractor	Address	Date of Debarment
William Crilly Construction and William Crilly and Cindy Zang, Individually	106 Greenhill Road Karns City, PA 16041	3/13/2007

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 07-510. Filed for public inspection March 23, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle IV Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle IV.

2. *Price:* The price of a Pennsylvania Millionaire Raffle IV lottery game ticket is \$20.

3. *Ticket Sales And Drawing Date:* Pennsylvania Millionaire Raffle IV lottery game tickets sales will commence on or after May 29, 2007, and will continue until all 625,000 tickets have been sold, or 5 p.m. on July 7, 2007, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle IV lottery game ticket will contain one unique eight-digit number between 00000001 and 00625000, for a total of 625,000 tickets.

5. *Prizes:* The prizes that can be won in this game are: \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 625,000 tickets printed and sold for the Pennsylvania Millionaire Raffle IV lottery game. The chances will be sequentially issued on a Statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle IV will be televised on July 7, 2007, at or about 7 p.m. The drawing will be conducted with the aid of an electronic device. Seven-thousand-seven-hundred-seventy-seven (7,777) unique eight-digit numbers will be drawn, between 00000001 and 00625000. The first five unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The sixth through tenth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The eleventh through 210th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 211th through 7,777th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle IV prizes and determination winners are as follows:

Ticket Matching Exactly the Unique Eight-digit Number Drawn In:

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

Maximum Odds Of Winning Are 1 In:

125,000
125,000
3,125
83

Number of Winners

5
5
200
7,567

All Pennsylvania Millionaire Raffle IV lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle IV lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Millionaire Raffle IV, prize money from winning Pennsylvania Millionaire Raffle IV 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 anniversary date of the raffle drawing in which the ticket or chance was entered, 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.

12. *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.

THOMAS W. WOLF,
Acting Secretary

[Pa.B. Doc. No. 07-511. Filed for public inspection March 23, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Northumberland 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 Federal Highway Administration and the Department of Transportation (Department) is planning to replace an existing drainage culvert (SR 11) in Northumberland Borough, Northumberland County. This project will require the acquisition of a minor amount of property from a contributing parcel of the Northumberland Borough Historic District.

Information describing the project together with the associated environmental analysis is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project.

The National Register listed Northumberland Borough Historic District is a Section 2002/Section 4(f) resource. Impacts to this resource will constitute a use of the Section 2002/Section 4(f) resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

M. G. PATEL, P. E.,
Chief Engineer

[Pa.B. Doc. No. 07-512. Filed for public inspection March 23, 2007, 9:00 a.m.]

FISH AND BOAT COMMISSION

Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to Boat and Marine Forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*.

Under section 5331(c), the Commission has fixed the maximum amount for 2007 as \$5,105.

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

[Pa.B. Doc. No. 07-513. Filed for public inspection March 23, 2007, 9:00 a.m.]

Reopening Quaker Lake Access Area, Susquehanna County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(a) (relating to limiting access to Commission property and other restrictions), previously closed the Commission's access area at Quaker Lake, Susquehanna County, to all public use. On March 5, 2007, the Executive Director reopened the access area to public use, effective immediately.

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

[Pa.B. Doc. No. 07-514. Filed for public inspection March 23, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Voluntary Surrender of Certificate of Authority

Horizon Healthcare of Pennsylvania, Inc., a domestic health maintenance organization, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-515. Filed for public inspection March 23, 2007, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:
Allegheny County, Wine & Spirits Shoppe #0285, 4760 William Flynn Highway, Allison Park, PA 15101.

Lease Expiration Date: 90-day status since 4/1/2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 4,500 net useable square feet of new or existing retail commercial space in a shopping center environment along Route 8 between the PA Turnpike interchange and Wildwood Road, Allison Park.

Proposals due: April 13, 2007 at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division
State Office Building, Room 408
300 Liberty Avenue
Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Philadelphia County, Wine & Spirits Shoppe #5149, 4049 Market Street, Philadelphia, PA 19104.

Lease Expiration Date: June 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of 40th and Market Streets, Philadelphia.

Proposals due: April 13, 2007 at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division
8305 Ridge Avenue
Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 07-516. Filed for public inspection March 23, 2007, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board of Directors on Tuesday, April 10, 2007, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Administrator

[Pa.B. Doc. No. 07-517. Filed for public inspection March 23, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service

A-125114F2000. Mountain Energy, Ltd. Application of Mountain Energy, Ltd. for approval of the abandonment of retail gas service in the Townships of Richhill, Aleppo, Springhill, Jackson, Freeport and Center in Greene County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 9, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Mountain Energy, Ltd.

Through and By Counsel: J. William Hook, Esquire, Hook and Hook, 189 West High Street, Waynesburg, PA 15370

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-518. Filed for public inspection March 23, 2007, 9:00 a.m.]

Implementation of the Public Utility Confidential Security Information Disclosure Protection Act

Governor Edward Rendell signed into law the act of November 29, 2006 (P. L. No. 1435, No. 156) (Act 156). Act 156 provides safeguards for confidential security information of public utilities that is provided to State agencies such as the Pennsylvania Public Utility Commission (Commission) from disclosure that may compromise security against sabotage or criminal or terrorist acts. At the March 1, 2007, public meeting at M-00072014, this Commission adopted an Implementation Order to provide guidance to all jurisdictional public utilities of their Act 156 responsibilities and the Commission's expectations for transmittal letters and for the proper identification and marking of confidential security information. This Implementation Order provides guidance on how and when the Commission will meet its obligations to develop the rules and regulations and other associated actions necessary to implement Act 156.

The purpose of this notice is to advise all jurisdictional public utilities of the adoption of this Implementation Order and to direct any public utility that has not received a copy in the mail to our website to obtain a copy. The Commission has posted this Implementation Order at www.puc.state.pa.us/PcDocs/651604.doc.

In brief, Act 156 directs the Commission to develop: (1) filing protocols and procedures for public utilities to follow when submitting records containing confidential security information; (2) protocols and procedures to address challenges to the designations or requests to examine records containing confidential security information; and (3) protocols and procedures to protect public utility records or portions thereof that contain confiden-

tial security information from prohibited disclosure by Commission employees. Section 3(b)—(d) of Act 156. Commission employees who improperly disclose confidential security information are subject to criminal penalties as enumerated in Act 156 and to termination of employment. Section 6 of Act 156.

As a general rule, Act 156 mandates that agencies such as the Commission shall not release, publish or otherwise disclose a public utility record or portion thereof that contains confidential security information. Section 5(a) of Act 156. "Confidential security information" is defined in the act as any information contained within a record maintained by an agency, the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, public property or public utility facilities. The Act then specifically defines confidential security information to include:

- (1) Vulnerability assessments.
- (2) Portions of emergency response plans that would reveal vulnerability assessments, specific tactics or specific emergency or security procedures.
- (3) A plan, map or other drawing or data which shows the location or reveals location data on community drinking water wells and surface water intakes.
- (4) Security plans or procedures prepared specifically for the purpose of preventing or for protection against sabotage or criminal or terrorist acts.
- (5) Specific information, including portions of financial statements, about security devices or personnel, designed to protect against sabotage or criminal or terrorist acts.

To learn more on how the Commission plans to implement Act 156 requirements, any public utility or interested party that has not received a copy of the Implementation Order may visit the Commission's website listed previously to obtain a copy of it. Persons who have any questions should contact Carl Hisiro, (717) 783-2812, in the Commission's Law Bureau.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-519. Filed for public inspection March 23, 2007, 9:00 a.m.]

Railroad Crossing

Application of the Department of Transportation for approval to abolish and remove the public roadway surface where SR 1001, Section A02 crosses under a single track owned and operated on by R. J. Corman Railroad Company/Pennsylvania Lines, Inc., and for approval to install a full depth high-type concrete crossing surface and automatic warning devices with pre-emption and gates where the new SR 1001 connector, Section A02, will cross at-grade the single track owned and operated by R. J. Corman Railroad Company/Pennsylvania Lines, Inc. in Lawrence Township, Clearfield County; and the allocation of costs incident thereto. Doc. A-00122926.

An initial hearing on this matter will be held at 10 a.m. on Thursday, May 17, 2007, in an available hearing room, Pittsburgh State Office Building, 300 Liberty Avenue,

Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-520. Filed for public inspection March 23, 2007, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 16, 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-00123534. Cheryl Wilson (633 Cambridge Road, Honey Brook, Lancaster County, PA 19344)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County and a portion of Chester County west of Route 10, to points in Pennsylvania and return.

A-00123537. Catherine E. Hartzell (6067 Canoe Ripple Road, Know, Clarion County, PA 16232)—persons, in paratransit service, from points in the counties of Clarion and Venango Counties, to points in Pennsylvania and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-00110733, F1, Am-A Germantown Cab Co. (800 Chestnut Street, Philadelphia, Philadelphia County, PA 19107), *inter alia*—persons, upon call or demand, from points in that portion of Whitemarsh Township, Montgomery County, bounded as follows: beginning on Ridge Pike; at the Springfield Township Line, northwest on Ridge Pike to Butler Pike, northeast on Butler Pike to the Whitemarsh Township Line, southeast, along the Whitemarsh Township Line to Bethlehem Pike, south on Bethlehem Pike to Valley Green Road, northeast on Valley Green Road to the Whitemarsh Township Line, southwest along the Whitemarsh Township Line to Ridge Pike: *So As To Permit* the transportation of persons, upon call or demand from points in that portion of Montgomery County bounded as follows: beginning at Ridge Pike on the Philadelphia and Montgomery County boundary proceeding west along that boundary to the Schuylkill River, northwest along the Schuylkill River to PA Route 363,

northeast on PA Route 363 to Skippack Pike, southeast on Skippack Pike to Butler Pike, southwest to Ridge Pike to points of beginning.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-00115480, F5. Corey Transport, LLC (10885 Homewood Road, Meadville, Crawford County, PA 16335), a limited liability company of the Commonwealth of Pennsylvania—additional right—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City of Meadville, Crawford County, and within an airline radius of 60 statute miles of the limits of said city, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-521. Filed for public inspection March 23, 2007, 9:00 a.m.]

Sewer Service

A-230180F2000. Jackson Sewer Corporation. Application of the Jackson Sewer Corporation for approval of the abandonment/discontinuance of sewer service to the public within Jackson Township, York County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 9, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Jackson Sewer Corporation

Through and By Counsel: William H. Poole, Jr., Esquire, Miller, Poole and Lord, LLP, 139 East Philadelphia Street, York, PA 17403.

By the Commission

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-522. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-310593F7002. The United Telephone Company of Pennsylvania d/b/a Embarq and 1-800-RECONEX d/b/a U. S. Tel. Joint petition of The United Telephone Company of Pennsylvania d/b/a Embarq and 1-800-RECONEX d/b/a U. S. Tel for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Embarq and 1-800-RECONEX d/b/a U. S. Tel, by its counsel, filed on March 7, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and

resale 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 The United Telephone Company of Pennsylvania d/b/a Embarq and 1-800-RECONEX d/b/a U. S. Tel 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. 07-523. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-310781F7000. Verizon Pennsylvania, Inc. and Choice One Communications of Pennsylvania, Inc. Joint petition of Verizon Pennsylvania, Inc. and Choice One Communications of Pennsylvania, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Choice One Communications of Pennsylvania, Inc., by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the 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 Choice One Communications of Pennsylvania, 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. 07-524. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-310921F7000. Verizon Pennsylvania, Inc. and Conversent Communications of Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, Inc. and Conversent Communications of Pennsylvania, LLC for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Conversent Communications of Pennsylvania, LLC, by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment

no. 3 to the 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 Conversent Communications of Pennsylvania, LLC 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. 07-525. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-310295F7000. Verizon Pennsylvania, Inc. and CTC Communications Corp. Joint petition of Verizon Pennsylvania, Inc. and CTC Communications Corp. for approval of amendment no. 1 to the comprehensive interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CTC Communications Corp., by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the comprehensive 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 CTC Communications Corp., 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. 07-526. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-310295F7000. Verizon Pennsylvania, Inc. and CTC Communication Corp. Joint petition of Verizon Pennsylvania, Inc. and CTC Communications Corp. approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CTC Communications Corp., by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the 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 CTC Communications Corp., 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. 07-527. Filed for public inspection March 23, 2007, 9:00 a.m.]

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 FiberNet Telecommunications of Pennsylvania, LLC 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. 07-529. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-310696F7000. Verizon Pennsylvania, Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company. Joint petition of Verizon Pennsylvania, Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the 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 DIECA Communications, Inc. d/b/a Covad Communications Company, 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. 07-528. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-311331F7000. Verizon Pennsylvania, Inc. and XO Communications Services, Inc. (f/k/a XO Pennsylvania, Inc., f/k/a NEXTLINK Pennsylvania, Inc.). Joint petition of Verizon Pennsylvania, Inc. and XO Communications Services, Inc. for approval of amendment no. 6 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and XO Communications Services, Inc., (f/k/a XO Pennsylvania, Inc. f/k/a NEXTLINK Pennsylvania, Inc.) by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 6 to the 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 XO Communications Services, Inc. (f/k/a XO Pennsylvania, Inc., f/k/a NEXTLINK Pennsylvania, 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. 07-530. Filed for public inspection March 23, 2007, 9:00 a.m.]

Telecommunications

A-310828F7000. Verizon Pennsylvania, Inc. and FiberNet Telecommunications of Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, Inc. and FiberNet Telecommunications of Pennsylvania, LLC for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and FiberNet Telecommunications of Pennsylvania, LLC, by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Water Service

A-212285F0143. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Middle Smithfield Township, Monroe County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 9, 2007. The documents filed in support

of the application 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 applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033
JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-531. Filed for public inspection March 23, 2007, 9:00 a.m.]

Water Service

A-230550F2000. W. P. Sanitary Company, Inc. Application of W. P. Sanitary Company, Inc., d/b/a Washington Park Sanitary Company for approval of the abandonment/discontinuance of water service to the public in a portion of Washington Township known as Washington Park Development, Wyoming, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 9, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: W. P. Sanitary Company, Inc.

Through and By Counsel: Ernest D. Preate, Jr., Esquire, Mellon Bank Building, 400 Spruce Street, Suite 300, Scranton, PA 18503

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-532. Filed for public inspection March 23, 2007, 9:00 a.m.]

Water Service

A-212550F0025. The York Water Company. Application of The York Water Company for approval of the right of The York Water Company to offer or furnish water service to the public in portions of Hamilton, Reading, Berwick, Oxford and Mount Pleasant Townships, Adams County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 9, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: The York Water Company

Through and By Counsel: Michael W. Hassell, Esquire, Anthony D. Kanagy, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-533. Filed for public inspection March 23, 2007, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts. The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

April 18, 2007	Terry G. Mackie (Credited Years of Service)	1 p.m.
	Gordon B. Ripkey (Final Average Salary)	2:30 p.m.
May 1, 2007	Kenneth A. Viani (Final Average Salary)	1 p.m.
May 16, 2007	Janice Z. Anderson (Health Care Premium Assistance)	1 p.m.
May 30, 2007	William Wallace Jr. (D) (Death Benefit)	1 p.m.

If you are a person with a disability, wish to attend the previously-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings contact Marilyn Fuller-Smith Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 07-534. Filed for public inspection March 23, 2007, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

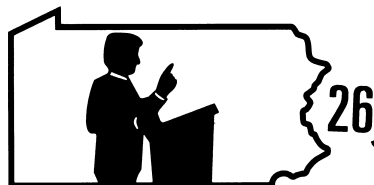
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

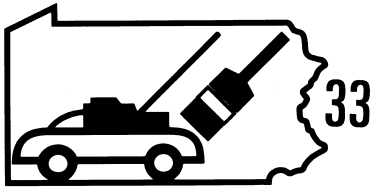
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ANTHONY E. WAGNER,
Acting Treasurer
Deputy State Treasurer for Investments and Programs

SERVICES



Property Maintenance

CN00025380. The Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of State Parks, Prince Gallitzin State Park, requires services from a contractor to fell and move or remove trees varying from approximately 3" to 30" diameter from three locations, and trim or remove limbs within the campground at Prince Gallitzin State Park. All trees are marked with yellow paint. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868 or online at www.vendorregistration.state.pa.us. A site inspection is optional, prior to the bid opening. The site may be visited Monday thru Friday from 8:00 a.m. to 4:00 p.m., after contacting Rory Bower, Assistant Park Manager, Prince Gallitzin State Park, at 814-674-1001 to arrange a visit. Bid Opening Date/Time: 03/22/2007 at 2:00 P.M.

Department: Conservation and Natural Resources

Location: Prince Gallitzin State Park, 966 Marina Road, Patton, PA 116668-6317

Duration: The contract shall commence upon execution and receipt of Purchase Order and Notice to Proceed letter, and terminates June 30, 2007

Contact: Steven E. Smith, 717-783-1896

[Pa.B. Doc. No. 07-535. Filed for public inspection March 23, 2007, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

