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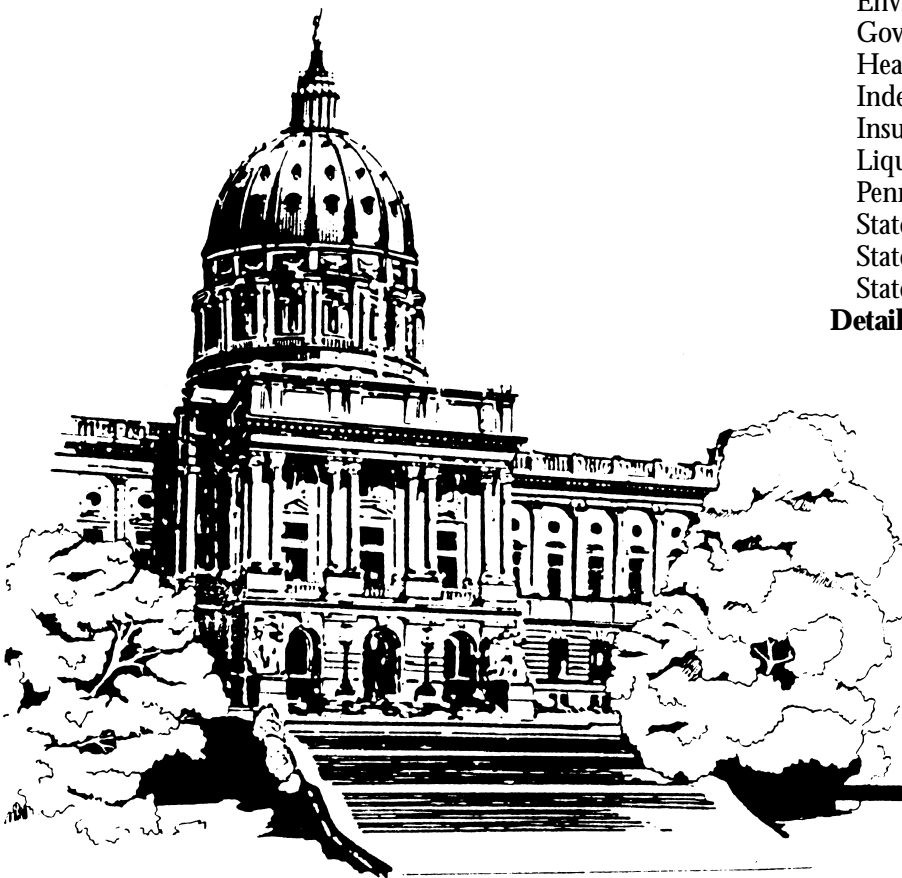
# PENNSYLVANIA BULLETIN

Volume 38  
Saturday, March 22, 2008 • Harrisburg, PA  
Number 12  
Pages 1341—1428

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Department of Environmental Protection  
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Pennsylvania Public Utility Commission  
State Board of Cosmetology  
State Employees' Retirement Board  
State Real Estate Commission

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(Master Transmittal Sheet):**

**No. 400, March 2008**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

**Amendment of Rule 220.1 Governing Voir Dire; No. 490 Civil Procedural Rules; Doc. No. 5**

#### Order

*Per Curiam:*

*And Now*, this 11th day of March, 2008, Pennsylvania Rule of Civil Procedure 220.1 is amended to read as follows.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 220.1. Voir Dire.

(a) Voir dire shall be conducted to provide the opportunity to obtain at a minimum a full description of the following information, where relevant, concerning the prospective jurors and their households:

\* \* \* \* \*

(16) Such other pertinent information as may be appropriate to the particular case to achieve a competent, fair and impartial jury.

**Official Note:** For example, under presently prevailing law as established by the Superior Court, voir dire should have been allowed with respect to the effect of pre-trial publicity on prospective jurors' "attitudes regarding medical malpractice and tort reform." *Capoferri v. Children's Hosp. of Phila.*, 893 A.2d 133 (Pa. Super. 2006) (en banc).

\* \* \* \* \*

#### Explanatory Comment

Rule 220.1 governing voir dire has been amended with the addition of a note to subdivision (a)(16). Subdivision (a) lists the information to which parties are entitled to obtain during voir dire, concluding with a catch-all provision in subparagraph (16). The note cites *Capoferri v. Children's Hospital of Philadelphia*, 893 A.2d 133 (Pa. Super. 2006) (en banc), as an example of the type of information that may be sought from potential jurors pursuant to subparagraph (16) to achieve a competent, fair and impartial jury in a particular case.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 08-500. Filed for public inspection March 21, 2008, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 1 AND 11 ]

#### Proposed Modifications of Rules 121 and 1121

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modifications of Rules 121 and 1121 be adopted and prescribed. The proposed modified Rules provide that a local rule shall be submitted to the Juvenile Court Procedural Rules Committee to ensure that there are no inconsistencies with the Statewide rules prior to adoption of the local rule and a reorganization of the rule to emphasize the intent of this proposed change. 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 Friday, May 9, 2008.

*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 121. Local Rules.

A. **Definition of Local Rule.** For the purpose of this rule, the term, "local rule" shall include every rule, **administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile delinquency practice and procedure[, which requires a party or party's attorney to do or refrain from doing something ]**.

B. [All previously promulgated local rules are hereby vacated, effective October 1, 2005.] **Vacated Local Rules and Repromulgation.**

1) All local rules promulgated before October 1, 2005 were vacated at the time of the adoption of these Rules.

2) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. Corresponding numbers. Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. Submission to Committee.

1) All proposed local delinquency rules and proposed amendments to local delinquency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or amendments until the adopting court receives written notification from the Committee that the proposed local rule or amendments are not inconsistent with any general rule of the Supreme Court.

[ C ] E. Vacating and Suspending Local Rules. Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

[ 1 ] Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure.

2) Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond. ]

F. Publication of Local Rules. All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

2) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule in the *Pennsylvania Bulletin*.

G. Filing with AOPC. Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*,

the adopting court shall file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts.

[ D. A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

1) A local rule shall be in writing.

2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.

3) Two certified copies of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Juvenile Court Procedural Rules Committee.

5) ] H. Public inspection.

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

[ E. A local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*. ]

[ F ] I. Mandatory Acceptance of Filing.

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the [ attorney ] party to comply with the local rule.

[ G. The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation. ]

#### Comment

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation [ shall ] is not to determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this

rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B) [ **vacates** ] **vacated** all current local rules on October 1, 2005, the **original** effective date of this rule. The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) [ **(2)** ] and meeting the appropriate filing requirements under [ **paragraph** ] **paragraphs** [ **(D)** ] **(F) & (G)**.

To simplify the use of local rules, local juvenile delinquency procedural rules are required to be given numbers that are keyed to the number of the general juvenile delinquency procedural rules to which the local rules correspond **pursuant to paragraph (C)**. This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile delinquency procedural rule.

**Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.**

[ **The purpose of paragraph (D) is to** ] **The 2008 amendments** emphasize that the adopting authority [ **shall** ] **is to** comply with all the provisions of [ **paragraph (D)** ] **this rule** before any local rule, or any amendment to local rules, will be effective and enforceable.

**Paragraph (F) requires the local rule to be published in the *Pennsylvania Bulletin* to be effective. Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.**

[ **Paragraph (D)(5) requires that a separate consolidated set of local rules be maintained in the clerk's office.**

**The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>. ]**

**Pursuant to paragraph (F)(2), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.**

Although under paragraph [ **(E)** ] **(F)(3)** a local rule [ **shall** ] **is not to** be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action,

the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

**The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.**

**Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.**

The purpose of paragraph [ **(F)** ] **(I)** is to: **1) require that all documents presented for filing are accepted by the clerk of court, also see Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph [ (F) ] (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.**

After the court has alerted the party to the local rule pursuant to paragraph [ **(F)** ] **(I)**, the court may impose a sanction for subsequent noncompliance either on the attorney or the juvenile if proceeding pro se, but may not dismiss the case, or grant or deny relief because of non-compliance.

\* \* \* \* \*

## **Subpart B. DEPENDENCY MATTERS**

### **CHAPTER 11. GENERAL PROVISIONS**

#### **PART A. BUSINESS OF COURTS**

#### **Rule 1121. Local Rules.**

**A. *Definition of Local Rule.*** For the purpose of this rule, the term, "local rule" shall include every rule, **administrative order**, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, **which is adopted or enforced by a court of common pleas to govern juvenile dependency practice and procedure**[ , **which requires a party or party's attorney to do or refrain from doing something** ].

**B. *Vacated Local Rules and Repromulgation.*** [ **All local rules promulgated before the effective date of this rule are hereby vacated on the date this rule becomes effective.** ]

**1) All local rules promulgated before February 1, 2007 were vacated at the time of the adoption of these Rules.**

**2) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).**

**C. *Corresponding numbers.*** Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

#### **D. *Submission to Committee.***

**1) All proposed local dependency rules and proposed amendments to local dependency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.**

2) The adopting court shall not proceed with the proposed local rule or amendments until the adopting court receives written notification from the Committee that the proposed local rule or amendments are not inconsistent with any general rule of the Supreme Court.

[ C ] E. *Vacating and Suspending Local Rules.* Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

[ 1) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure.

2) Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond. ]

F. *Publication of Local Rules.* All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

2) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

- a) two certified copies of the local rule;
- b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and
- c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule in the *Pennsylvania Bulletin*.

G. *Filing with AOPC.* Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts.

[ D. A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

- 1) A local rule shall be in writing.
- 2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.
- 3) Two certified copies of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Juvenile Court Procedural Rules Committee. ]

[ (5) ] H. *Public inspection.*

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

[ E. A local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.

(F) ] I. *Mandatory Acceptance of Filing.*

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the [ attorney ] party to comply with the local rule.

[ G. The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation. ]

Comment

\* \* \* \* \*

Paragraph (B) [ ~~vacates~~ ] ~~vacated~~ all current local rules on **February 1, 2007**, the **original** effective date of this rule. The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C)[ (2) ] and meeting the appropriate filing requirements under paragraphs [ (D) ](F) & (G).

To simplify the use of local rules, local juvenile dependency procedural rules are required to be given numbers that are keyed to the number of the general juvenile dependency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile dependency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

[ The purpose of paragraph (D) is to ] The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of [ paragraph (D) ] this rule before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published in the *Pennsylvania Bulletin* to be effective.

Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

[ Paragraph (D)(5) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>. ]

Pursuant to paragraph (F)(2), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph [ (E) ](F)(3) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph [ (F) ](I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, also see Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph [ (F) ](I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph [ (F) ](I), the court may impose a sanction for subsequent noncompliance either on the attorney or the party if unrepresented, but may not dismiss the case, or grant or deny relief because of non-compliance.

\* \* \* \* \*

## EXPLANATORY REPORT

### I. BACKGROUND

Rule of Juvenile Court Procedure 121 was adopted in 2005 and Rule of Juvenile Court Procedure 1121 was adopted in 2007 "to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered." The

Juvenile Rules were modeled after Pa.R.Crim.P. 105 and Pa.R.C.P. 239, which were both adopted in 1983. To provide consistency among the Court's rules, changes are proposed to mirror the new language and intent of the Pa.R.Crim.P. 105 adopted January 25, 2008.

The new proposed rules will provide a uniform definition of local rules, prerequisites to effectiveness and effective dates, procedures for accessibility and distribution, and for the suspension of inconsistent local rules.

When Pa.Rs.J.C.P. 121 and 1121 were adopted, all local rules were vacated. Each judicial district could promulgate new local rules that did not conflict with the Rules of Juvenile Court Procedure and each judicial district may continue to promulgate new consistent local rules.

Because judicial districts have continued to enact local rules that fail to comply with the provisions of Rules 121 or 1121, this proposal is requesting several additional amendments that are intended to make the requirements for local rules absolutely clear. Judicial districts continue to enact local rules by calling them something other than a local rule, even though the practices and procedures are local rules within the definitions of Rules 121 or 1121. In addition, some judicial districts' "local rules" still are not being published or are not being made available to the members of the Bar. Finally, in many cases, these local practices and procedures conflict with the statewide rules.

Because of this failure to comply with the requirements of these rules by some judicial districts and to provide procedure uniformity with the Rules of Juvenile Court Procedure, the Committee agreed to recommend that the only recourse to ensure compliance with Rules 121 or 1121 is to require that before a judicial district may enact or amend a local rule, the local rule or local rule amendments must be submitted in writing to the Committee for review. Unless the local adopting court receives a written notification from the Committee that the local rule is not inconsistent, the local rule will not be effective and enforceable. This requirement and some additional proposed clarifying amendments are discussed below.

To clarify the reorganization and discussion of paragraphs, the "proposed new" paragraph refers to the renumbered proposed new paragraph that the Committee is suggesting be changed. The "current" paragraph refers to the current language of the Rule.

### II. DISCUSSION

The proposed new procedural requirement that all new local rules and local rule amendments must be submitted to the Committee for the Committee's review before the local rule may be published and before the rule or amendments will be effective and enforceable is set forth in new proposed paragraph (D). Pursuant to this new proposed procedure, the adopting court is required to submit in writing to the Committee for the Committee's review any proposal that governs juvenile court practice and procedure. This pre-adoption review is narrow in scope. The Committee will merely determine whether the proposed local rule provisions comply with the requirements of Rule 121 or 1121. Specifically, the Committee will be considering whether the local rule change is consistent with the general rules of the Supreme Court as required in new proposed Rule 121(E) or 1121(E). The Committee will not be passing judgment on the wisdom of the local rule or the substantive validity of the provisions of the local rule or on the merits of the local rule.

Following this review, the Committee will communicate in writing with the adopting court. The adopting court will be prohibited from proceeding with the local rule

proposal until receiving written notification from the Committee that the proposed local rule satisfies the requirements of Rule 121 or 1121 and is not inconsistent with the statewide rules. In addition, new proposed paragraph (F)(2)(c) will require the adopting court to send a copy of the written statement received from the Committee to the Legislative Reference Bureau when publishing a new local rule.

Rules 121 and 1121 also have been reorganized to emphasize more clearly the essential requirements of the rule. Paragraph (A), which sets forth the "definition" of local rule, remains mostly the same. The term "administrative order" has been added to the list of things in this paragraph that are considered "local rules." In our experience, many local enactments labeled "administrative orders" are in fact "local rules" that should comply with Rule 121 or 1121 requirements. Because some judicial districts continue to ignore the clear mandate of Rule 121 or 1121 by, for example, designating as "administrative orders" various directives that actually govern practice and procedure in juvenile court cases, and by failing to publish or provide copies of these administrative orders to the Committee, the Committee agreed that "administrative order" should be added to paragraph (A). As has been intended since the inception of Rule 121 or 1121, only administrative orders that govern juvenile court practice and procedure in some way would be subject to Rule 121 or 1121. This change is not intended to affect administrative orders that govern other aspects of court operations, such as administrative orders that establish local court calendars.

In addition, the Committee is requesting the phrase "which requires a party or party's attorney to do or refrain from doing something" to be removed from paragraph (A) because these same non-compliant judicial districts fail to send in a local rule rationalizing that it is not a local rule because it does not meet the definition of a party or party's attorney doing or refraining from doing something.

Paragraph (B) has been reworded to show that all local rules promulgated before October 1, 2005 were vacated at the time of adoption of these Rules and moved to paragraph (B)(1). Current paragraph (C)(1) was moved to new proposed paragraph (B)(2), which provides that each judicial district may adopt new local rules that are not in conflict with the Rules of Juvenile Court Procedure.

Current paragraph (C)(2) will become paragraph (C), which requires that local rules be given numbers keyed to the statewide rules to add emphasis to this requirement.

Current paragraph (G) will be retained as new proposed paragraph (E)(1) & (2). The requirements are now separated to show and emphasize that the Committee may recommend to the Supreme Court the suspension, vacation, and amendment of local rules that are not in compliance with Rule 121 or 1121. Pending that action, the Committee may suspend a local rule.

New proposed paragraph (F) sets forth the provisions related to publishing proposed local rules in the *Pennsylvania Bulletin*, making it clear that to be effective and enforceable, the local rule must be published, but not until the Committee has provided written notification that the local rule is not inconsistent as required by new proposed paragraph (D). In addition, current paragraph (D)(3) that explains what must be sent to the *Pennsylvania Bulletin* is now new proposed paragraph (F)(2), and current paragraph (E) that requires the effective date of new local rules and amended local rules be not less than 30 days after publishing in the *Pennsylvania Bulletin* is now new proposed paragraph (F)(3).

New proposed paragraph (G) is taken from current paragraph (D)(2); however, new proposed paragraph (G) requires that, contemporaneously with publishing in the *Pennsylvania Bulletin*, the adopting court must file one copy of the local rule with the AOPC. Current paragraph (D)(2) requires that seven copies be sent to the AOPC.

Because new proposed paragraph (D) requires that the adopting court submit a written copy of the proposed local rule to the Committee for prior approval, current paragraphs (D)(1) and (D)(4) will no longer be necessary.

Current paragraph (D)(5) has been moved to new proposed paragraph (H).

New proposed paragraph (I) incorporates current paragraph (F), and includes as a first sentence the requirement that the clerk of courts accept all pleadings and other legal papers for filing even if the document does not satisfy the requirements of a local rule. This new proposal is comparable to Pa.R.C.P. 205.2, Pa.Rs.Crim.P. 105 and 576(A), and complies with the requirements in Pa.R.J.C.P. 345(A).

[Pa.B. Doc. No. 08-501. Filed for public inspection March 21, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Local Rule of Criminal Procedure 507A; No. Misc. Doc. 08-2750

#### Order

*And Now*, this 6th day of March, 2008, it is hereby *Ordered* and *Decreed* that the Local Rule is hereby adopted. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

*By the Court*

JOSEPH P. CRONIN, Jr.,  
*President Judge*

#### Proposed Local Rule 507A

#### Rule 507A Approval of Police Complaints and Arrest Warrant Affidavits By Attorney For the Commonwealth

(A) The District Attorney of Delaware County, having filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507, Criminal Complaints and Arrest Warrant Affidavits by police officers, as defined in the Rules of Criminal Procedure charging the following criminal offenses:

Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;  
 Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;  
 Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;  
 Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;  
 Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;  
 Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;  
 Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;  
 Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;  
 Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;  
 Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;  
 Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732; and  
 Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;  
 Aggravated Assault by vehicle while While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;  
 Rape in violation of 18 Pa.C.S.A. Section 3121;  
 Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;  
 Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;  
 Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;  
 Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.2; and  
 Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

shall not hereafter be accepted by any judicial officer unless the Complaint and Affidavit have the approval of a Deputy District Attorney of the Delaware County District Attorney's Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit, or both by an attorney for the Commonwealth, the attorney for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the attorney for the Commonwealth shall maintain a record of the written notice.

NOTICE AND RECORD OF DISAPPROVAL  
COMMONWEALTH OF PENNSYLVANIA

VS.

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

Occurrence Date: \_\_\_\_\_

District Attorney of Delaware County  
 File Number: \_\_\_\_\_

Complaint/ Affidavit/  
 Application of: \_\_\_\_\_

Charge: \_\_\_\_\_  
 Police Number: \_\_\_\_\_  
 Police Department: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Location: \_\_\_\_\_

SUMMARY OF FACTS AND PROBABLE CAUSE:

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

PCIC/NCIC check reveals no outstanding warrants:

Date \_\_\_\_\_ Source of Information \_\_\_\_\_

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

- |  |   |
|--|---|
| <input type="checkbox"/> IC = Insufficient Corroboration           | <input type="checkbox"/> UV = Unavailable or Uncooperative Victim                     |
| <input type="checkbox"/> IE = Insufficient Evidence                | <input type="checkbox"/> WC = Witness Credibility Contradicted                        |
| <input type="checkbox"/> II = Identification Inconclusive          | <input type="checkbox"/> ID = Inadequate Description of Persons, Premises Or Property |
| <input type="checkbox"/> IJ = Interest of Justice                  | <input type="checkbox"/> NS = Insufficient Cause for Nighttime Search                 |
| <input type="checkbox"/> IS = Inadmissible Evidence                |   |
| <input type="checkbox"/> IP = Insufficient Probable Cause          |   |
| <input type="checkbox"/> LJ = Lacks Jurisdiction                   |   |
| <input type="checkbox"/> LP = Lacks Prosecutorial Merit            |   |
| <input type="checkbox"/> UW = Unavailable or Uncooperative Witness |   |

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DISAPPROVED BY: \_\_\_\_\_  
 Attorney for the Commonwealth  
 DATE: \_\_\_\_\_

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

(D) This Local Rule shall become effective: \_\_\_\_\_ .



**IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**IN RE:** : **MISC. NO. MD 2750-08**  
:  
**CERTIFICATION PURSUANT** :  
**TO** :  
**PA.R.CRIM.P. RULE 507A,** :  
**42 PA.C.S.A** :

**CERTIFICATION**

Effective January 17, 2008, G. Michael Green, District Attorney of Delaware County, certifies that approval by a Deputy District Attorney for the Commonwealth is required prior to the issuance of a police complaint and/or arrest warrant affidavit concerning the following offenses:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- (5) Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- (6) Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- (7) Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- (8) Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- (9) Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- (10) Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- (11) Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732; and
- (12) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.
- (13) Aggravated Assault by vehicle while While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- (14) Rape in violation of 18 Pa.C.S.A. Section 3121;
- (15) Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- (16) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- (17) Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- (18) Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.2; and
- (19) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

This new procedure will become effective February 1, 2008.

Certified this 17th day of January, 2008.

G. MICHAEL GREEN,  
*District Attorney*

Sworn to and subscribed  
before me this 17th day of  
January, 2008.

[Pa.B. Doc. No. 08-502. Filed for public inspection March 21, 2008, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[ 25 PA. CODE CH. 93 ]

### Corrective Amendment to 25 Pa. Code § 93.9x

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9x (relating to Drainage List X) as deposited with the Legislative Reference Bureau and the official text published at 30 Pa.B. 6059, 6106 (November 18, 2000), and the text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 315) (February 2001), and as currently appearing in the *Pennsylvania Code*. The text which appeared at 30 Pa.B. 6106 inaccurately reflected the description of the zone for Lake Erie (Outer Erie Harbor and Presque Isle Bay).

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9x. The corrective amendment to 25 Pa. Code § 93.9x is effective as of November 18, 2000, the date the defective official text appeared in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9x appears in Annex A, with ellipses referring to the existing text of the drainage list.

#### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 93. WATER QUALITY STANDARDS

#### § 93.9x. Drainage List X.

##### Lake Erie

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
1—Lake Erie	All sections of lake in PA except Outer Erie Harbor and Presque Isle Bay	Erie	CWF	Delete Fe, pH1, DO1 and Bac1 See GLWQA
1—Lake Erie (Outer Erie Harbor and Presque Isle Bay)	Portion of lake bordered by Presque Isle on west, longitude 80° 01' 50" on east, and latitude 42° 10' 18" on north, except harbor area and central channel dredged and maintained by United States Army Corps of Engineers.	Erie	WWF	Delete pH Add pH between 7 and 9

\* \* \* \* \*

[Pa.B. Doc. No. 08-503. Filed for public inspection March 21, 2008, 9:00 a.m.]

#### ENVIRONMENTAL QUALITY BOARD

#### [ 25 PA. CODE CHS. 271, 279, 287 AND 293 ]

#### Notification of Proximity to Airports

The Environmental Quality Board (Board) by this order amends Chapters 271, 279, 287 and 293. The amendments are based on a petition submitted by the Department of Defense (DOD), requesting that the Department of Environmental Protection (Department) address the potential hazards posed to military aircraft from bird strikes near waste landfill and transfer facilities. The amendments would broaden the definition of "airport" to include military airports, extend existing airport notification requirements for waste landfills to military airports and impose an airport notification requirement on waste transfer facilities.

This order was adopted by the Board at its meeting of October 16, 2007.

#### A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. Contact Persons

For further information, contact Stephen Socash, Chief, Division of Municipal and Residual Waste, P. O. Box 8472, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-7381; or Susan Seighman, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department's web site ([www.depweb.state.pa.us](http://www.depweb.state.pa.us)).

### C. Statutory Authority

The final-form rulemaking is being made under the authority of the following:

The Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.101—6018.1003), as amended which in section 105(a) (35 P. S. § 6018.105 (a)) grants the Board the power and the duty to adopt the rules and regulations of the Department to accomplish the purposes and carry out the provisions of the SWMA. Sections 102(4) and 104(6) of SWMA (35 P. S. §§ 6018.102(4) and 6018.104(6)) provide the Department with the power and duty to regulate the storage, collection, transportation, processing, treatment and disposal of solid waste to protect the public health, safety and welfare.

The Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904), which in section 302 of Act 101 (53 P. S. § 4000.302) gives the Board the power and duty to adopt the regulations of the Department to accomplish the purposes and carry out the provisions of Act 101. Sections 102(b)(3) and 301(6) of Act 101 (53 P. S. §§ 102(b)(3) and 301(6)) state the intent of protecting the public health, safety and welfare from the dangers associated with transportation, processing, treatment, storage and disposal of municipal waste and provide the Department with the power and duty to abate public nuisances.

Section 1917-A of The Administrative Code of 1929 (71 P. S. §§ 510-17) authorizes and requires the Department to protect the citizens of this Commonwealth from unsanitary conditions and other nuisances, including any condition that is declared to be a nuisance by any law administered by the Department. Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) grants the Board the power and the duty to formulate, adopt and promulgate rules and regulations as determined by the Board for the proper performance of the work of the Department.

### D. Background of the Amendments

Current municipal and residual waste regulations require applicants for municipal and residual waste landfills, construction and demolition waste landfills and residual waste disposal impoundments to notify public airports if a new or expanded facility is proposed within 6 miles of an airport runway. There is no similar notification requirement for municipal or residual waste transfer facilities because these operations are primarily conducted in enclosed structures. The DOD maintains and the Department concurs, that there is a concern that waste transfer activities, such as waste loading, unloading and storage, may still occur outside of an enclosed building and pose a risk to aircraft approaching or departing from nearby airports. This is a risk to public health and safety and includes military personnel and people living in the area. The risk of bird strikes to aircraft becomes negligible when the airport runway is greater than 6 miles from the waste transfer facility. Accordingly, the DOD petitioned the Department on July 28, 2004, to require an airport notification from waste transfer facilities. Furthermore, since the current definition of "airport" in §§ 271.1 and 287.1 (relating to definitions) does not include the term "military airports," the petition also requested that the Department include this term in the definition.

The Board accepted the petition for further study on October 19, 2004. The Department agreed with the petition and submitted a Petition Report to the Board on

April 19, 2005, recommending that the municipal and residual waste regulations be amended as requested by the DOD.

Adding the term "military airport" to the definition of "airport" in §§ 271.1 and 287.1 will broaden the definition to address DOD airfields as well as public airports. With the exception of two strictly military airports in this Commonwealth, many public airports also serve as military airports. New §§ 279.112 and 293.112 (relating to notification of proximity to airport) will require a new or expanding waste transfer facility to provide notification to airports, including military airports, if the facility is within 6 miles of the airport runway. By including military airports in the definition of "airport," the notification requirements are also being extended to military airports for new or expanded landfills.

The proposed amendments were presented to the Solid Waste Advisory Committee (SWAC) on July 14, 2005. Some members of the SWAC, primarily representing the interests of the waste industry, opposed these amendments. These members asserted that, unlike landfills, waste transfer facilities do not attract birds as the activities are primarily conducted in enclosed structures. Another industry concern was the potential lack of a timely response to the notice from the airport, which might delay permit issuance. Other concerns expressed included: the intent of the petition; the additional notification burden imposed on the waste industry; the airport not commenting on nontechnical issues; and this requirement applying to a large number of facilities.

The Department, in agreement with the petition filed by the DOD, maintained that these amendments, as proposed, would provide for increased safety for both military and nonmilitary personnel operating aircraft from airports in the vicinity of waste transfer facilities and landfills. The Department further discussed its position with the SWAC on May 11, 2006, but the SWAC voted against the proposed amendments. However, the Department decided to proceed with the amendments in light of the reasoning advanced by DOD.

The proposed rulemaking was adopted by the Board at its meeting of October 17, 2006, and published in the *Pennsylvania Bulletin* on December 23, 2006. During the 30-day public comment period that followed, the agency received comments from three commentators: Tim O'Donnell, President, Pennsylvania Waste Industries Association; Elam M. Herr, Assistant Executive Director, Pennsylvania State Association of Township Supervisors; and the Independent Regulatory Review Commission.

The following major issues were raised: whether transfer operations in an enclosed building present an increased risk of bird strikes; whether inclusion of military airports retroactively imposes setback restrictions on existing, permitted facilities; and whether a lack of response from FAA or the Bureau of Aviation would result in a determination that an application was incomplete. These issues and the Department's responses were incorporated into the Comment and Response Document. No changes were made to the final amendments as a result of the comments.

On April 11, 2007, the Department presented the final amendments and Comment and Response Document to the Solid Waste Advisory Committee for their consideration. Again, the Committee voted to disapprove the rulemaking. For the same reasons discussed previously,

the Department has chosen to proceed to final rule with the package as originally presented to the Board as proposed.

*E. Summary of Changes to the Proposed Rulemaking*

No changes were made to the final-form rulemaking as a result of comments received during the public comment period.

*F. Summary of Comments and Responses on the Proposed Rulemaking*

Notice of proposed rulemaking was published at 36 Pa.B. 7867 (December 23, 2006). The proposal set forth a 30-day comment period. No public meetings or hearings were held.

During the public comment period, the Board and the Department received written comments from three individuals or groups. The Board and the Department considered the comments received and have prepared a comment and response document that addresses each comment on the proposed amendments. The following is a summary of the comments and the Board's responses.

*Chapter 271. Municipal Waste Management—General Provisions*

*Chapter 287. Residual Waste Management—General Provisions*

*§§ 271.1. and 287.1. Definitions.*

The Board amended the term "airport" in these sections to include the term "military airport" in the definition. By including this term, all regulatory requirements that relate to airports, current and proposed, will apply to military airports.

Two commentators objected to the retroactive application of the airport exclusionary criteria that would result from the proposed definitional change. The comments asserted that inclusion of military airports within the definition of airport retroactively imposes setback restrictions on existing, permitted facilities and raises the potential for a confiscatory scenario. The commentators suggested that existing permitted municipal waste landfills be given a grandfathering provision from these requirements. The Board declined to change the relevant exclusionary criteria, since currently there are no existing military airports either within or outside the borders of this Commonwealth that would trigger the existing setback criteria for municipal waste landfills, residual waste landfills or residual waste disposal impoundments. The regulation does not create any potential for confiscatory scenarios and therefore does not need to be amended to include only prospective provisions or grandfathering provisions for existing facilities.

*Chapter 279. Transfer Facilities.*

*Subchapter B. Application Requirements for Transfer Facilities.*

*Chapter 293. Transfer Facilities for Residual Waste.*

*Subchapter B. Application Requirements for Transfer Facilities.*

*§§ 279.112 and 293.112. Notification of Proximity to Airport.*

The new sections require applicants to notify the Bureau of Aviation (Bureau) of the Department of Transportation, the Federal Aviation Agency (FAA) and the applicable airport if the proposed new or expanding municipal or residual waste transfer facility will be located within 6 miles of the airport runway. These

amendments would also require the applicant to include copies of these notifications in the permit application. The amendments would not affect most existing transfer facilities; they would apply only to new facilities and expansions of existing facilities.

Two commentators objected to requiring transfer facilities to provide the applicable notice, stating that transfer operations occur within an enclosed building and do not present a realistic increase in the risk of bird strikes. The Board disagreed, stating that although municipal and residual waste transfer operations are primarily conducted in enclosed structures, some waste transfer activities may occur outside of an enclosed building and attract birds, which potentially pose a risk to aircraft approaching or departing from nearby airports.

One commentator questioned whether municipal recycling centers are transfer facilities that need to comply with the regulations. The Board took no action regarding this comment, since the definition of a municipal waste transfer facility specifically excludes a collecting or processing center that is only for source-separated recyclable materials.

One commentator suggested that the Board refrain from enacting any regulatory changes until the results of an FAA-sponsored study on birds associated with waste transfer stations is complete. The Board declined to act on this suggestion to delay the regulation and believes it is appropriate to move forward with the rulemaking, since no new information has been provided at the time of the rulemaking to substantiate the claim that transfer stations do not pose an increased risk to aircraft from nearby airports. This action, however, does not preclude the Board from making further regulatory changes in the future as a result of the FAA study.

One commentator stated that this new subsection does not adequately guide new waste transfer facilities since it does not provide a time frame under which the notification must be delivered or how long the notified parties have to respond. The Board declined to modify this subsection, since there are similar existing notification and contact provisions in the Department's Form D, Environmental Assessment for Municipal and Residual Waste Management Facilities. Applicants typically send notice to affected agencies with a response request of 30 to 60 days. If no response is received, the applicant may solicit the assistance of the Department to verify that the agency or airport, or both, receiving notification has no comment.

One commentator suggested that an exemption be granted to transfer facilities that do not accept putrescible waste. The Board declined to grant such an exemption, since there is no certainty that the waste will not attract birds or that putrescible waste will not be accepted sometime during the operational life of the transfer facility.

*G. Benefits, Costs and Compliance Benefits*

The final-form amendments will benefit both military and nonmilitary personnel operating and traveling in aircraft near waste landfill and transfer facilities, as they either approach or depart the airport runway, by reducing the potential risk of bird strikes to their aircraft, which can cause hazards to surrounding communities, as well.

*Compliance Costs*

The final-form amendments will minimally increase the application cost, by means of the notification requirement, only for a new or expanding waste landfill or transfer

facility and in these cases, only for those facilities that are proposed within 6 miles of an airport runway. As applications for new or expanding landfills are estimated at less than ten, and new and expanding transfer facilities at a frequency of two or three per year, this minimal application cost increase will not affect the several hundred municipal and residual waste transfer facilities that are currently permitted in this Commonwealth. The applicant will be required to notify the relevant airport, the Bureau and the FAA. The cost of each notice, sent by certified mail including a request for a return receipt, is estimated to be no more than \$50 current value, with the total cost of notification for each applicant estimated at \$150. The total cost per year, therefore, for up to 12 applicants sending notification to the two agencies and the airport is estimated at \$1,800.

There are no additional permit fees associated with these amendments and no indirect cost to the regulated community or the Department.

*Compliance Assistance Plan*

Since the amendments would impose notification requirements only, a compliance assistance plan is not required.

*Paperwork Requirements*

As part of its permit application, an applicant for a new or expanding waste landfill or transfer facility will be required to send to the Department copies of responses received from the two agencies and airport in response to the notices. This is not expected to increase compliance costs.

*H. Pollution Prevention*

Not applicable.

*I. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

*J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 7, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 7867, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment. Under section 5(e) of the Regulatory Review Act, the Department resubmitted the proposed rulemaking to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees on January 31, 2007.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act, on January 30, 2008, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 31, 2008, and approved the final-form regulations.

*K. Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (Pub. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 36 Pa.B. 7867 (December 23, 2006).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this order.

*L. Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 271, 279, 287 and 293, are amended by amending §§ 271.1 and 287.1 and by adding §§ 279.112 and 293.112 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to the IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately.

KATHLEEN A. MCGINTY,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 954 (February 16, 2008).)*

**Fiscal Note:** Fiscal Note 7-406 remains valid for the fiscal adoption of the subject.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VIII. MUNICIPAL WASTE**

**CHAPTER 271. MUNICIPAL WASTE MANAGEMENT  
—GENERAL PROVISIONS**

**Subchapter A. GENERAL**

**§ 271.1. Definitions.**

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

\* \* \* \* \*

*Airport*—Public airport, as defined in 67 Pa. Code § 471.2 (relating to definitions).

(i) The term includes military airports.

(ii) The term does not include heliports.

\* \* \* \* \*

**CHAPTER 279. TRANSFER FACILITIES**

**Subchapter B. APPLICATION REQUIREMENTS FOR TRANSFER FACILITIES**

**GENERAL**

**§ 279.112. Notification of proximity to airport.**

An applicant shall notify the Bureau of Aviation of the Department of Transportation, the Federal Aviation Administration and the airport if a proposed transfer facility or expansion is within 6 miles of an airport runway. The application must include a copy of each notification and each response to each notification received by the applicant.

**ARTICLE IX. RESIDUAL WASTE MANAGEMENT**

**CHAPTER 287. RESIDUAL WASTE MANAGEMENT —GENERAL PROVISIONS**

**Subchapter A. GENERAL**

**§ 287.1. Definitions.**

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

\* \* \* \* \*

*Airport*—A public airport, as defined in 67 Pa. Code § 471.2 (relating to definitions).

- (i) The term includes military airports.
- (ii) The term does not include heliports.

\* \* \* \* \*

**CHAPTER 293. TRANSFER FACILITIES FOR RESIDUAL WASTE**

**Subchapter B. APPLICATION REQUIREMENTS FOR TRANSFER FACILITIES**

**§ 293.112. Notification of proximity to airport.**

An applicant shall notify the Bureau of Aviation of the Department of Transportation, the Federal Aviation Administration and the airport if a proposed transfer facility or expansion is within 6 miles of an airport runway. The application must include a copy of each notification and each response to each notification received by the applicant.

[Pa.B. Doc. No. 08-504. Filed for public inspection March 21, 2008, 9:00 a.m.]

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# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposal

**CPC 07-109: Entrance Hall 247, Second Floor Center Wing—Main Capitol Building.** New wall construction, fabrication and installation of new cabinetry and custom millwork items, glazing work, plaster work, carpentry, plumbing modifications, electrical modifications, HVAC modifications, plaster repair, ornamental painting and finishing, custom marble wainscot panel and molding fabrication and installation. A \$100 deposit will be required for a set of plans and specifications (Payable to the Capitol Preservation Committee). Proposals must be sealed and stamped "received" at the following address.

- Issue for Proposal: March 19, 2008, at 10 a.m.
- Proposal Receipt Date and Time: April 16, 2008, at 2 p.m. prevailing time.
- Mandatory Preproposal Conference and Detailed Site Review: March 27, 2008, at 10 a.m., convening in the offices of the Capitol Preservation Committee, Room 630, Main Capitol Building.
- Proposal Period: Proposal must remain firm for 120 calendar days following Proposal Receipt Date.
- Mail proposal to: Capitol Preservation Committee, Room 630, Main Capitol Building, Harrisburg, PA 17120-0028
- Committee Proposal Services: (717) 783-6484 or fax (717) 772-0742
- Professional: VITETTA; Contact Joe Sorrentino, (215) 218-4881

Notice to Contractors: Proposers shall be required to conclusively establish that they employ highly qualified personnel, skilled and experienced in the work of this contract. The specifications prepared for this work establishes the requirements for the contractor's proposal. The specifications, contents of the proposal, the proposal information and the project manual shall become part of the contract documents.

RUTHANN HUBBERT-KEMPER,  
*Executive Director*

[Pa.B. Doc. No. 08-505. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Request for Proposal

**CPC 07-107: Preservation of the Lawrie Doors and Selected Masonry, Forum Building Capitol Complex.** Bronze preservation, repair cleaning and waxing of doors, frames and hardware. Art glass replacement and reglazing, cleaning and repair of exterior granite and limestone jamb, soffit and sill panels, cleaning of incised text limestone lintels. A \$100 deposit will be required for a set of plans and specifications (Payable to the Capitol Preservation Committee). Proposals must be sealed and stamped "received" at the following address.

- Issue for Proposal: April 2, 2008, at 10 a.m.
- Proposal Receipt Date and Time: April 30, 2008, at 10 a.m. prevailing time.
- Mandatory Preproposal Conference and Detailed Site Review: April 9, 2008, at 10 a.m., convening in the offices of the Capitol Preservation Committee, Room 630, Main Capitol Building.
- Proposal Period: Proposal must remain firm for 120 calendar days following Proposal Receipt Date.
- Mail proposal to: Capitol Preservation Committee, Room 630, Main Capitol Building, Harrisburg, PA 17120-0028
- Committee Proposal Services: (717) 783-6484 or fax (717) 772-0742
- Professional: VITETTA; Contact Joe Sorrentino, (215) 218-4881

Notice to Contractors: Proposers shall be required to conclusively establish that they employ highly qualified personnel, skilled and experienced in the work of this contract. The specifications prepared for this work establishes the requirements for the contractor's proposal. The specifications, contents of the proposal, the proposal information and the project manual shall become part of the contract documents.

RUTHANN HUBBERT-KEMPER,  
*Executive Director*

[Pa.B. Doc. No. 08-506. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Request for Proposal

**CPC 07-108: Reconstruction of the South East Balustrade, Capitol Complex.** Complete disassembly and reconstruction of granite balustrade, balustrade caps, steps, pilasters, pylons, base blocks and wall panels; selective repair of scheduled existing granite defects; cleaning and application of antimicrobial agent; construction of new reinforced concrete augmentation wall (buttress) to reinforce existing balustrade foundation wall; Installation of new waterproofing along interior face of buttressed foundation wall; removal of two existing trees and root systems and grade restoration within the south east plaza areas; excavation, backfilling, final grading and restoration of all disturbed landscaped areas along the balustrade walls; installation of new foundation drainage system and connection to existing storm drain inlet; refinishing of existing metal railings. A \$100 deposit will be required for a set of plans and specifications (payable to the Capitol Preservation Committee). Proposals must be sealed and stamped "received" at the following address.

- Issue for proposal: March 26, 2008, at 10 a.m.
- Proposal receipt date and time: April 23, 2008, at 2 p.m. prevailing time.
- Mandatory preproposal conference and detailed site review: April 2, 2008, at 10 a.m., convening in the offices of the Capitol Preservation Committee, Room 630, Main Capitol Building.

- Proposal Period: Proposal must remain firm for 120 calendar days following proposal receipt date.
- Mail proposal to: Capitol Preservation Committee, Room 630, Main Capitol Building, Harrisburg, PA 17120-0028
- Committee Proposal Services: (717) 783-6484 or fax (717) 772-0742
- Architect: VITETTA; Contact Joe Sorrentino, (215) 218-4881

Notice to Contractors: Proposers shall be required to conclusively establish that they employ highly qualified

personnel, skilled and experienced in the work of this contract. The specifications prepared for this work establishes the requirements for the contractor's proposal. The specifications, contents of the proposal, the proposal information and the project manual shall become part of the contract documents.

RUTHANN HUBBERT-KEMPER,  
*Executive Director*

[Pa.B. Doc. No. 08-507. Filed for public inspection March 21, 2008, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 11, 2008.

### BANKING INSTITUTIONS

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-28-2008	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	273 DeKalb Pike North Wales Montgomery County	Opened
3-4-2008	Northwest Savings Bank Warren Warren County	5835 Forbes Avenue Pittsburgh Allegheny County	Filed
3-5-2008	Marion Center Bank Marion Center Indiana County	1271 Indian Springs Road Indiana Indiana County	Approved
3-7-2008	Bucks County Bank Doylestown Bucks County	7203 New Falls Road Levittown Bucks County	Approved
3-10-2008	Marquette Savings Bank Erie Erie County	3801 Sterrettania Road Millcreek Township Erie County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-4-2008	Nova Savings Bank Philadelphia Philadelphia County	<i>To:</i> 1420 Locust Street Philadelphia Philadelphia County  <i>From:</i> 1535 Locust Street Philadelphia Philadelphia County	Filed
3-7-2008	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> 10 Marketplace Boulevard Monroe Township Snyder County  <i>From:</i> 48 Orchard Drive Shamokin Dam Snyder County	Filed
3-7-2008	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> Lincoln Highway East (Route 30) and Hartman Bridge Road (Route 896) East Lampeter Township Lancaster County  <i>From:</i> 35 South Willowdale Drive East Lampeter Township Lancaster County	Filed



## NOTICES

**Branch Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-7-2008	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> Lincoln Highway East (Route 30) and Hartman Bridge Road (Route 896) East Lampeter Township Lancaster County  <i>From:</i> 366 Hartman Bridge Road East Lampeter Township Lancaster County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-7-2008	Lafayette Ambassador Bank Easton Northampton County	2201 Northampton Street Easton Northampton 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>
3-5-2008	Viriva Community Credit Union Philadelphia Philadelphia County	157 York Road Warminster Bucks County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-25-2008	Superior Credit Union Collegeville Montgomery County	<i>To:</i> 434 Main Street Royersford Borough Montgomery County  <i>From:</i> 308 Main Street, Rear Royersford Borough Montgomery County	Effective

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-10-2008	Schuylkill County School Employees Credit Union, Pottsville, and PFP Federal Credit Union, Marlin Surviving Institution: Schuylkill County School Employees Credit Union, Pottsville	Pottsville	Approved

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-508. Filed for public inspection March 21, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0011185	Air Products and Chemicals, Inc. 7201 Hamilton Boulevard Allentown, PA 18195-1501	Lehigh County Upper Macungie Township	Iron Run 2C	Y
PA0053813 (Minor Industrial Waste)	Farm & Home Oil, LLC 3115 State Road Telford, PA 18968	Lower Macungie Township Lehigh County	UNT to Swabia Creek 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083721 (Sew)	Paradise Mobile Home Park Tom Rodas 1190 Wyndsong Drive York, PA 17403-4492	York County Paradise Township	UNT Beaver Creek 7F	Y
PA0082147 (Sew)	Holtwood Mobile Home Park Irvin Peifer P. O. Box 506 Elizabethtown, PA 17022	Lancaster County Martic Township	UNT Susquehanna River 7K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0031453 (Nonmunicipal)	Southern Columbia Area School District 800 Southern Drive Catawissa, PA 17820	Columbia County Franklin Township	Roaring Creek SWP 5E	Y
PA0060208	Nelson Township Authority P. O. Box 100 Nelson, PA 16940	Tioga County Nelson Township	Cowanesque Lake 04A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0101052	Union City Municipal Authority 12 South Main Street Union City, PA 16438	Union Township Erie County	Bentley Run 16-A	Y
PA0101923	Saegertown Area Sewer Authority P. O. Box 334 Saegertown, PA 16433	Saegertown Borough Crawford County	French Creek 16-D	Y
PA0220779	Springfield Village Mobile Home Park P. O. Box 201 West Springfield, PA 16443	Springfield Township Erie County	UNT to Raccoon Creek 15-RC	Y

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

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

**No. PA0012327**, Industrial Waste, **County of Bucks—Department of Public Works**, 55 East Court Street, Doylestown, PA 18901. This application is for renewal of an NPDES permit to discharge untreated leachate and stormwater from Hidden Valley Landfill in Nockamixon Township, **Bucks County**. This is an existing discharge to a UNT of Gallows Run.

The receiving stream is classified for the following use: CWF.

The proposed effluent limits for Outfall 001, based on an average flow of 0.041 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	25	50	63
Total Suspended Solids	30	60	75
Ammonia as N	20		40
Fecal Coliform	# 200/100 ml		
pH	6.0 (Instantaneous Minimum)		9.0
Phenols, Total		Monitor and Report	
Antimony		Monitor and Report	
Chromium, Hex		Monitor and Report	
Thallium		Monitor and Report	

The proposed effluent limits for Outfall 002, based on an average flow of 0.0144 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	25	50	63
Total Suspended Solids	30	60	75
Ammonia as N	3.13		7.82
Fecal Coliform	# 200/100 ml		
pH	Within limits of 6.0 to 9.0 Standard Units at all times		
Antimony		Monitor and Report	
Chromium, Hex		Monitor and Report	
Thallium		Monitor and Report	
Phenols, Total		Monitor and Report	
Iron Total	2.6	5.2	6.5
Manganese, Total	1.7	3.4	4.0
Color			75

The proposed effluent limitations for MP101 and MP102 (Stormwater) are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
Total Dissolved Solids	Monitor and Report
Ammonia as N	Monitor and Report
Nitrate Plus Nitrite Nitrogen	Monitor and Report
Total Organic Carbon (TOC)	Monitor and Report
pH	Monitor and Report
Iron Dissolved	Monitor and Report
Lead, Total	Monitor and Report
Chromium Total	Monitor and Report
Barium, Total	Monitor and Report
Cadmium, Total	Monitor and Report
Mercury, Total	Monitor and Report
Selenium, Total	Monitor and Report
Silver, Total	Monitor and Report
Arsenic, Total	Monitor and Report
Cyanide, Total	Monitor and Report
Magnesium, Total	Monitor and Report
Magnesium, Dissolved	Monitor and Report

*Other Conditions:*

The EPA waiver is in effect.

Conditions for future permit modification.

Stormwater Runoff Requirements.

**PA0052965**, Industrial Waste, SIC 3398, **Rex Heat Treat-Lansdale, Inc.**, 8th Street and Valley Forge Road, P. O. Box 270, Lansdale, PA 19446.

Description of Proposed Activity: Discharge of treated groundwater to a UNT to West Branch Neshaminy Creek. The existing facility is located in the Borough of Lansdale, **Montgomery County**.

The receiving stream, West Branch Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 301 are based on a design flow of 0.060 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Trichloroethylene			0.005	0.010	0.013
Tetrachloroethylene			0.005	0.010	0.013
Temperature					110° F
pH	Within limits of 6.0 to 9.0 Standard Units at all times.				

The proposed monitoring requirements for Outfalls 001—004 are based on a stormwater discharge:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		Monitor and Report	
COD		Monitor and Report	
Oil and Grease		Monitor and Report	
pH		Monitor and Report	
Total Suspended Solids		Monitor and Report	
Lead (total)		Monitor and Report	
Chromium (total)		Monitor and Report	
Copper (total)		Monitor and Report	
Cadmium (total)		Monitor and Report	
Arsenic (total)		Monitor and Report	
Iron (total)		Monitor and Report	

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

1. Remedial measures.
2. BAT/BCT treatment requirements.
3. Change of ownership notification.
4. No discharge of stripping tower cleaning wastewater.
5. Dry stream discharge.
6. Stormwater discharge requirements.
7. Use of certified laboratory.

**PA0044776**, Sewage, **Northwestern Chester County Municipal Authority**, 37 Dampman Road, P. O. Box 308, Honey Brook, PA 19344-0308. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Activity: This application is for a renewal NPDES permit for an existing discharge of treated sewage from the Honey Brook Township sewage treatment plant.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: HQ-TSF, MF

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
CBOD <sub>5</sub>					
(5-1 to 10-30)	68	102	14	21	28
(11-1 to 4-30)	125	187	25	38	50
Total Suspended Solids	150	225	30	45	60
Ammonia as N					
(5-1 to 10-30)	13.5		2.7		5.4
(11-1 to 4-30)	40.5		8.1		16.2
Phosphorus	9.0		1.8		3.6
(4-1 to 10-31)	9.0		1.8		3.6
(11-1 to 3-31)	10.0		2.0		4.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			6.0 (Minimum)		
pH (Standard Units)			6.0 (Minimum)		9.0
Total Residual Chlorine			0.5		1.7
Total Nitrogen	Monitor and Report		Monitor and Report		
Color, True (PT-CO)					75
Ammonia as N (instream)					0.5

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change in Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. Instantaneous Maximum Limits.
10. Responsible Operator.

11. Laboratory Certification.
12. Fecal Coliform I-Max Reporting.
13. Operations and Maintenance Plan.

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

**Application No. PA 0081949**, Sewage, **West Earl Sewer Authority**, P. O. Box 725, Brownstown, PA 17508. This facility is located in West Earl Township, **Lancaster County**.

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

The receiving stream, Conestoga River, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.45 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

*Chesapeake Bay Requirements*

	Concentration (mg/l)	Monthly	Mass (lbs)	
	Monthly Average		Monthly	Annual
Ammonia-N	Report	Report	Report**	
Kjeldahl-N	Report	Report	XXX	
Nitrate-Nitrite as N	Report	Report	XXX	
Total Nitrogen	Report	Report	Report	
Total Phosphorus	Report	Report	Report	
Net Total Nitrogen	XXX	Report	8,219*	
Net Total Phosphorus	XXX	Report	1,096*	

\* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental DMRs submitted to the Department.

\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

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

**PA0219053**, Industrial Waste, SIC 4212, **Pitt Ohio Express**, 15 27th Street, Pittsburgh, PA 15222-4729. This application is for the renewal of an NPDES permit to discharge stormwater from the Washington Terminal in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT of Little Chartiers Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the West View Municipal Water Authority, located at 210 Perry Highway, Pittsburgh, PA 15229, 41.2 miles below the discharge point.

*Outfall 001: existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids	Monitor and Report			Monitor and Report	

The EPA waiver is in effect.

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

**PA0027367-Amendment No. 1**, Sewage, **Borough of Greenville**, 125 Main Street, P. O. Box 604, Greenville, PA 16125. This proposed facility is located in Greenville Borough, **Mercer County**.

Description of Proposed Activity: Amendment of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, Fluoride, Phenolics, Sulfate and Chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Reynolds Water Company intake located on the Shenango River in Pymatuning Township, Mercer County, and is approximately 2 miles below the point of discharge.

The receiving stream, the Shenango River, is in Watershed 20-A and is classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.8 mgd.

This amendment recommends the removal of the Chronic Whole Effluent Toxicity testing requirement. All four WET retests passed.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 2105402**, Amendment 08-1, Sewerage, **Shippensburg Borough Authority**, 111 North Fayette Street, P. O. Box 129, Shippensburg, PA 17257-0129. This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Application for construction/operation of a septage receiving station in the existing chemical feed building and conversion of the existing Secondary Clarifier No. 1 to an aerated septage treatment tank. Treated septage is pumped to the aerobic digesters through a new pipe.

**WQM Permit No. 3608401**, Sewerage, **Chiques Creek Church of the Brethern**, 4045 Sunnyside Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Application for the construction/operation of recirculating sand filter/wetland denitrification treatment system and at-grade disposal bed to treat and dispose of wastewater produced by the church services and related activities.

**WQM Permit No. 2808402**, Sewerage, **Harlan and Carrie Hess**, 3988 Clay Hill Road, Waynesboro, PA 17268. This proposed facility is located in Quincy Township, **Franklin County**.

Description of Proposed Action/Activity: Application for the construction/operation of a small flow sewage treatment system to serve their single-family residence on Helman Road.

**WQM Permit No. 2108401**, Sewerage, **Amos and Ella Leid**, 126 Gephart Road, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for the construction/operation of a small flow sewage treatment system to serve their single-family residence.

**WQM Permit No. 3608201**, CAFO, **Kreider Farms**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Application for the expansion of the existing egg washwater storage pond on the layer operation at the Donegal Facility. The proposed pond will replace an existing pond and is designed to store egg washwater from the existing facility. The total construction area limit for the pond is estimated to be approximately 2.5 acres.

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

**WQM Permit No. 1407203**, Sewerage 4952, **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. This proposed facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is proposing the construction of 20 micron effluent disc filters, a 200,000 gallon sludge holding tank and various other improvements and upgrades at their Benner Springs State Fish Hatchery.

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

**WQM Permit No. 5608402**, Sewerage, **PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541-0260. This proposed facility is located in Shade Township, **Somerset County**.

Description of Proposed Action/Activity: Application for construction and operation of a coal preparation and synthetic fuel plant.

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

**WQM Permit No. WQG028331**, Sewerage, Amendment No. 1, **Brokenstraw Valley Area Authority**, Box 155 Rouse Avenue, Youngsville, PA 16371-0284. This proposed facility is located in Pleasant and Pittsfield Townships, **Warren County**.

Description of Proposed Action/Activity: This Amendment adds a sewer extension along Route 6 North from Barton Run Road to Brokenstraw Creek including Page Hollow and Smith Hill Roads.

**WQM Permit No. 2508403**, Sewerage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506-2509. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: The project will involve the construction of a sanitary sewer 8" PVC gravity main line, 1 1/4" HDPE low pressure forcemain, service laterals, pump station and 4" PVC forcemain. Construction is anticipated to begin in Spring 2008.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024007007	Brian Kane 18296 Saint George's Court Leesburg, VA 20176	Luzerne	Wright Township	Big Wapwallopen Creek CWF EV Wetlands

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808003	Hercules Cement Co. 501 Hercules Drive P. O. Box 69 Stockertown, PA 18083	Northampton	Stockertown Borough Palmer and Upper Nazareth Townships	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508001	Gould Electronics, Inc. 34929 Curtis Boulevard East Lake, OH 44095-4001	Lackawanna	Throop Borough	Sulphur Creek CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108005	The Business Airport of Carlisle, Inc. Jim Kingsborough 228 Petersburg Road Carlisle, PA 17013-3178	Cumberland	South Middleton Township	Letort Spring Run EV
PAI032108005	Steckman Ridge, LP 890 Winter Street Suite 300 Waltham, MA 02451	Bedford	Monroe Township	Sideling Hill Creek-Shaffer Run EV-HQ



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


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

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### PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

### SAFE DRINKING WATER

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#### Applications Received under the Pennsylvania Safe Drinking Water Act

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

<b>Application No. 4608503</b> , Public Water Supply.	
Applicant	<b>Pottstown Borough Authority</b>
Borough	Pottstown
County	<b>Montgomery</b>
Responsible Official	Douglass Yerger Director of Public Works 100 East High Street Pottstown, PA 19464
Type of Facility	PWS
Consulting Engineer	BCM Engineers, Inc. 920 Germantown Pike Suite 200 Plymouth Meeting, PA 19462

Application Received Date	February 7, 2008
Description of Action	Construction of a 2,500,000-gallon water storage tank.

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

<b>Permit No. 3808502</b> , Public Water Supply.	
Applicant	<b>Country Acres MHP, LP</b>
Municipality	Jackson Township
County	<b>Lebanon</b>
Responsible Official	Country Acres MHP, LP Manager 1300 East Kershner Avenue Myerstown, PA 17067
Type of Facility	Public Water Supply
Consulting Engineer	David J. Gettle Kohl Bros., Inc. P. O. Box 350 Myerstown, PA 17067
Application Received:	January 31, 2008
Description of Action	Installation of nitrate treatment of well No. 1 through blending with well No. 2.

<b>Permit No. 2208501</b> , Public Water Supply.	
Applicant	<b>Mama's Pizza</b>
Municipality	East Hanover Township
County	<b>Dauphin</b>
Responsible Official	Mama's Pizza Manager/Owner 490 Bow Creek Road Grantville, PA 17028
Type of Facility	Public Water Supply
Consulting Engineer	Matthew D. Cichy, P. E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111
Application Received:	February 20, 2008
Description of Action	Installation of GAC Treatment for removal of MTBE.

<b>Permit No. 0108504</b> , Public Water Supply.	
Applicant	<b>Hillandale Gettysburg, LP</b>
Municipality	Tyrone Township
County	<b>Adams</b>
Responsible Official	Hillandale Gettysburg, LP Compliance Manager 370 Spicer Road Gettysburg, PA 17325
Type of Facility	Public Water Supply

Consulting Engineer Harry E. Bingaman, P. E.  
Glace Assoc., Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Application Received: February 28, 2008

Description of Action Installation of arsenic removal treatment.

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

**Application No. 1808501—Construction**, Public Water Supply.

Applicant **Suburban Lock Haven Water Authority**

Township or Borough Bald Eagle Township

County **Clinton**

Responsible Official Jack D. Peters  
Chairperson  
Suburban Lock Haven Water Authority  
326 Main Street  
Mill Hall, PA 17751

Type of Facility Public Water  
Supply—Construction

Consulting Engineer David W. Swisher, P. E.  
Herbert, Rowland & Grubic, Inc.  
474 Windmere Drive  
Suite 100  
State College, PA 16801

Application Received March 10, 2008

Description of Action Construct approximately 13,500 LF of 16" water main from Castanea to Hogan Boulevard. A booster station will be required to convey flows from Castanea to Hogan Boulevard.

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

**Permit No. 5608502**, Public Water Supply.

Applicant **Hidden Valley Utility Service, LP**  
1 Craighead Drive  
Hidden Valley, PA 15502

Township or Borough Jefferson Township

Responsible Official John Scanlan, Manager  
Hidden Valley Utility Service, LP  
1 Craighead Drive  
Hidden Valley, PA 15502

Type of Facility Water treatment plant

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

Application Received Date February 25, 2008

Description of Action Addition of polyphosphate feed equipment for sequestration.

**Permit No. 5608503**, Public Water Supply.

Applicant **Borough of Somerset**  
340 West Union Street  
Somerset, PA 15501

Township or Borough Somerset Township

Responsible Official Benedict Vinzani  
Borough Manager  
Borough of Somerset  
340 West Union Street  
Somerset, PA 15501

Type of Facility Water treatment plant

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

Application Received Date February 6, 2008

Description of Action Addition of fluoride and corrosion inhibitor for water purchased from the Somerset County General Authority.

**Permit No. 5608504**, Public Water Supply.

Applicant **Windber Area Authority**  
1700 Stockholm Avenue  
Windber, PA 15963

Township or Borough Richland Township and Windber Borough

Responsible Official Dennis Mash  
Manager  
Windber Area Authority  
1700 Stockholm Avenue  
Windber, PA 15963

Type of Facility Water treatment plant

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

Application Received Date March 4, 2008

Description of Action Repainting of the Mine 37 Tanks Nos. 1 and 2, the Park Hill Tank No. 2, the Park Hill Tank No. 1 and raising of the Park Hill Tank No. 1 by 10 feet.

## 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 Stan-

dard, 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.*

**John R. Young & Company, Inc.**, Upper Salford Township, **Montgomery County**. Christopher Candela, ATC Associates, Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 on behalf of John Young, John R. Yong Company, Inc. has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release PAHs. The intended future use of the site is for a parking lot and trail head that will accompany the Perkiomen trail located immediately adjacent to the site.

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

**Union Railroad Company Monongahela Junction Yard (Former)**, City of Duquesne, **Allegheny County**. Nicholas Palumbo, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Tom Besselman, Union Railroad Company, 1200 Penn Avenue, Suite 300, Pittsburgh, PA 15222-4207, and Jerome Gibas, General

Manager, **Kennywood Entertainment Partners, LP**, 4800 Kennywood Boulevard, West Mifflin, PA 15122 has submitted a Notice of Intent to Remediate. Site contamination is likely associated with long-term use of the property as a railcar repair facility, and the historical use of slag fill in portions of the site. Arsenic, lead and chromium have been identified in site soils in concentrations above their respective MSCs for residential use, manganese, iron and the VOC, chloromethane, have been identified in site groundwater above their respective MSCs for residential, used aquifers. The future use of the property is currently anticipated to be amusement park-related maintenance and/or support activities.

**West Penn Hat & Cap Site**, East Deer Township, **Allegheny County**. Christopher D. Tower, C. D. Tower & Associates, Inc., P. O. Box 307, Export, PA 15632 on behalf of F. Lynn Thompson, 1000 Treadway Trust, P. O. Box 428, Tarentum, PA 15084 has submitted a Notice of Intent to Remediate. The Act 2 site occupies about 8 acres of a larger tract within an industrialized area adjacent to the Allegheny River in East Deer Township. Groundwater beneath the site contains low levels of chlorinated VOCs of unknown origin. Localized surface spills of diesel fuel have already been remediated. 1000 Treadway Trust is seeking a release of liability for site groundwater. A Site-Specific and Statewide Health Standards will be applied where applicable. The site will remain nonresidential.

**Fourth and Main Site**, City of Greensburg, **Westmoreland County**. John R. Thatcher, BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101 on behalf of Lori Foust, CFO, Inland American CFG Pennsylvania Portfolio DST, 2901 Butterfield Road, Oak Brook, IL 60523, and Karen Kautz, Representative of Owner, Inland Real Estate Acquisitions, Inc., 2901 Butterfield Road, Oak Brook, IL 60523 has submitted a Notice of Intent to Remediate. The site is currently a Citizens Bank branch location but was formerly an automotive repair garage/gasoline service station with four associated underground storage tanks. A geophysical survey conducted in 2001 did not identify any abandoned USTs onsite. Recent groundwater and soil investigations indicated VOCs and PAHs above residential MSCs but below nonresidential MSCs. A risk-based, Site-Specific approach with pathway elimination, and Engineering and Institutional Controls will be used to attain an Act 2 relief of liability. A post remediation care plan will be inacted to maintain the controls. The site will remain nonresidential.

**Gilmour Manufacturing, as subsidiary of Robert Bosch Tool Corporation**, Somerset Borough, **Somerset County**. Raymond Orloski, MACTEC Engineering and Consulting, Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106 on behalf of David Luepke, Robert Bosch Tool Corporation, 1800 West Central Road, Mt. Prospect, IL 60056 and John Young, Robert Bosch, LLC, 401 North Bendix Drive, South Bend, IN 46628 has submitted a Notice of Intent to Remediate. Three areas of concern were identified at the Gilmour Manufacturing Facility in Somerset County. Site investigations have identified the presence of chlorinated solvents in the soil and groundwater under and near the former concrete catch basin. Benzene and ethylbenzene from an up gradient offsite petroleum release and free phase hydraulic oil under the former injection molding area. A combination of Background and Site-Specific Standards, as well as Institutional Controls will be used to achieve an Act 2 relief of liability. The site will remain nonresidential.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

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

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

**66-315-046A: Procter & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629-0032) for modifi-

cation of their existing 2M paper machine at their facility in Washington Township, **Wyoming County**.

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

**06-05066F: Exide Technologies** (P. O. Box 14294, Reading, PA 19612) for installation of a replacement thermal oxidizer to control various emissions from the No. 2 reverberatory furnace and No. 2 blast furnace at their facility in Laureldale Borough and Muhlenberg Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart L, Standards of Performance for New Stationary Sources and 40 CFR Part 63, Subpart X, National Emission Standards for HAPs from Secondary Lead Smelters.

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

**25-052B: Ames True Temper** (55 Pleasant Street, Union City, PA 16438) for construction of surface coating operation in City of Union City, **Erie County**. This is a State-only 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**09-0201: American Biofuels I, LLC** (271 Saxony Drive, Suite 200, Newtown, PA 18940-1685) for construction and installation of a 110 million gpy denatured ethanol production facility to be in the Keystone Industrial Port Complex, Falls Township, **Bucks County**. This is a major facility subject to 25 Pa. Code Chapter 127, Subchapter E (relating to New Source Review) which will result in potential NO<sub>x</sub> and VOC emissions of 58.7 and 91.3 tons, respectively. To address the NSR regulations for this facility, the applicant shall purchase and surrender 76.3 tons of NO<sub>x</sub> offsets and 118.7 tons of VOC offsets to the Department of Environmental Protection (Department). This amount includes the potential NO<sub>x</sub> and VOC increases times a multiplier of 1.3.

Major support equipment will include: boilers, dryers, hammermills, silos, thermal oxidizers, a scrubber and flares. There will be additional storage capacity for throughput of 95 million gallons of processed denatured ethanol not produced at this facility. Emissions from all process steps and support equipment will be controlled to the best extent possible, following established guidelines in the State and Federal regulations, as well as those emission limits and standards previously established in the RACT, BACT, LAER Clearinghouse (RBLC).

This is a major facility subject to 25 Pa. Code Chapter 127, Subchapter E (relating to New Source Review) which will result in potential NO<sub>x</sub> and VOC emissions of 58.7 and 91.3 tons, respectively. To address the NSR regulations for this facility, the applicant shall purchase and surrender 76.3 tons of NO<sub>x</sub> offsets and 118.7 tons of VOC offsets to the Department. This amount includes the potential NO<sub>x</sub> and VOC increases times a multiplier of 1.3.

The following add-on control devices will be utilized at this facility, ultra-low NOx burners, baghouses, thermal oxidizers, flares and a wet scrubber.

The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements:

1. The facility shall not start-up until the ERCs are transferred.

2. The facility-wide emissions will be limited to the following:

- (a) PM—87.7 tons;
- (b) PM10/PM2.5—71.7 tons;
- (c) VOC—91.3 tons;
- (d) NOx—58.7 tons;
- (e) SOx—56.2 tons; and
- (f) CO—82.9 tons.

3. Each boiler's emissions shall be limited to the following:

- (a) PM10/PM2.5—0.0076 lbs/mmBtu and 4.99 tons;
- (b) NOx—0.011 lbs/mmBtu and 7.23 tons;
- (c) CO—0.022 lbs/mmBtu and 14.45 tons;
- (d) VOC—0.006 lbs/mmBtu and 3.61 tons; and
- (e) SOx—0.0006 lbs/mmBtu and 0.39 tons.

4. Each dryer's emissions shall be limited to the following:

- (a) NOx—0.045 lbs/mmBtu (DGS Dryer), 0.040 lbs/mmBtu (RTO) and 21.28 tons;
- (b) CO—0.26 lbs/ton DDGS and 24.2 tons;
- (c) VOC—0.878 lbs per 1,000 gallons of undenatured ethanol and 24.2 tons;
- (d) PM, PM10 and PM2.5—0.24 lbs/ton DDGS and 22.3 tons; and
- (e) SO<sub>2</sub>—1.0 lbs/1,000 gallons of undenatured ethanol produced and 27.5 tons.

5. Aggregate VOC emissions from the storage tanks (Sources 105—109, 122 and 123) shall not exceed 2.97 tons.

6. The following particulate emission limits from the ethanol process shall not be exceeded:

- (a) Grain receiving—0.0025 gr/dscf; and 8.27 tons.
- (b) Grain milling—0.0025 gr/dscf and 2.70 tons.
- (c) DGS and DDGS storage and handling—0.0025 gr/dscf; and 3.73 tons.
- (d) Cooling tower—0.58 lbs/hr and 2.52 tons.

7. Emission from the Ethanol manufacturing process shall not exceed the following:

- (a) NOx—9.72 lbs/hr, and 42.57 tons;
- (b) CO—11.02 lbs/hr, and 48.26 tons;
- (c) VOC—11.0 lbs/hr, and 48.3 tons;
- (d) PM/PM10/PM2.5—10.17 lbs/hr, and 44.55 tons; and
- (e) SOx—12.56 lbs/hr, and 55.0 tons.

8. There are no limitations on the operating hours for any individual source at the facility, except for the diesel-driven fire pump, which shall operate no more than 300 hours in any 12-consecutive month period.

9. Initial testing shall be performed for the following:

- (a) Boilers—NOx and CO;
- (b) various baghouse outlet particulate loading; and
- (c) Oxidizer reduction percentages of VOC and HAPs.

10. The sources at this facility are subject to the following federal regulations:

- (a) 40 CFR 60, Subpart Db (Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units);
- (b) 40 CFR 60, Subpart A (General Provisions);
- (c) 40 CFR 60, Subpart Kb (Standards of Performance for VOC Storage Vessels);
- (d) 40 CFR 60, Subpart VV (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry (SOCMI));
- (e) 40 CFR 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines).

The facility shall comply with all applicable parts of these regulations.

**15-0029E: Dopaco, Inc.** (241 Woodbine Drive, Downingtown, PA 19335) for installation of an eight station flexographic printing press at an existing Title V facility in Downingtown Borough, **Chester County**. Potential emissions of VOCs are projected to be less than 7.8 tpy, while HAPs will be limited to 1.2 tpy. These air emissions will be controlled through the use of coating and cleanup solvent compositions with low or no VOC constituents. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**48-307-062: RSI Silicon Products, LLC** (3700 Glover Road, Easton, PA 18040) for installation of two electric arc furnaces and associated air cleaning devices (fabric collectors) at their facility in Forks Township, **Northampton County**. The facility is a non-Title V facility. The total PM emissions from the fabric collectors will be 2.0 tpy and shall not exceed 0.003 grain/dscf. The plan approval will include emission restrictions, monitoring, reporting and work practice requirements designed to keep the sources operating within all applicable air quality requirements.

**39-309-065: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) for utilization of plastic-derived fuel (PDF) in the existing No. 3 cement kiln at their Whitehall Plant in Whitehall Township, **Lehigh County**. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No. 39-309-065 is for the utilization of PDF to be fired as a supplemental fuel in the No. 3 cement kiln. The cement kiln can be fired by either a combination of coke and bituminous coal; a combination

of coke, bituminous coal and tire-derived fuel (TDF); or a combination of coke, bituminous coal, TDF and/or PDF. The emissions from the No. 3 cement kiln when fired by TDF and/or PDF will not exceed the following emission limits (unchanged from the current Title V operating permit) listed:

<i>Pollutant</i>	<i>Lbs/Hour</i>
Arsenic	0.00098
Cadmium	0.00131
Hexavalent Chromium	0.00088
Lead	0.043
Mercury	0.00482
Nickel	0.01225
Zinc	0.25076
Total VOCs	5.7
SO <sub>2</sub>	195.0
	(3-hr Block Average)
NOx (with TDF/PDF)	166.0
	(30-day Rolling Average)
NOx (NO TDF/PDF)	203.3
	(30-day Rolling Average)
Particulates	7.3

In addition to the emission limits listed in the above table, the Plan Approval will contain the following emission limits for the No. 3 cement kiln when fired by TDF and/or PDF: HCl—2.2 lbs/hr; HCN—0.059 lbs/hr and chlorine—0.077 lbs/hr.

The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will be required to continue to operate and maintain a Continuous Emission Monitoring System (CEM), which is certified by the Department, for opacity, SO<sub>2</sub> and NOx. In addition, the company is required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs, PM, CO, HCl, HCN and chlorine due to the kiln being fired by PDF and/or TDF.

**PA Nos. 66-315-049 and 66-315-051: The Procter & Gamble Paper Products Co.** (P. O. Box 31, Mehoopany, PA 18692) for addition of a new vacuum based dewatering system for the 6M paper machine and for addition of three new paper fiber filtration systems for paper machines Nos. 2M, 5M and 6M in Washington Township, Wyoming County.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval Nos. 66-315-049 and 66-315-051 to The Procter & Gamble Paper Products Co., P. O. Box 31, Mehoopany, PA 18692, for their plant in Washington Township, Wyoming County. The facility currently has Title V Permit No. 66-00001. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 66-315-049 is for the addition of a new vacuum based dewatering system for the 6M paper machine. All emissions will be fugitive. The increased drying will allow the paper machine to process more paper and thus use more chemical additives with their associated VOC emissions. This is approximately a 15% increase in paper capacity. This project does not impact emissions from other sources at the site. The VOC emissions increase due to this modification will be limited to 1.3 tpy, based on a 12-month rolling sum.

Plan Approval No. 66-315-051 is for the addition of three new paper fiber filtration systems for paper machines No. 2M, 5M and 6M. The new vacuum drying system being added to the paper machine requires high pressure showers to keep the system clean. These showers require clean water in order not to clog. Filtration is being added to achieve the improved water quality needed for these new showers. There is no increased production associated with these filters. These water filters are fugitive sources of emissions. The VOC emissions increase due to this modification will be limited to 1.3 tpy, based on a 12-month rolling sum.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 66-315-049 and 66-315-051

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after publication date.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**PA-63-00549B: Arden Landfill, Inc.—Waste Management** (625 Cherrington Parkway, Moon Township, PA 15108) to control the increased production of landfill gas (LFG) expected to result from the proposed expansion in landfill capacity at their existing facility in Chartiers Township, Washington County.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Arden Landfill, Inc. (Waste Management, 625 Cherrington Parkway, Moon Township, PA 15108) to control the increased production of LFG expected to result from a the proposed expansion in landfill capacity at their existing facility located in Chartiers Township, Washington County. Emission rates from the Facility are limited as stated in the Special Conditions listed as follows.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address listed.

Department of Environmental Protection  
 400 Waterfront Drive  
 Pittsburgh, PA 15222

For the Department to assure compliance with all applicable standards, the Department proposes to place the following Special Conditions on the Plan Approval:

1. This Plan Approval authorizes the expansion in landfill capacity of the Arden Landfill, Inc. municipal solid waste landfill facility located in Chartiers Township, Washington County. (25 Pa. Code § 127.12b)

2. The amended design capacity of this facility is established at a total of 32,964,093 megagrams (~36,336,320 tons) of municipal solid waste. This total includes the waste previously deposited in the existing landfill area and the anticipated capacity of the proposed expansion area. Any increase in the design capacity above this level is subject to permitting by both the Department's Air Quality Program and the Bureau of Waste Management. (25 Pa. Code § 127.12b)

3. The Owner/Operator shall comply with the requirements of 25 Pa. Code § 123.31 regarding malodorous emissions.

4. The Owner/Operator shall comply with the requirements of 25 Pa. Code §§ 123.1 and 123.2 regarding fugitive emissions.

5. Waste acceptance rates at the Facility shall be limited as follows: (25 Pa. Code § 127.12b)

- a. 2,400 tpd based on a 30-day average.
- b. 2,800 at any time.
- c. 748,800 tons in any consecutive 12-month period.

1. Emissions from the Facility in any consecutive 12-month period shall be limited as follows: (25 Pa. Code § 127.12b)

<i>Pollutant</i>	<i>Facility Total (tpy)</i>
VOC	20.0
HAP	7.8
NOx	71.0
CO	157.0
SO <sub>2</sub>	8.0
PM <sub>10</sub>	36.0

a. Prior to any increase of VOC or HAP emissions beyond the Facility total rates expressed in this Plan Approval, the Owner/Operator must demonstrate to the Department, by means of modeling or other Department approved methodology, that the total emission rates from the existing and new increases in emission rates will not pose a significant health risk to the public and will not cause malodorous emissions beyond the property line.

1. The Owner/Operator shall monitor and record LFG rates combusted by the enclosed flare at a minimum of monthly until a reading of 3,200 scfm is recorded, after which the Owner/Operator shall monitor and record LFG rates combusted by the enclosed flare at a minimum of weekly. (25 Pa. Code § 127.12b)

2. The Owner/Operator shall submit an application for plan approval to control that volume of LFG production rates in excess of the enclosed flare design capacity (4,000 scfm) within a minimum of 60 days following the measurement of the LFG rates combusted by the flare of

3,600 scfm or greater. The approval by the Department of a Landfill Gas to Energy Plant would satisfy this requirement. (25 Pa. Code § 127.12b)

3. This Facility is subject to the requirements of 40 CFR Part 60, 60.750 New Source Performance Standards for Municipal Solid Waste Landfills Subpart WWW.

4. This Facility is subject to the requirements of 40 CFR Part 63, 63.1935 National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills Subpart AAAA.

5. The Owner/Operator shall pave and maintain the permanent landfill access roadways, other vehicular haul roads inside the landfill, and all parking lots/areas; as detailed by Attachment A of the application for plan approval.

6. The Owner/Operator shall utilize the following Best Management Practices, as necessary, to prevent PM from becoming airborne: (25 Pa. Code § 127.12b)

- a. Clean paved roadways and parking lots/areas by vacuum sweeping, watering or other approved means.
- b. The access roadways if unpaved at the unloading areas (active cells) shall have a crown so that water runs off and does not pool. Water or other chemical dust suppressants shall be applied to unpaved road surfaces.
- c. Prior to leaving the landfill, the undercarriage, wheels and chassis of the vehicles which were used to transport wastes and earth shall be washed to prevent earthen carryout onto roadways.

1. The Owner/Operator shall comply with the following requirements: (25 Pa. Code § 127.12b)

- a. No waste oil shall be used as dust suppressant.
- b. All trucks entering the landfill shall be covered.
- c. A speed limit of 15 miles per hour shall be posted on all paved access roadways and 10 miles per hour on all unpaved areas.

1. Road watering and sweeping shall be performed, as needed, and earth or other material transported from the site shall be removed promptly, as needed, on the paved public road to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

2. The Owner/Operator shall keep records of the following waste acceptance rates: (25 Pa. Code § 127.12b)

- a. Daily.
- b. 30-day average.
- c. Rolling consecutive 12-month period.

1. The Owner/Operator shall perform a daily inspection of the Facility for the presence of fugitive emissions. Records each inspection shall be maintained in a log and include any corrective actions taken. (25 Pa. Code § 127.12b)

2. The Owner/Operator shall monitor for fugitive landfill gas emissions as required by 40 CFR Part 60, Subpart WWW. In estimating the fugitive VOC and HAP emission rate the Owner Operator shall use the results of the Landfill Gas Estimation Model (LANDGEM), the gas collection system design and operation, the annual volume flow of landfill gas collected from the entire landfill, and the results of the quarterly surface monitoring required under 40 CFR Part 60, Subpart WWW; or other method approved by the Department in writing. The calculated emission rate shall be included in the annual facility-wide emissions report (AIMS Report) which the

Owner/Operator is required to submit to the Department by March 1 of each year for the previous calendar year. (25 Pa. Code § 127.12b)

3. All logs and required records shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12b)

4. This approval to construct shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or (2) if construction is discontinued for a period of 18 months or more. (25 Pa. Code § 127.13(b))

5. Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met. (25 Pa. Code § 127.12b)

a. The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

b. Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c. Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources starting on the date of commencement of operation. This Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a revision to the Title V Operating Permit (TVOP) application, at least 60 days prior to the expiration date of the Plan Approval.

f. The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

g. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or

the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department of Environmental Protection at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

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

\* Identification of the proposed Plan Approval (specify the Plan Approval number).

\* Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.  
Regional Air Quality Program Manager  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southwest Region—Field Operation  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Mark R. Gorog, P. E.  
Air Quality Program  
(412) 442-4333

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

**AMS 06053: 121 Point Breeze Management Corporation** (6300 West Passyunk Avenue, Philadelphia, PA 19153) to modify Plan Approval 06053 to increase the facility's gasoline throughput from 270,000,000 to 365,000,000 gpy. The increase in gasoline throughput for the facility will result in a potential annual emission increase of 4 tons for VOCs. The potential emissions from the facility will be limited to less than 25 tons per rolling 12-month period of VOCs, 10 tons per rolling 12-month period of individual HAPs and 25 tons per rolling 12-month period of combined HAPs. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 08054: Tidewater Grain Elevator** (2600 Penrose Ferry Road, Philadelphia, PA 19145) for installation and operation of one Extec portable crusher with wet suppression system. There will be a potential emission increase 4.65 tpy of NOx and 0.08 tpy of PM for the facility. The plan approval will contain operating 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.**



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

**36-05025: Texas Eastern Transmission LP—Marietta Compressor Station** (P. O. Box 1642, Houston, TX 77251-1642) for renewal of the Title V Operating Permit in East Donegal Township, **Lancaster County** issued in August 2003.

**67-05029: NYW Realty, LLC** (500 East Middle Street, Hanover, PA 17331) for operation of their wire cloth manufacturing facility in Hanover Borough, **York County**. This is a renewal of the Title V operating permit issued to the facility in 2003.

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

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

**15-00130: Schramm, Inc.** (800 East Virginia Avenue, West Chester, PA 19380-4430) for an initial Non-Title V Facility, State-only, Synthetic Minor Permit in West Goshen Township, **Chester County**. Schramm, Inc. is an industrial manufacturing plant where mobile drill rigs for water and mineral exploration are designed and manufactured. The facility has taken individual site level restrictions of 22 tpy for NO<sub>x</sub>, VOC and combined HAP emissions. The emission restrictions will ensure that Schramm Inc remains under the emission thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00142: ML 35 LLC** (35 Runway Road, Levittown, PA 19057), for the renewal of a State-only, Synthetic Minor Operating Permit in Bristol Township, **Bucks County**. The facility operates four diesel fired emergency generators at its facility to provide back-up electrical power. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00195: Harold Beck and Sons, Inc.** (11 Terry Drive, Newtown, PA 18940) for operation of two paint booths and degreasing units at their plant, in Newtown Township, **Bucks County**. This plant manufactures electric actuators that are used for industrial process control with valves and dampers. The proposed permit is for a non-Title V (State-only), Natural Minor facility. It contains 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.*

**06-05009: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9467) for operation of a nonmetallic mineral crushing plant and asphalt plant controlled by wet suppression and fabric collector in Maxatawny Township, **Berks County**. The crushing plant is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for New Stationary Sources. The asphalt plant is subject to 40 CFR Part 60, Subpart I, Standards of Performance for New Stationary Sources. This action is a renewal of the State-only operating permit issued in 2003.

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

**49-00031: Jeld-Wen, Inc.** (215 Packer Street, Sunbury, PA 17801) for the operation of a wood door manufacturing facility in the City of Sunbury, **Northumberland County**.

The facility incorporates various pieces of woodworking equipment, a paint spray booth, an automated door assembly machine, two manual glue spreaders, two solvent parts washers, a printer, three small natural gas-fired boilers and heaters (with a total combined heat input of 7.1 mmBtu/hr) and a 150 horsepower natural gas-fired emergency generator. The PM emissions from the woodworking equipment are controlled by a fabric collector and the PM emissions from the spray booth are controlled by spray booth filters.

The facility has the potential to emit up to 41.41 tons of PM/PM<sub>10</sub>, 29.25 tons of VOCs, 9.999 tons of any single HAP, 24.999 tons of all HAPs combined, 8.43 tons of NO<sub>x</sub>, 3.26 tons of CO and .02 ton of SO<sub>x</sub> per year.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Operating Permit 49-318-019, issued on January 27, 1993, and conditions previously established as requirements of plan approval exemption determinations.

The conditions previously contained in Operating Permit 49-318-019 include:

1. A condition limiting the VOC emissions from the paint spray booth to less than 25 tons in any 12-consecutive month period.
2. Conditions requiring the paint spray booth to be equipped with spray booth filters.
3. A condition requiring the maintenance of records of the identity, quantity and VOC content of the coatings applied in the paint spray booth.

The conditions previously established as a requirement of a plan approval exemption granted for the automated door assembly machine include:

4. Conditions limiting the VOC emissions from the automatic door assembly machine to less than 1.3 tons in any 12-consecutive month period and the methylene diphenyl diisocyanate emissions to less than 1.0 ton in any 12-consecutive month period.
5. A condition requiring the maintenance of records of the identity, quantity, VOC content and methylene diphenyl diisocyanate content of the materials used in the automated door assembly machine.

The conditions previously established as a requirement of a plan approval exemption granted for the woodworking equipment include:

6. Conditions requiring the fabric collector controlling the PM emissions from the woodworking equipment to be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis and the pressure differential to be recorded at least once per day.
7. A condition requiring spare fabric collector bags to be kept onsite.

8. A condition prohibiting the operation of the wood-working equipment without the simultaneous operation of the fabric collector.

The Department additionally proposes to incorporate a number of new conditions into the operating permit to be issued including:

9. A condition limiting the total combined emission of any single HAP from the entire facility to less than 10 tons in any 12-consecutive month period and the total combined emission of all HAPs to less than 25 tons in any 12-consecutive month period.

10. A condition requiring the maintenance of records of the amount of each individual HAP emitted from each source at the facility each month.

11. Conditions limiting the fuel used in the boilers and heaters and emergency generator to natural gas.

12. A condition limiting the amount of solvent used in the solvent parts washers to a combined total of 300 gallons in any 12-consecutive month period.

13. A condition prohibiting the use in the solvent parts washers of any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride or chloroform in a total concentration greater than 5% by weight.

14. A condition prohibiting a second fabric collector associated with the woodworking equipment from being exhausted to the outdoor atmosphere.

15. Conditions limiting the type and amount of glue used in the two manual glue spreaders to a maximum of 170,000 gallons of a glue with a maximum VOC content of .009 pound per gallon and a maximum VHAP content of .009 pound per gallon in any 12-consecutive month period and a maximum of 4,200 gallons of a second glue with a maximum VOC content of .34 pound per gallon and a maximum VHAP content of .34 pound per gallon in any 12-consecutive month period.

16. A condition prohibiting the use of anything but water for cleaning the two manual glue spreaders.

17. A condition requiring the maintenance of records of the identity, quantity, VOC content and VHAP content of the glues used in the two manual glue spreaders.

18. Conditions limiting the type and amount of ink, ink wash and make-up ink used in the printer to a maximum of 10 gallons of ink with a maximum VOC content of 5.1 pounds per gallon and a maximum VHAP content of zero pound per gallon, 10 gallons of ink wash with a maximum VOC content of 6.72 pounds per gallon and a maximum VHAP content of zero pound per gallon and 5 gallons of make-up ink with a maximum VOC content of 6.76 pounds per gallon and a maximum VHAP content of zero pound per gallon in any 12-consecutive month period.

19. A condition requiring the maintenance of records of the identity, quantity, VOC content and VHAP content of all ink, ink wash and make-up ink used in the printer.

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

**42-00061: Dresser Industries, Inc.** (41 Fisher Avenue, Bradford, PA 16701-1649) for issuance of a Natural Minor Operating Permit to operate a facility that manufactures specialty piping products in Bradford City, **McKean County**. The facility's primary emission sources include miscellaneous natural gas combustion, a burn off oven, two surface coating dip lines, two surface coating spray

booths, eight natural gas fired furnaces, a shotblast operation, 10 parts washers and a natural gas fired emergency generator.

**43-00289: Spang and Co.—Spang Power Electronics Division** (5241 Lake Street, Sandy Lake, PA 16145) to re-issue their Natural Minor Operating Permit in the Sandy Lake Township, **Mercer County**. The facility's primary source of emissions is from surface coating operations.

**43-00323: Chautauqua Fiberglass and Plastics, Inc.** (80 Canal Street, Sharpville, PA 16150-2201) for issuance of a Synthetic Minor Operating Permit to operate a facility that fabricates custom fiberglass reinforced plastic parts in Sharpville Borough, **Mercer County**. The facility's primary emission sources include fiberglass fabrication operations and spray booth operations.

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

**S07-002: Philadelphia International Airport—City of Philadelphia—Department of Commerce—Division of Aviation** (8800 Essington Avenue, Philadelphia, PA 19153) for operation of an airport in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight 31 mmBtu/hr or less boilers burning No. 2 or natural gas, six less than 2 mmBtu/hr burning natural gas, 43 less than or equal to 2.6 mmBtu/hr heaters burning natural gas, and six emergency generators burning No. 2 fuel oil.

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

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an applica-

tion is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with

water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

#### *Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day 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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 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: 26970702 and NPDES Permit No. PA0215112, Matt Canestrone Contracting, Inc.**, (P. O. Box 234, Belle Vernon, PA 15012-0234), to revise the permit for the LaBelle Site in Luzerne Township, **Fayette County** and related NPDES permit to add an NPDES discharge point for Slurry Pond No. 3. Receiving Stream: Meadow Run, classified for the following use: WWF. Application received January 24, 2008.

**Permit Number 63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in Somerset Township, **Washington County** to add acreage to install two boreholes and a buried pipeline to convey fine coal refuse slurry into the mine void. Surface Acres Proposed 5.61. No additional discharges. Application received January 24, 2008.

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

**32010105. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16601, permit renewal for the continued operation and restoration of a bituminous surface mine in Center and Blacklick Townships, **Indiana County**, affecting 149.2 acres. Receiving streams: UNTs to/and Aultmans Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 29, 2008.

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

**65970103 and NPDES Permit No. PA0201898. Derry Stone & Lime Co., Inc.** (117 Marcia Street, Latrobe, PA 15650-4300). Revision application to revise the E & S controls and add acres to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 139.1 acres. Receiving streams: UNTs to McGee Run and Stoney Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received February 29, 2008.

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

**24080101 and NPDES Permit No. PA0258555. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Commencement, operation and restoration of a bituminous surface strip operation in Fox Township, **Elk County** affecting 225.0 acres. Receiving streams: Kyler Run and UNTs to Kyler Run, classified for the following

use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 28, 2008.

**1189-24080101-E-1. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Application for a stream encroachment to encroach within 100 feet for support activities in Fox Township, **Elk County**. Receiving streams: Kyler Run and UNTs to Kyler Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 28, 2008.

**1189-24080101-E-2. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Application for a stream encroachment to encroach within 100 feet for support activities and a stream crossing over UNT No. 2 in Fox Township, **Elk County**. Receiving streams: Kyler Run and UNTs to Kyler Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 28, 2008.

**1189-24080101-E-3. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Application for a stream encroachment to mine through and remove UNT 2A in Fox Township, **Elk County**. Receiving streams: Kyler Run and UNTs to Kyler Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 28, 2008.

**1189-24080101-E-4. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Application for a stream encroachment to mine through and remove UNT 2B in Fox Township, **Elk County**. Receiving streams: Kyler Run and UNTs to Kyler Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 28, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17080102 and NPDES No. PA0256722. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface coal

mine in Bigler and Beccaria Townships, **Clearfield County**, affecting 152.0 acres. Receiving streams: Banian Run and UNTs; Muddy Run and UNTs, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 28, 2008.

**17920115 and NPDES No. PA0207110. P & N Coal Company, Inc.** (240 West Mahoning Street, Punxsutawney, PA 15767), permit renewal for the continued operation and restoration of a bituminous surface mine in Goshen Township, **Clearfield County**, affecting 16.5 acres. Receiving streams: UNT to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 3, 2008.

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

**54080102 and NPDES Permit No. PA0224677. Keystone Anthracite Co., Inc.** (132 East Main Street, Girardville, PA 17935), commencement, operation and restoration of an anthracite surface mine operation and discharge of treated mine drainage in West Mahanoy Township, **Schuylkill County** affecting 820.0 acres, receiving stream: Shenandoah Creek, classified for the following use: CWF. Application received March 3, 2008.

*Noncoal Applications Returned*

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

**29070801, Harry S. Helser**, 1077 Log Cabin Road, Fort Littleton, PA 17223, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Todd Township, **Fulton County**, affecting 5.0 acres, receiving stream: UNT to Licking Creek. Application received March 12, 2007. Permit returned February 28, 2008.

*Noncoal Applications Received*

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

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

\*The parameter is applicable at all times.

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

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

**Permit No. 29940301 and NPDES Permit No. PA0607908. H. B. Mellot Estate, Inc.**, 100 Mellot Drive, Suite 100, Warfordsburg, PA 17267, renewal of NPDES Permit, Bethel and Thompson Townships, **Fulton County**. Receiving stream: Little Tonoloway Creek classified for the following use: TSF. There are no potable

water supply intakes within 10 miles downstream. Application received February 28, 2008.

**29940301 and NPDES No. PA0607908. Lafarge Mid-Atlantic, LLC**, 300 East Joppa Road, Suite 200, Towson, MD 21286, transfer of an existing surface noncoal mine from H. B. Mellott Estate, Inc., 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, located in Bethel and Thompson Townships, **Fulton County**, affecting 159.9 acres. Receiving stream: Little Tonoloway Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received March 3, 2008.

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

**43020302. White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125). Renewal of NPDES Permit No. PA0242110, Hempfield Township, **Mercer County**. Receiving stream: Mathay Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received March 7, 2008.

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

**7775SM10C3 and NPDES Permit No. PA0011789. Lehigh Cement Company**, (537 Evansville Road, Fleetwood, PA 19522), correction to an existing quarry operation to increase the NPDES discharge of treated mine drainage in Maiden Creek Township, **Berks County**, receiving stream: Maiden Creek, classified for the following uses: WWF and MF. Application received March 4, 2008.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E28-346 Duke Realty Corporation**, 5600 Blazer Parkway, Suite 100, Dublin, OH 43217, United Business Park, Southampton Township, **Franklin County**, USACE Baltimore District.

To construct a maintain: 1) a 977,600.0 square foot building which will impact 0.90 acre of palustrine emergent wetland; 2) a 57.0-foot long by 20.0-foot wide ConSpan bridge across Furnace Run (CWF) with associated utilities which will impact 798.0 square feet of stream channel; and 3) a temporary diversion in Furnace Run (CWF) for bridge construction which will impact 2,800.0 square feet of stream channel, all for the construction of the United Business Park located east of Old Scotland Road and south of Interstate 81 (Shippensburg, PA Quadrangle N: 3.0 inches; W: 3.0 inches, Latitude: 40° 01' 10"; Longitude: 77° 31' 10") in Southampton Township, Franklin County. The applicant is required to provide a minimum of 0.90 acre of replacement wetlands which are proposed to be located onsite.

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

**E02-1577. One Hundred, Limited**, 60 Port Perry Road, North Versailles, PA 15137. To install a culvert and place fill in wetlands in North Versailles Township, **Allegheny County**, Pittsburgh ACOE District (Brad-dock, PA Quadrangle N: 2.7 inches; W: 9.9 inches, Latitude: 40° 23' 24"; Longitude: 79° 49' 14"). The applicant proposes to place and maintain fill in 0.128 acre of wetlands in four locations in the watershed of UNTs to Turtle Creek (WWF); to impact a total length of 2,250 feet of a UNT to Turtle Creek (S1) by installing an 18 inch diameter pipe and a channel for the purpose of development of a residential housing plan located in North Versailles.

### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D23-006EA and D23-011EA. Aston Township**, 5021 Pennell Road, Aston, PA 19014. Aston Township, **Delaware County**, ACOE Philadelphia District.

Project proposes to breach and remove Plant No. 3 dam and an unnamed dam across West Branch Chester Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2,700 feet of stream channel. The dams are located approximately 1 mile north of the intersection of SR 261 and Aston Mills Road (Media, PA Quadrangle Latitude: 39° 53' 05"; Longitude: 75° 26' 46") (Media, PA Quadrangle Latitude: 39° 53' 16"; Longitude: 75° 26' 37").

**D26-128EA and D26-129EA. Western Pennsylvania Conservancy**, Route 381, Mill Run, PA 15464. Stewart Township, **Fayette County**, ACOE Pittsburgh District.

Project proposes to breach and remove Upper Bear Run Dam and Lower Bear Run Dam across Bear Run (EV) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dams are also being removed to eliminate a barrier to resident fish species. The project will restore approxi-

mately 200 feet of stream channel. The dams are located approximately 1.3 miles northeast of the intersection of SR 381 and Maple Hill Road (SR 2017) (Mill Run, PA Quadrangle Latitude: 39° 53' 57"; Longitude: 79° 27' 31") (Mill Run, PA Quadrangle Latitude: 39° 53' 57"; Longitude: 79° 27' 30").

**D14-120EA. Ferguson Township**, 3147 Research Drive, State College, PA. Ferguson Township, **Center County**, ACOE Baltimore District.

Project proposes to breach and remove Ferguson Township Debris Basin 1 Dam across Slab Cabin Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 210 feet of stream channel. The dam is located approximately 750 feet north of the intersection of SR 45 and SR 26 (Pine Grove Mills, PA Quadrangle Latitude: 40° 44' 09"; Longitude: 77° 53' 08").

**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 waste; discharge 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.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060321 (Minor Sewage)	Village of Mountain Heights, Inc. 125 North Main Street Moscow, PA 18444	Overfield Township Wyoming County	UNT to the South Branch of Tunkhannock Creek 4F	Y

Chesapeake Bay nutrient monitoring requirement for Ammonia, Kjeldahl, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus was added to this permit.

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060925 (Minor Sewage)	Girl Scouts in the Heart of Pennsylvania (Camp Archbald) 350 Hale Avenue P. O. Box 2837 Harrisburg, PA 18105-2837	Brooklyn Township Susquehanna County	UNT to Hop Bottom Creek 04F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029297 (Sew)	South Mountain Restoration Center 10058 South Mountain Road South Mountain, PA 17261-0999	Franklin County Quincy Township	Rocky Mountain Creek 13-C	Y
PA0021202 (Sew)	East Berlin Area Joint Authority 128 Water Street East Berlin, PA 17316	Adams County East Berlin Borough	Conewago Creek 7-F	Y
PA0037150 (Sew)	Penn Township Board of Commissioners 20 Wayne Avenue Hanover, PA 17331	York County Penn Township	Oil Creek 7-H	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0115215 IW	Lucas Trucking, Corp. 9657 North Route 220 Highway Jersey Shore, PA 17740	Lycoming County Piatt Township	UNT of West Branch Susquehanna River 10A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0096598 Sewage	Lower Ten Mile Joint Sewer Authority 144 Chartiers Road Jefferson, PA 15344	Greene County Morgan Township	South Fork Tenmile Creek	Y
PA0042820 Sewage	Donald J. Dallatore, Jr. 1011 South Main Street Washington, PA 15301-3218	Washington County South Franklin Township	UNT of Chartiers Creek	Y
PA0098965 Sewage	Carolyn S. Roberts P. O. Box 294 Murrysville, PA 15668	Allegheny County Plum Borough	UNT of Little Plum Creek	Y
PA0217301 Sewage	Conemaugh Township Supervisors 1120 Tire Hill Road Johnstown, PA 15905-7707	Somerset County Conemaugh Township	UNT of Quemahoning Creek	Y
PA0098761 Sewage	NWL Company 1001 LaFayette Drive Farmington, PA 15437	Fayette County Wharton Township	Deadman Run	Y
PA0028703 Sewage	Peters Township 3244 Washington Road McMurray, PA 15317-3153	Washington County Peters Township	Chartiers Creek	N
PA0217450 Sewage	Monica Meehan 5390 West Pike Street Export, PA 15632	Westmoreland County Salem Township	UNT of Whitehorn Creek	N
PA0090131 Sewage	Robert M. Merashoff Beryl Acres Sewage Company 152 Valley View Road Scenery Hill, PA 15360	Washington County North Bethlehem Township	UNT South Branch Pigeon Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0219436 Sewage	Jack Lentz 12554 Route 286 Highway West Clarksburg, PA 15725	Indiana County Young Township	UNT to Blacklegs Creek	Y
PA0095036 Sewage	EL-DO, Inc. 700 Atlantic Avenue McKeesport, PA 15132	Westmoreland County South Huntingdon Township	Swale to a UNT of the Youghiogheny River	Y
PA0097195 Sewage	Kiski Area School District 200 Poplar Street Vandergrift, PA 15690-1491	Westmoreland County Bell Township	Wolford Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0002151	Pittsburgh Corning Corporation P. O. Box 39 Port Allegany, PA 16743	Port Allegany McKean County	Allegheny River 16-C	Y

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

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

**NPDES Permit No. PA-0026492**, Sewage, **Scranton Sewer Authority**, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is located in City of Scranton, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of a Major NPDES Renewal Permit.

**NPDES Permit No. PA-0045985**, Sewage, **Mountaintop Area Joint Sanitary Authority**, 290 Morio Drive, Mountaintop, PA 18707. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of a Major NPDES Renewal Permit.

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

**NPDES Permit No. PA0087017**, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Beaver Creek in Watershed 7-D.

**NPDES Permit No. PA0260312**, CAFO, **Blatt Acres**, 152 Old Church Road, Robesonia, PA 19551. This proposed facility is located in North Heidelberg Township, **Berks County**.

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

**NPDES Permit No. PA0088692**, CAFO, **Frey Dairy Farms, Inc., Frey Dairy Farm**, 2746 River Road, Conestoga, PA 17516. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 2,185-AEU dairy operation in Watershed 7-J.

**NPDES Permit No. PA0259829**, CAFO, **Armstrong Valley Farms, Inc., Armstrong Valley Farms**, 299 Shoop Road, Halifax, PA 17032. This proposed facility is located in Jackson Township, **Dauphin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 700-AEU swine, beef and dairy operation in Watershed 6-C.

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

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

**WQM Permit No. 6407402**, Sewerage, **CBR Enterprises, Ltd.**, 139-23 Queens Boulevard, Jamaica, NY 11435. This proposed facility is located in Lehigh Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. PA-0065145**, Sewerage, **Dunn Lake, LLC**, 103 Indian Springs Road, Kennett Square, PA 19348. This proposed facility is located in Ararat Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

**WQM Permit No. 2808401**, Sewage, **Hamilton Township Municipal Authority**, 1270 Crottestown Road, Chambersburg, PA 17201. This proposed facility is located in Hamilton Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a collection system and pump station to serve the Whiskey Run Vista Development.



**WQM Permit No. 0107406**, Sewage, **East Berlin Area Joint Authority**, 128 Water Street, East Berlin, PA 17316. This proposed facility is located in East Berlin Borough, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of the Water Street Interceptor, the Northwest Truck Sewer and a SBR wastewater treatment plant.

**WQM Permit No. 6708402**, Sewage, **York Township Water and Sewer Authority**, 190 Oak Road, Dallastown, PA 17313. This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of Leader Heights Sanitary Sewers Phase 2 and 3 gravity sewers and the Lentzlyn Drive pump station.

**WQM Permit No. WQG01210802**, Sewage, **Russell R. Wilson, II**, 579 Grahams Wood Road, Carlisle, PA 17013. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single-family residence.

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

**WQM Permit No. 0277205-A1**, Industrial Waste, **US Steel Corporation**, P. O. Box 878, MS No. 160, Dravosburg, PA 15034. This existing facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance for replacement of plant vacuum filter press with belt press.

**WQM Permit No. 0407402**, Sewerage, **Township of Hopewell**, 1700 Clark Boulevard, Aliquippa, PA 15001. This proposed facility is located in Hopewell Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers and pumping station.

**WQM Permit No. 463S028-A2**, Sewerage, **Westmoreland Fayette Municipal Sewer Authority**, P. O. Box 126, Scottdale, PA 15683. This existing facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance for installation of a sodium bisulfite dechlorination system.

**WQM Permit No. 6508401**, Sewerage, **Irwin Borough**, 424 Main Street, Irwin, PA 15642. This proposed facility is located in Irwin Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sewer separation project.

**WQM Permit No. WQG016158**, Sewerage, **Lois A. Decker**, 118 Harvison Court No. 2, Irwin, PA 15642. This proposed facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

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

**WQM Permit No. 4301202**, Industrial Waste, **Amendment No. 1, Fairview Swiss Cheese**, 1734 Perry Highway, Fredonia, PA 16124. This proposed facility is located in Fairview Township, **Mercer County**.

Description of Proposed Action/Activity: This is an upgrade of the current Waste Water Treatment Plant to add an anaerobic technology treatment which achieves ultra high-rate, biological treatment while minimizing energy use, sludge production and chemical utilization.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0264080051	CBR Enterprises, Ltd. 139-23 Queens Boulevard Jamaica, NY 11435	Wayne	Lehigh Township	Tributary to Lehigh River HQ-CWF
PAI026407005	Bunnell Waste Removal, Inc. 267 Tryon Street Honesdale, PA 18431	Wayne	Berlin Township	Tributary to Rattlesnake Creek HQ-CWF
PAI023906017	Posh Properties 2216 Willow Park Road Bethlehem, PA 18017	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907012	Faith Evangelical Free Church 6528 Hamilton Boulevard Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030707002	Department of Transportation Engineering Dist 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Blair	Logan Township	Brush Run WWF

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

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

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

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

#### General Permit Type—PAG-02

##### Facility Location:

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mahoning Township Carbon County	PAG2001308001	Mauch Chunk Trust Co. Attn: Pat Reilly 111 North Street Jim Thorpe, PA 18229	Mahoning Creek CWF	Carbon County Conservation District (610) 377-4894
Archbald Borough Lackawanna County	PAG2003508003	Nate Keisling R. 530 Electric Street Scranton, PA 18509	Laurel Run CWF Tributary to Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Susquehanna Township Dauphin County	PAG2002208008	Cedar Clock Tower, LLC Christopher Fencel 3307 Trindle Road Camp Hill, PA 17011	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Heidelberg Township Berks County	PAG2000607084	Larry Bortz Wilson School District 2601 Grandview Boulevard West Lawn, PA 19609	Little Cacoosing Creek WF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Logan Township Blair County	PAI030708001	Chestnut Flats Wind, LLC One South Broad Street 20th Floor Philadelphia, PA 19107	Mill Run HQ-CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 114
Antis Township Blair County	PAI030708002	Pinecroft Associate Resources, LLC 5506 Sixth Avenue Rear Altoona, PA 16602	Sandy Run HQ-CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 114
Snyder County Jackson Township	PAG2005507008	Paul John Designer Homes 15 Industrial Road Mifflinburg, PA 17844	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Fayette County Bullskin Township	PAG2002608001	Roger Russo 2245 Industrial Drive Connellsville, PA 15425	Mounts Creek WWF	Fayette County CD (724) 438-4497
Indiana County Burrell Township	PAG2003208001	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	UNT to Blacklick Creek CWF	Indiana County CD (724) 463-8547
Crawford County Oil Creek Township	PAG2002007008	Department of Transportation Engineering District 1-0 255 Elm Street P. O. Box 398 Oil City, PA 16301	Church Run CWF	Crawford Conservation District (814) 763-5269
Erie County Fairview Township	PAG2002507028	Erie County Library Foundation 160 East Front Street Erie, PA 16507	Walnut Creek CWF; MF	Erie Conservation District (814) 825-6403
Erie County Fairview Township	PAG2002508001	Euliano Family Limited Partnership 5757 West Ridge Road Erie, PA 16508	UNT Lake Erie CWF	Erie Conservation District (814) 825-6403
Mercer County Grove City Borough	PAG2004308004	Grove City Borough 123 West Main Street Grove City, PA 16127	Wolf Creek CWF Barmore Run CWF	Mercer Conservation District (724) 662-2242
Venango County Sandy creek Township	PAG2006108003	C Tucker Copy & Associates 170 Duquesne Street Columbiana, OH 44408	Morrison Run WWF	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allentown City Lehigh County	PAR602211	Liberty Recycling, Inc. 526 North Third Street Allentown, PA 18102-2506	Jordan Creek Lehigh River	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Cameron County Shippen Township	PAR204810	GKN Sinter Metals 15420 Route 120 P. O. Box 493 Emporium, PA 15834-0493	Sinnemahoning Portage Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Potter County Shinglehouse Borough	PAR224848	Donovan—Schoonover Lumber Company P. O. Box 695 Shinglehouse, PA 16748	CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Pine Township Mercer County	PAR238331	Reynolds Food Packaging, LLC 660 Barkeyville Road Grove City, PA 16127-4802	UNT to Wolf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Erie City Erie County	PAR208371	Morlite Vista 1805 Pittsburgh Avenue Erie, PA 16502-1916	City of Erie Stormwater Sewers to Cascade Creek, Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location*

<i>County &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township Westmoreland County	PAG046362	Lois A. Decker 118 Harvison Court No. 2 Irwin, PA 15642	UNT of Byers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Summit Township Erie County	PAG048909	Jeffrey R. Scheid 9205 Footmill Road Erie, PA 16509-5320	UNT to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-12**Facility Location & Municipality*

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lebanon County Bethel Township	PAG123597	Lamar Zimmerman Zimmerman Poultry Farm 112 Farmers Drive Myerstown, PA 17067	Little Swatara Creek WWF	DEP—Southcentral Region Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lebanon County South Londonderry Township	PAG123545	Brent Hershey Meadow Run Farm 138 Airport Road Marietta, PA 17547	UNT Little Chickies Creek TSF	DEP—Southcentral Region Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

Source Water (Watershed) Protection Program Approval issued to **Philadelphia Water Department**, 1101 Market Street, PWSID 151001, City of Philadelphia, **Philadelphia County** on August 30, 2007.

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

**Permit No. 1301503MA, Minor Amendment**, Public Water Supply.

Applicant **Summit Management and Utilities Inc.**  
P. O. Box 592  
Lake Harmony, PA 18624

County	Kidder Township
Type of Facility	<b>Carbon</b>
Consulting Engineer	PWS James P. Palumbo, Jr., P. E. Quad Three Group, Inc. 72 Glenmaura National Boulevard Moosic, PA 18507
Permit to Construct Issued	February 28, 2008
<i>Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>	
<b>Permit No. 2207509</b> , Public Water Supply.	
Applicant	<b>Loyalton Water Association</b>
Municipality	Washington Township
County	<b>Dauphin</b>
Type of Facility	Addition of caustic soda for pH adjustment.
Consulting Engineer	Angelo A. Tesoriero, P. E. GeoSource Engineers 7 Winter Drive Dillsburg, PA 17019-9550
Permit to Construct Issued	March 7, 2008
<b>Permit No. 0607506</b> , Public Water Supply.	
Applicant	<b>Lazy K Campgrounds, Inc.</b>
Municipality	Washington Township
County	<b>Berks</b>
Type of Facility	Addition of Well No. 4 as a source of supply. Along with new well source is all associated treatment and storage for both Well Nos. 2 and 4.
Consulting Engineer	George W. Ruby, P. E. Ruby Engineering 3605 Island Club Drive North Port, FL 34288-6611
Permit to Construct Issued	February 29, 2008
<b>Permit No. 0107505</b> , Public Water Supply.	
Applicant	<b>Bonneauville Borough Municipal Authority</b>
Municipality	Mt. Pleasant Township
County	<b>Adams</b>
Type of Facility	New Well No. 10

Consulting Engineer Bruce Hulshizer, P. E.  
Buchart-Horn, Inc.  
445 West Philadelphia Street  
York, PA 17401-3383

Permit to Construct March 4, 2008  
Issued

**Permit No. 6707515 MA, Minor Amendment, Public Water Supply.**

Applicant **Pennsylvania American Water—West Shore Plant**

Municipality Fariview Township

County **York**

Type of Facility Chemical feed modifications.

Consulting Engineer Scott M. Thomas, P. E.  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Permit to Construct February 26, 2008  
Issued

**Permit No. 0608502 MA, Minor Amendment, Public Water Supply.**

Applicant **Hereford Estates Mobile Home Park**

Municipality Hereford Township

County **Berks**

Type of Facility Interconnection with Red Hill Water Authority (PWSID No. 1460039).

Consulting Engineer Stephen A. Marcino, P. E.  
Applied Water Management, Inc.  
453 Boot Road  
Dowington, PA 19335

Permit to Construct February 26, 2008  
Issued

**Operations Permit** issued to **Elizabethtown VFW Post No. 5667**, 7360979, West Donegal Township, **Lancaster County** on March 4, 2008, for the operation of facilities approved under Construction Permit No. 3607515.

**Operations Permit** issued to **United Mobile Homes, Inc.**, 3060043, Greenwich Township, **Berks County** on February 29, 2008, for the operation of facilities approved under Construction Permit No. 0607501.

**Operations Permit** issued to **Columbia Water Company**, 7360123, Columbia Borough, **Lancaster County** on March 6, 2008, for the operation of facilities approved under Construction Permit No. 3607519 MA.

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

**Permit No. 0207506**, Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
1200 Penn Avenue  
2nd Floor  
Pittsburgh, PA 15222-4204

Borough or Township City of Pittsburgh

County **Allegheny**

Type of Facility Water treatment plant

Consulting Engineer

Permit to Construct February 5, 2008  
Issued

**Operations Permit** issued to **Municipal Authority of the Borough of Derry**, 620 Chestnut Street, Derry, PA 15627, (PWSID No. 5650049) Derry Borough, **Westmoreland County** on February 5, 2008, for the operation of facilities approved under Construction Permit No. 4871-A8.

**Operations Permit** issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, (PWSID No. 5260036) North Versailles Township, **Allegheny County** on February 5, 2008, for the operation of facilities approved under Construction Permit No. 2607502 MA.

**Operations Permit** issued to **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717, (PWSID No. 5320006) Blairsville Borough, **Indiana County** on February 19, 2008, for the operation of facilities approved under Construction Permit No. 3207501 MA.

**Permit No. 0207503 MA, Minor Amendment, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033

Borough or Township Union Township

County **Washington**

Type of Facility Aldrich washwater tank No. 2

Consulting Engineer

Permit to Construct February 5, 2008  
Issued

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals Granted under the section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:* on the north and south sides of Lynwood Drive 600 feet east of its intersection with Oak Ridge Drive.

Borough or Township	Borough or Township Address	County
North Codorus Township	1986 Stoverstown Road Spring Grove, PA 17362	York County

*Plan Description:* Correction/Republication: The development proposed a 24 lot single-family residential subdivision on 20.3 acres that would utilize public water and onlot sewage disposal. The name of the project is Lynwood Phase II-C and the code number is B3-67946-264-2. The plan was disapproved because it failed to adequately mitigate contamination from the proposed onlot systems to the groundwater.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**93 Barclay Road**, New Britain Township, **Bucks County**. Jason Pero, DelVal Soil & Environmental Consultants, Inc. on behalf of Clay Heckler, Real Pro Enterprises, LT, 2312 North Broad Street, Colmar, PA 18915 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**PECO North Wales MGP**, North Wales Borough, **Montgomery County**. George Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Benjamin Henry, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19034 has submitted a Final Report concerning remediation of site

groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**142 Pennsylvania Avenue Site**, Lower Merion Township, **Montgomery County**. Michael Gonshor, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, PA 08006 on behalf of Joann Magnatta, Main Line Health Real Estate, LP, 937 Haverford Road, Bryn Mawr, PA 19010 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Harvey Gray Inc.**, Upper Makefield Township, **Bucks County**. Tarek Selim, Penn E & R, 2755 Bergey Road, Hatfield, PA 19440, Tom Imperato, Toll Brothers, Inc., 250 Gibraltar Road, Horsham, PA 19044 on behalf of Harvey Gray, Harvey Gray, Inc., 1708 Fite Ter, Langhorne, PA 19047 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Mechem Residence**, Easttown Borough, **Chester County**. Staci Cottone, J & J Spill Services and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Elizabeth Mechem, 641 Clovelly Lane, Devon, PA 19333 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Thorndale Pumping Station**, Thorndale Township, **Chester County**. Michael Edelman, Malcolm Pirnie, Inc., 111 South Independence Mall, Suite 1010, Philadelphia, PA 19106 on behalf of Mark Himberger, Pennzoil Quaker State Co., d/b/a SOPUS Products, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Valley Iron and Steel**, City of Allentown, **Lehigh County**. Vincent Carbone, P. G., HDR Engineering, Inc., 609 Hamilton Mall, Allentown, PA 18101-2111 has submitted a Final Report (on behalf of his client, Abraham Atiyeh, Mack Residence, LLC and Mack Project, LLC, 1177, 6th Street, Whitehall, PA 18052-5212), concerning the characterization and remediation of groundwater found or suspected to have been impacted by inorganics (lead) and volatile constituents. The future use of the property will be residential. The report was submitted in partial fulfillment of the Site-Specific Standard. A public notice regarding the submittal of the Final Report was published in *The Morning Call* and *The Express-Times* on October 30, 2007.

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

**Sunoco Quentin Terminal**, West Cornwall Township, **Lebanon County**. Groundwater & Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086, on behalf of Sunoco (R & M) 350 Eagleview Boulevard, Exton, PA 19341, submitted a combined remedial investigation and final report concerning remediation of groundwater contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to a combination of the

Statewide Health and Site-Specific Standards. Remediation of soils was addressed in a separate report.

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

**Metal Service Company Property Parcel B (Former), Apollo Borough, Armstrong County.** Mary King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of John Ameno, Apollo Borough, 504 North Seventh Street, Apollo, PA 15613) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program man-

ager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Septa Wayne Junction Rail Yard, City of Philadelphia Philadelphia County.** Alexander Denadai, Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, Martin Brunges, SEPTA, 1234 Market Street, Philadelphia, PA 19107 on behalf of James Fox, SEPTA, 1234 Market Street, Philadelphia, PA 19107 has submitted a Final Report concerning the remediation of site soil contaminated with PCBs. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 14, 2008.

**Blue Grass Plaza, City of Philadelphia, Philadelphia County.** Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Lennard Katz has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Risk Assessment and Cleanup Plan was approved by the Department of Environmental Protection on February 29, 2008.

**SICO Gilbertsville, Douglass Township, Montgomery County.** Megan M. Dunsmore, Onesky Engineering, Inc., 44 Creamery, Suite 300, Exton, PA 19341 on behalf of Dillon Real Estate Company, Inc., 2800 East Fourth Street, Hutchinson, KS 67501 has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with BTEX. The Cleanup Plan was approved by the Department of Environmental Protection on March 3, 2008.

**TPG/P&A, City of Philadelphia, Philadelphia County.** Raymond P. Duchaine, P. G., ENVision Environmental, Inc., 912 North Oriana Street, Philadelphia, PA 19123 on behalf of Randall L. Scott, Thompson Properties Group, LP, 2005 Market Street, Suite 3200, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 15, 2008.

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

**Norfolk Southern/Rutherford Intermodal Transfer Facility, Swatara Township, Dauphin County.** ENSR Corporation, Four Gateway Center, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222, on behalf of Norfolk Southern Railway Company, 4600 Deer Path Road, Suite 106, Room 148, Harrisburg, PA 17602, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report was submitted within 90 days of a release. The report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 5, 2008.

**David Logue Property, Oneida Township, Huntingdon County.** Groundwater & Environmental



Services, Inc., 6 Sheraton Drive, Suite 2, Altoona, PA 16601, on behalf of David T. Logue, 8176 Gorsuch Road, Huntingdon, PA 16652, submitted a Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline. The report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 6, 2008.

**Bible Baptist Church Shiremanstown**, Borough of Shiremanstown, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Bible Baptist Church, 201 West Main Street, Shiremanstown, PA 17011 and Keystone Oil, 1600 Hummel Avenue, P. O. Box 157, Camp Hill, PA 17011, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 7, 2008.

**McCoy Residence**, Three Springs Borough, **Huntingdon County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Alice Forker, R. R. 1, Three Springs, PA 17264 and John McCoy, 101 Furman Street, Three Springs, PA 17264, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 10, 2008.

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

**Allegheny Power, Connellsville West Side Facility**, Connellsville City, **Fayette County**. Steven Gerritsen, SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017 on behalf of David Flitman, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics and other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 15, 2008.

**Westinghouse Air Brake Technology Company**, Borough of Wilmerding, **Allegheny County**. Bruce Shaw, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 on behalf of Westinghouse Air Brake Technology Company, 1001 Air Brake Avenue, Wilmerding, PA 15148 has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with heavy metals, solvents, BTEX and PAHs. The Cleanup Plan was approved by the Department of Environmental Protection on February 6, 2008.

**Dravo Barge Facility (Former)**, Neville Township, **Allegheny County**. Mark L. Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of John Matig, Frontier Steel, P. O. Box 268, Canonsburg, PA 15317 and John Biseda, Neville Development Company, 104 Broadway Avenue, Carnegie, PA 15106 has submitted a Final Report concerning the remediation of site soil contaminated with lead, PCBs and chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on March 29, 2007.

**Metal Service Company Property Parcel B (Former)**, Apollo Borough, **Armstrong County**. Mary King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of John Ameno, Apollo Borough, 504 North Seventh Street, Apollo, PA 15613 has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead. The Cleanup Plan was approved by the Department of Environmental Protection on December 21, 2007.

**U. S. Steel Carrie Furnace Property**, Swissvale, Rankin, Whitaker, Munhall and City of Pittsburgh, **Allegheny County**. Mark P. Zatezalo, Chester Engineers, Airside Business Park, 260 Airside Drive, Moon Township, PA 15108 has submitted a Risk Assessment Report and a Cleanup Plan concerning the remediation of site soil contaminated with lead, heavy metals and PAHs. The Risk Assessment Report and Cleanup Plan were approved by the Department of Environmental Protection on November 30, 2007.

## AIR QUALITY

**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.**

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

**67-03143B: ESAB Welding & Cutting Products** (1500 Karen Lane, Hanover, PA 17331-7948) on March 5, 2008, to construct a flux powder mixing operation controlled by two cartridge collectors at their welding equipment manufacturing facility in Hanover Borough, **York County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**23-0082: Liberty Electric Power, LLC** (1000 Industries Highway, Eddystone, PA 19022) on March 7, 2008, to operate a combined cycle power plant in Eddystone Borough, **Delaware County**.

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

**41-00010E: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) on March 5, 2008, to allow the use of a manually-applied semi-rigid ceramic fiber blanket cover on two 1,000 pound iron and steel foundry electric induction furnaces instead of the rigid cover originally approved as well as to extend the authorization to operate the respective furnaces on a temporary basis to July 3, 2008, in Muncy Borough, **Lycoming County**.

**41-00010F: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) on March 7, 2008, to extend the authorization to operate a shot blasting system, an arc welding station, four grinding stations, four plasma arc cutting/welding

stations and associated air cleaning device (a fabric collector) on a temporary basis to July 5, 2008, in Muncy Borough, **Lycoming County**. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163, Ext. 5226.*

**65-00982A: T. W. Phillips Gas & Oil Co.—Rubright Compressor Station** (205 North Main Street, Butler, PA 16001) on March 5, 2008, to modify the plan approval to reflect a change of location for the facility: Derry Township, Westmoreland County to Bell Township, **Westmoreland County**.

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

**10-0210: Indspec Chemical Corp.** (133 Main Street, P. O. Box 307, Petrolia, PA 16050) on March 31, 2008, to replace burners in the Bertrams Nos. 1 and 2 furnaces with LNB (12.8 mmBtu/hr each) in Petrolia Borough, **Butler County**. The facility is a Title V Facility.

**10-062C: Slippery Rock University** (1 Morrow Way, Maintenance Center, Slippery Rock, PA 16057) on January 31, 2008, to modify boiler No. 3, in Slippery Rock Borough, **Butler County**.

**10-349B: Recmix of PA, Inc.—Ivy Wood Plant** (725 Saxonburg Boulevard, Saxonburg, PA 16056) on January 31, 2008, to construct a natural gas fired thermal heater and dryer, in Clinton Township, **Butler County**.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05071: Sealed Air Corp.** (450 Riverfront Drive, Reading, PA 19602-2600) on March 5, 2008, to operate a recycled paper manufacturing plant in the City of Reading, **Berks County**. This is a renewal of the Title V operating permit.

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

**61-00181: Scrubgrass Generating Co., LP** (2151 Lisbon Road, Kennerdell, PA 16374) on March 6, 2008, to re-issue a Title V Operating Permit to operate an Electric Energy Generating Facility in Scrubgrass Township, **Venango County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**40-00038: Lion, Inc.** (700 North Pennsylvania Avenue, Wilkes-Barre, PA 18705-2451) on March 10, 2008, to manufacture Malt Products in Wilkes-Barre City, **Luzerne County**. This is a renewal of the State-only operating permit issued.

**39-00084: Allen Organ Co., LLC** (150 Locust Street, Macungie, PA 18062-0036) on March 1, 2008, to issue a State-only (Synthetic Minor) Operating Permit, incorporating the requirements of operating permits 39-318-106 and 39-399-051, for operation of a vapor degreaser and paint booths and their associated air cleaning devices at their facility in Macungie Borough, **Lehigh County**.

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

**01-05015: Sandusky Lee Corp.** (P. O. Box 6, 75 South Park Avenue, Littlestown, PA 17340-0006) on March 4, 2008, to operate their metal furniture surface coating facility in Littlestown Borough, **Adams County**. This is a renewal of the State-only operating permit.

**06-03054: Martin Stone Quarries, Inc.** (P. O. Box 297, Old Route 100, Bechtelsville, PA 19505) on February 14, 2008, to operate a limestone processing facility in Colebrookdale Township, **Berks County**. This is a renewal of the State-only operating permit.

**06-03061: IFS Industries, Inc.** (P. O. Box 1053, Reading, PA 19603-1053) on March 3, 2008, to operate an adhesive manufacturing facility in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit.

**06-03067: Beacon Container Corp.** (700 West 1st Street, Birdsboro, PA 19508-2128) on March 3, 2008, to operate a corrugated box manufacturing facility in Birdsboro Borough, **Berks County**. This is a renewal of the State-only operating permit.

**06-03080: F. M. Brown & Sons, Inc.** (118 West Main Street, P. O. Box 153, Fleetwood, PA 19522-0153) on March 3, 2008, to operate a flour milling and grain drying facility in Fleetwood Borough, **Berks County**. This is a renewal of the State-only operating permit.

**21-03047: Cleveland Brothers Equipment, Inc.** (2009 State Road, Camp Hill, PA 17011-5927) on March 3, 2008, to operate a hard chrome plating facility in Lower Allen Township, **Cumberland County**.

**36-05100: McMinn's Asphalt Co., Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on March 3, 2008, to operate an asphalt plant in Manheim Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**37-00261: Hickman Williams & Co.** (339 Wampum Industrial Park, Wampum, PA 16157) on March 6, 2008, to reissue a Natural Minor Permit to operate a metallurgical coke packaging facility in New Beaver Borough, **Lawrence County**. The significant sources included: 1) Silos 1–3; 2) Bagger No. 4; 3) Silo 4 and 5; 4) Bagger 1,3 and 5; 5) Material Handling; 6) Material storage (stockpile); and 7) Unpaved/Paved Roads/Areas.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**06-03102: City of Reading** (815 Washington Street, Reading, PA 19601) on February 29, 2008, to operate a waste water treatment plant controlled by a ground flare and two packed bed scrubbers in the City of Reading, **Berks County**. This State-only operating permit was administratively amended due to an appeal by the permittee covering the flare controlling the waste gas from the facility's sludge digesters. This is Revision No. 1.

**22-03052: HNI Corporation** (353 Mountain Road, Halifax, PA 17032-9531) on March 4, 2008, to construct two paint booths for a stove coating operation in Jackson Township, **Dauphin County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 2.

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

**V07-004: PAID Steam Boiler Plant—Philadelphia Naval Business Center** (2000 Constitution Avenue, Philadelphia, PA 19112) on March 11, 2008, administratively amended to correct typographical errors in the City of Philadelphia, **Philadelphia County**. The Title V Operating Permit was originally issued on February 22, 2008.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

**23-00007: Crozer Chester Medical Center** (One Medical Center Boulevard, Chester, PA 19013-3995) on March 7, 2008, for cessation of a co-generation facility consisting three diesel-fired engines, each with its own direct-drive electrical generator in Upland Borough, **Delaware County**. This operating permit has been revoked because of a permanent shutdown of sources at the facility. The shutdown of these three sources has resulted in the generation of ERCs in the following amounts: 62.48 tons of NOx and 9.59 tons of VOCs.

## **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

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### *Coal Permits Actions*

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

**32020106. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for the continued operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 274.5 acres. Receiving streams: UNTs to Yellow Creek and UNTs to Tearing Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 19, 2007. Permit issued March 3, 2008.

**32980106 and NPDES No. PA0234770, M & S Mining, Inc.**, Box 343, Punxsutawney, PA 15767, revision of an existing bituminous surface mine to change land use from forestland to wildlife habitat in East Mahoning Township, **Indiana County**, affecting 81.4 acres. Receiving streams: UNTs to Dixon Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 1, 2007. Permit issued March 3, 2008.

**56030103 and NPDES No. PA0249441. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 262.0 acres. Receiving streams: Spruce Run; Shade Creek; tributary to Kaufman Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received February 22, 2008. Permit issued March 6, 2008.

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

**63070202 and NPDES Permit No. PA0251119. BOCA Coal, Inc.** (92 McClelland Road, Canonsburg, PA 15317). Permit issued for commencement, operation and reclamation of a bituminous surface mining/coal refuse reprocessing site located in Union Township, **Washington County** and South Park Township, **Allegheny County**, affecting 98.9 acres. Receiving streams: UNTs A and B to Piney Fork. Application received March 27, 2007. Permit issued March 6, 2008.

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

**24990101 and NPDES Permit No. PA0241491. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650) Transfer of an existing bituminous strip and auger operation from Energy Resources, Inc. in Horton Township, **Elk County** affecting 588.0 acres. Receiving streams: UNT to Mead Run and Mead Run; UNT to Little Toby Creek. Application received December 17, 2007. Permit issued February 28, 2008.

**24960101 and NPDES Permit No. PA0227170. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650) Transfer of an existing bituminous strip and auger operation from Energy Resources, Inc. in Horton Township, **Elk County** affecting 235.0 acres. Receiving streams: Four UNTs of Mead Run and Mead Run. Application received December 17, 2007. Permit issued February 28, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14030101 and NPDES No. PA0243493. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA

15650), permit renewal for the continued operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 218.9 acres. Receiving stream: Contrary Run, Sandy Run, UNT to Sandy Run, Beauty Run and UNT to Beauty Run, all classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 7, 2008. Permit issued March 3, 2008.

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

**54900101C39. Blackwood, Inc.**, (P. O. Box 639, Wind Gap, PA 18091), correction to an existing anthracite surface mine operation in Reilly, Branch and Tremont Townships, **Schuylkill County** affecting 1847.6 acres, receiving streams: Panther and Swatara Creeks. Application received July 31, 2006. Correction issued March 5, 2008.

#### *Noncoal Permits Actions*

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

**37082801. Beyond Corp., LLC (2905 Hillsville Road, Edinburg, PA 16116) Commencement, operation and restoration of a small noncoal topsoil and sand and gravel operation in Mahoning Township, Lawrence County** affecting 5.0 acres. Receiving streams: Mahoning River. Application received February 4, 2008. Permit issued February 28, 2008.

**43082801. Stanley Snyder VFW Post 7465** (1470 Brent Road, Mercer, PA 16156-1702) Commencement, operation and restoration of a small noncoal sand and gravel operation in Springfield Township, **Mercer County** affecting 3.0 acres. Receiving streams: UNT to Neshannock Creek. Application received January 18, 2008. Permit issued March 4, 2008.

**37020306. The East Fairfield Coal Co.** (P. O. Box 217, 10900 South Avenue, North Lima, OH 44452) Revision to an existing large noncoal limestone operation to add 0.9 acre in North Beaver Township, **Lawrence County**. Total SMP acreage is 170.3 acres. Receiving streams: Four UNTs to Honey Creek. Application received October 11, 2007. Permit issued March 5, 2008.

**4914-37020306-E-1. The East Fairfield Coal Co.** (P. O. Box 217, 10900 South Avenue, North Lima, OH 44452) Application for a stream encroachment to construct and maintain a haul road crossing over UNT No. 1 to Honey Creek in North Beaver Township, **Lawrence County**. Receiving streams: Four UNTs to Honey Creek. Application received October 11, 2007. Permit issued March 5, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08040808. Robert H. Fields, Jr.** (R. R. 1, Box 93B, Stevensville, PA 18845), commencement, operation and restoration of a flagstone/shale quarry operation in Herick Township, **Bradford County**, affecting 5.0 acres. Receiving stream: UNT to Cold Creek. Application received November 30, 2007. Permit issued February 14, 2008.

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

**7473SM2AC12 and NPDES Permit No. PA0018460. Hercules Cement Co., LP, d/b/a Buzzi Unicem USA**, (501 Hercules Drive, Stockertown, PA 18083), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth and Palmer

Townships, **Northampton County**, receiving streams: Bushkill and Schoeneck Creeks. Application received January 4, 2005. Renewal issued March 10, 2008.

**7473SM2AC15 and NPDES Permit No. PA0018460, Hercules Cement Co., LP, d/b/a Buzzi Unicem USA**, (501 Hercules Drive, Stockertown, PA 18083), correction to an existing quarry operation and update of NPDES Permit for discharge of treated mine drainage in Upper Nazareth and Palmer Townships, **Northampton County** affecting 301.3 acres, receiving streams: Bushkill and Schoeneck Creeks. Application received April 24, 2007. Correction issued March 10, 2008.

**66072804. Meshoppen Stone, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Braintrim Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received December 3, 2007. Permit issued March 10, 2008.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**21084110. Warrens Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is February 15, 2009. Permit issued February 29, 2008.

**21084109. Warrens Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is February 15, 2009. Permit issued February 29, 2008.

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

**65084001. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Permit issued for remining and reclamation of an abandoned highwall and deep mine on the Pittsburgh and Redstone coal seams, located in Hempfield Township, **Westmoreland County**, with an expected duration of 1 year. Permit issued March 3, 2008.

**02084002. Kesco, Inc.** (P. O. Box 95, Adrian, PA 16210). Permit issued for knocking dry cement loose at the Gilmore Silo Project, located in Neville Township, **Allegheny County**, with an expected duration of 1 year. Permit issued March 5, 2008.

**02084003. Kesco, Inc.** (P. O. Box 95, Adrian, PA 16210-0095). Permit issued for test shot at the Route 28 Slope Trim project located in Harmar Township, **Allegheny County**, with an expected duration of approximately 1 month. Permit issued March 5, 2008.

**65084002. Alex Paris Contracting** (1595 Smith Township Road, Route 18, Atlasburg, PA 15009). Permit issued for site work at the Laurel Mountain Christian Camp

located in Cook Township, **Westmoreland County**, with an expected duration of 1 year. Permit issued March 5, 2008.

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

**42084002. MSL Oil & Gas Corp.** (P. O. Box 51, Bradford, PA 16701). Blasting activity permit for gas and oil exploration in Hamilton Township, **McKean County**. This blasting activity permit will expire on March 3, 2009. Application received February 28, 2008. Permit issued March 3, 2008.

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

**09084102. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866), construction blasting for The Cottage at Christ Homes in Warminster Township, **Bucks County** with an expiration date of February 22, 2009. Permit issued March 3, 2008.

**46084105. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for RMG Properties in New Hanover Township, **Montgomery County** with an expiration date of March 1, 2009. Permit issued March 3, 2008.

**67084107. David H. Martin Excavating, Inc.**, (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Cabin Creek Water Treatment Plant in Windsor Township, **York County** with an expiration date of March 3, 2009. Permit issued March 3, 2008.

**06084107. Allan A. Myers, Inc., d/b/a Independence Construction Materials**, (P. O. Box 98, Worcester, PA 19490), construction blasting for Exeter Commons in Exeter Township, **Berks County** with an expiration date of March 1, 2009. Permit issued March 6, 2008.

**38084103. Dyno-Nobel, Inc.**, (567 Main Street, Tremont, PA 17981), construction blasting for UCC Cemetery Campbelltown in South Londonderry Township, **Lebanon County** with an expiration date of March 30, 2009. Permit issued March 6, 2008.

**45084105. Silver Valley Drilling & Blasting, Inc.**, (HCR 1 702, Route 209N), construction blasting for Mountain Hollow in Stroud Township, **Monroe County** with an expiration date of March 7, 2009. Permit issued March 6, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E40-678. Butler Township Wastewater Department**, 415 West Butler Drive, Drums, PA 18222. Butler Township, **Luzerne County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain additional sewage treatment units and bituminous entrance road in approximately 0.14 acre floodplain of Nescopeck Creek (TSF) as a part of St. Jones sewage treatment plant expansion project (Sybertsville, PA Quadrangle N: 4.25 inches; W: 1.25 inches).

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

**E67-835: PPL Brunner Island, LLC**, P. O. Box 221, York Haven, PA 17370, East Manchester Township, **York County**, ACOE Baltimore District

(1) To construct and maintain five 8.0-foot by 8.0-foot by 12.0-foot concrete stream flow diversion blocks and R-5 rip-rap bank stabilization at the existing unit 3 condenser discharge outlet; (2) to construct and maintain one 8.0-foot by 8.0-foot by 12.0-foot stream flow diversion block with R-5 rip-rap bank stabilization; (3) to construct and maintain an intake and outfall structure with R-5 rip-rap bank stabilization; and (4) to construct and maintain two temporary sandbag dikes during the construction of the proposed intake and outfall structures, for the purpose of constructing 34 cooling towers at the Brunner Island Power Generation Plant. All impacts are in a discharge channel to the Susquehanna River (WWF) (York Haven,

PA Quadrangle N: 15.74 inches; W: 8.86 inches, Latitude 40° 5' 12"; Longitude 76° 41' 18"), in East Manchester Township, York County.

**E07-416: Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Logan Township, **Blair County**, ACOE Baltimore District.

To realign and widen approximately 5,100 feet of SR 1021 (Park Avenue), Section PAI between SR 0036 (Logan Boulevard) and SR 1009 (Frankstown Road) involving the following activities associated with Brush Run (WWF) and UNTs to Brush Run (WWF), all in Logan Township, Blair County:

1. To remove an existing single span reinforced concrete slab bridge having a total span of 25.0 feet, a width of 43.0 feet and a minimum underclearance of 4.0 feet (Hollidaysburg, PA Quadrangle N: 16.50 inches; W: 2.82 inches, Latitude: 40° 27' 57.0"; Longitude: 78° 23' 43.0") carrying Pine Street over Brush Run;

2. To construct and maintain a single span prestressed concrete spread box beam bridge having a total span of 85.7 feet, a width of 94.5 feet and a minimum underclearance of 6.3 feet (Hollidaysburg, PA Quadrangle N: 16.6 inches; W: 2.9 inches, Latitude: 40° 27' 59.6"; Longitude: 78° 23' 43.9") carrying SR 1021, Section PAI over Brush Run at a location approximately 260 feet upstream of the Pine Street crossing of Brush Run;

3. To relocate and maintain a UNT to Brush Run in a 300-foot long channel and to construct and maintain two minor road crossings of the UNT with one 48-inch by 50-foot long RCP and one 42-inch by 74-foot long RCP (Hollidaysburg, PA Quadrangle N: 16.7 inches; W: 2.8 inches, Latitude: 40° 28' 0.1"; Longitude: 78° 23' 41.9") resulting in 338 feet of perennial stream impact;

4. To remove approximately 556 linear feet of existing pipe in a UNT to Brush Run and replace and maintain it with one 21-inch by 74-foot long CMP and one 36-inch by 918-foot long CMP (Hollidaysburg, PA Quadrangle N: 16.9 inches; W: 2.5 inches, Latitude: 40° 28' 4.9"; Longitude: 78° 23' 33.9");

5. To relocate and maintain a UNT to Brush Run in an 18-inch by 26-foot long RCP connecting to a proposed stormwater sewer (Hollidaysburg, PA Quadrangle N: 16.9 inches; W: 2.5 inches, Latitude: 40° 28' 5.5"; Longitude: 78° 23' 33.3") resulting in 148 feet of perennial stream impact;

6. To relocate and maintain a UNT to Brush Run in a 140-foot long channel and to enclose and maintain 368 linear feet of it in an 18-inch by 31-foot long RCP, a 24-inch by 173-foot long RCP, a 33-inch by 55-foot long RCP, a 36-inch by 29-foot long RCP and a 36-inch by 80-foot long RCP (Hollidaysburg, PA Quadrangle N: 17.1 inches; W: 2.4 inches, Latitude: 40° 28' 8.4"; Longitude: 78° 23' 32.6") resulting in 249 feet of perennial stream impact;

7. To relocate and maintain two UNT's to Brush Run in a 780-foot long channel and a 34-inch by 53-inch 228-foot long elliptical RCP (Hollidaysburg, PA Quadrangle N: 18.0 inches; W: 2.6 inches, Latitude: 40° 28' 27"; Longitude: 78° 23' 36.3" and Hollidaysburg, PA Quadrangle N: 18.3 inches; W: 2.6 inches, Latitude: 40° 28' 33.2"; Longitude: 78° 23' 37.2") resulting in 222 feet of perennial stream impact;

8. To remove a 30-inch by 644-foot long and a 30-inch by 65-foot long enclosure on a UNT to Brush Run

(Hollidaysburg, PA Quadrangle N: 18.0 inches; W: 2.6 inches, Latitude: 40° 28' 27"; Longitude: 78° 23' 36.3");

9. To remove a 24-inch by 51-foot long and a 36-inch by 222-foot long enclosure on a UNT to Brush Run (Hollidaysburg, PA Quadrangle N: 18.3 inches; W: 2.6 inches, Latitude: 40° 28' 33.2"; Longitude: 78° 23' 37.2");

10. To remove an existing 24-inch by 97-foot long CMP and to construct and maintain 30-inch by 194-foot long RCP within a UNT to Brush Run (Hollidaysburg, PA Quadrangle N: 18.5 inches; W: 2.6 inches, Latitude: 40° 28' 36"; Longitude: 78° 23' 36.6") resulting in 117 feet of perennial stream impact;

11. To relocate and maintain a UNT to Brush Run in a 202-foot long channel (Hollidaysburg, PA Quadrangle N: 18.6 inches; W: 2.5 inches, Latitude: 40° 28' 38.2"; Longitude: 78° 23' 35") resulting in 179 feet of perennial stream impact;

12. To extend and maintain an existing 54-inch RCP within a UNT to Brush Run by 63 lineal feet for a total length of 185 feet (Hollidaysburg, PA Quadrangle N: 18.6 inches; W: 2.5 inches, Latitude: 40° 28' 38.8"; Longitude: 78° 23' 33.8");

13. To relocate and maintain a UNT to Brush Run in a 306-foot long channel and a 48-inch by 56-foot long RCP (Hollidaysburg, PA Quadrangle N: 18.7 inches; W: 2.4 inches, Latitude: 40° 28' 40.3"; Longitude: 78° 23' 32.8") resulting in 405 feet of perennial stream impact;

14. To construct and maintain an 18-inch by 46-foot long CMP within a UNT to Brush Run (Hollidaysburg, PA Quadrangle N: 18.8 inches; W: 2.5 inches, Latitude: 40° 28' 42.7"; Longitude: 78° 23' 33.8");

15. To permanently impact two wetland areas: 0.02 acre of exceptional value PEM (Hollidaysburg, PA Quadrangle N: 18.6 inches; W: 2.5 inches, Latitude: 40° 28' 38.9"; Longitude: 78° 23' 33.4") and 0.34 acre of exceptional value PSS (Hollidaysburg, PA Quadrangle N: 18.5 inches; W: 2.6 inches, Latitude: 40° 28' 36.6"; Longitude: 78° 23' 35.8").

The permittee is required to replace 0.36 acre of wetlands. The wetlands will be replaced at the Mowry Advanced Wetland Compensation Site (Frankstown, PA Quadrangle Latitude: 40° 26' 56.4"; Longitude: 78° 20' 21.1").

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

**E10-438, Kenneth Kelley**, 141 Coal Hollow Road, Sarver, PA 16055. Bridge Across Sarver Run, in Buffalo Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 40° 43' 54"; W: 79° 46' 14").

To construct and maintain a 20-foot wide steel beam bridge having a single clear span of approximately 25 feet and an underclearance of 3.4 feet across Sarver Run on a private driveway extending south from T-578 Coal Hollow Road approximately 0.7 mile west of SR 356.

**E16-135, Equitable Gas Company**, 225 North Shore Drive, Pittsburgh, PA 15212-5861. Limestone Compressor Station and Pipeline in Limestone Township, **Clarion County**, ACOE Pittsburgh District (Strattanville, PA Quadrangle N: 41° 07' 37.5"; W: 79° 18' 58.2").

To conduct the following activities associated with the construction of a natural gas compressor station:

1. To place fill and construct structures within the 100-year flood plain of Piney Creek for the construction of

a natural gas compressor station southwest of the intersection of Limestone and Kossman Roads.

2. To install and maintain a natural gas pipeline across Piney Creek southwest of the intersection of Limestone and Kossman Roads.

3. To install and maintain an 8-inch natural gas pipeline across three tributaries to Piney Creek within an existing abandoned railroad grade embankment north of Piney Creek between Kossman Road and Forest Drive, a total distance of approximately 1.6 miles.

**E25-715, Daniel R. Shipley**, 200 Wolf Point Drive, Erie, PA 16505. Shipley Groin Project, in Millcreek Township, **Erie County**, ACOE Pittsburgh District.

To construct and maintain two low-profile groin structures, at elevation below (lakeward of) the ordinary high water mark (OHWM), at the Shipley property, located at 200 Wolf Point Drive, in Millcreek Township. The groins would be constructed of 2 foot by 2 foot by 6 foot (2' by 2' by 6') concrete blocks. The western groin would extend into Lake Erie a distance not to exceed 28 feet from the OHWM and the eastern groin would extend into Lake Erie a distance not to exceed 17 feet from the OHWM. Neither groin will extend to the elevation of the ordinary low water mark (OLWM). Both groins are proposed to be

no higher than 18 inches above the Lake Erie nearshore bottom profile. Groin placement and spacing shall be consistent with Map L-1, with a revised date of November 20, 2007.

**E25-716, Elizabeth Miller**, 100 Wolf Point Drive, Erie, PA 16505, Miller Groin Structures, in Millcreek Township, **Erie County**, ACOE Pittsburgh District.

To construct and maintain three low-profile groin structures, at elevation below (lakeward of) the ordinary high water mark (OHWM), at the Miller property, located at 100 Wolf Point Drive, in Millcreek Township. The groins would be constructed of 2 foot by 2 foot by 6 foot (2' by 2' by 6') concrete blocks. The western groin would extend into Lake Erie a distance not to exceed 19 feet from the OHWM. The center groin would extend into Lake Erie a distance not to exceed 19.5 feet from the OHWM. The eastern groin would extend into Lake Erie a distance not to exceed 15 feet from the OHWM. The center groin would extend to the ordinary low water mark (OLWM) and not beyond that elevation. The western and eastern groins will not extend to the elevation of the OLWM. The three groins are proposed to be no higher than 18 inches above the Lake Erie nearshore bottom profile. Groin placement and spacing shall be consistent with Map L-1, with a revised date of November 20, 2007.

## 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, 6021.504, 6021.1101 and 6021.1102) 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.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
08-17-004	Bionol Clearfield, LLC 99 Longwater Circle Norwell, MA 02061 Attn: Samuel G. McConnell	Clearfield	Clearfield Borough	6 ASTs storing petroleum products	3,602,300 gallons total
				7 ASTs storing hazardous substances	105,300 gallons total

## SPECIAL NOTICES

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

### SPECIAL PROJECTS

**EGS03001. Armstrong Conservation District** (124 Armsdale Road, Suite B-2, Kittanning, PA 16201). Environmental Good Samaritan Project approved to abate a mine discharge by constructing a wetland system in Parks Township, **Armstrong County**, affecting 3.5 acres. Receiving stream: Carnahan Run. Project proposal received April 23, 2007. Project approval issued March 6, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

### SPECIAL NOTICE

**CMT Energy, Inc., GFCC No. 14-06-01, Snow Shoe Township, Centre County (Beech Creek-Bald Eagle Creek Watershed):** A no-cost construction contract has been awarded to CMT Energy, Inc., that will result in the reclamation of approximately 5.8 acres of abandoned mine lands including the removal of 9,000 tons of coal refuse. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is \$18,000, which will be done at no cost to the Commonwealth. The site is located approximately 1 1/2 miles northwest of Snow Shoe on lands formerly mined and subsequently abandoned by Johnson and Morgan Coal Company in the late 1960's.

[Pa.B. Doc. No. 08-509. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance:*

DEP ID: 362-2207-001. Title: Act 537 Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal. Description: This guidance provides a consistent and systematic approach for Department staff to follow when reviewing planning submission site suitability and alternatives analysis information submitted to the Department under the Sewage Facilities Act (Act 537) and Department regulations. This guidance also successfully integrates recently developed onlot sewage disposal technology into the existing regulatory framework for Act 537 New Land Development planning, enabling developers and local municipal officials to consider and assess new onlot sewage disposal technologies during the planning phase of new land development. The guidance applies to the preparation and review of Sewage Facilities Planning Modules, assessing site suitability for, or the use of, individual or community onlot sewage systems. Written Comments: The Department is seeking comments on draft technical guidance No. 362-2207-001. Interested persons may submit written comments on this draft technical guidance document by April 21, 2008. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to James Novinger, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, [jnovinger@state.pa.us](mailto:jnovinger@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to James

Novinger at (717) 787-4317 or by e-mail to [jnovinger@state.pa.us](mailto:jnovinger@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-510. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Bid Opportunity

**OSM 17(7180)101.1, Abandoned Mine Land Reclamation Project, Goshen South, Goshen and Lawrence Townships, Clearfield County.** The principal items of work and approximate quantities include Clearing and Grubbing, 50,800 cubic yards of Grading, 660 square yards of High Velocity Erosion Control Mulch Blanket and 6.5 acres of Seeding. This project issues on March 21, 2008, and bids will be opened on April 17, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface Mining Control and Reclamation Act of 1977, and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-511. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Coal and Clay Mine Subsidence Insurance Board; Meeting Notice

The March 12, 2008, meeting of the Coal and Clay Mine Subsidence Insurance Board Meeting has been rescheduled. The next meeting is now scheduled for April 18, 2008, at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting can be directed to Nicholle Harman at (888) 357-2674 or [nharman@state.pa.us](mailto:nharman@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations are provided for in the Americans With Disabilities Act of 1990 should contact Nicholle Harman at (888) 357-2674 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,  
*Secretary*

[Pa.B. Doc. No. 08-512. Filed for public inspection March 21, 2008, 9:00 a.m.]



### **Proposed Revision to the State Implementation Plan for the Clearfield-Indiana 8-Hour Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can cause damage to crops, forests and wildlife. Ozone is not emitted directly to the atmosphere, but is formed by photochemical reactions between volatile organic compounds (VOCs) and oxides of nitrogen (NOx) in the presence of sunlight. Stationary point sources are one of the major sources of NOx for Clearfield and Indiana Counties (Clearfield-Indiana Area). The Department of Environmental Protection (Department) has reexamined the methodology used to predict future emissions from stationary point sources and found that the methodology used for the June 14, 2007, State Implementation Plan (SIP) revision submitted to the United States Environmental Protection Agency (EPA) for Clearfield-Indiana Area over-predicted future emissions of NOx from electric generating units (EGUs). Department is proposing a SIP revision that explains why the methodology was changed, what new methodology is being used for evaluation, and what the revised emission predictions are.

Motor vehicles contribute significantly to the precursors of ozone formation. Federal transportation conformity regulations require that transportation planning activities take into account the potential impact on air quality. The maintenance plan portion of the June 14, 2007, SIP revision establishes motor vehicle emission budgets (MVEBs) for purposes of transportation conformity for the entire two-county area. The Department of Transportation has requested separate MVEBs for the separate transportation planning organizations in Clearfield-Indiana Area, which is allowed by Federal regulations. The total of the subarea budgets is the same as the MVEB in the June 14, 2007, SIP revision for the two counties as a whole. The Department is proposing a SIP revision that establishes separate MVEBs for Clearfield-Indiana Area.

The Department is seeking comment only on the portions of the SIP that pertain to the methodology used to project future emissions from stationary point sources and the separation of MVEBs for Clearfield-Indiana Area. The SIP revision is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans) or through the contact persons listed as follows.

The Department will hold a public hearing to receive comments on the proposed SIP revision only if a request for a public hearing is received from a member of the public. A request for a public hearing must be received by 4 p.m. on Monday, April 21, 2008. If a request for a public hearing is received by 4 p.m. on Monday, April 21, 2008, the public hearing will be held on Wednesday, April 23, 2008, at 1 p.m., at the Indiana County Courthouse Annex Building, 1st Floor Conference Room, 827 Water Street, Indiana, PA 15701. If the Department does not receive a request for a public hearing by 4 p.m. on Monday, April 21, 2008, the hearing will be cancelled and notice of the cancellation will be published on Tuesday, April 22, 2008, at 12 p.m. at noon, on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans). Interested parties may also call (717) 787-9495 to find out if the hearing has been cancelled.

Persons wishing to request a hearing or who wish to present testimony at a scheduled hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us). The Department will con-

sider a request to present testimony at a scheduled hearing to be a request for a public hearing. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Persons interested in this proposed SIP revision are invited to submit written comments on the proposed SIP revision. Written comments must be received by the Department no later than April 25, 2008. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [ashulman@state.pa.us](mailto:ashulman@state.pa.us). Please use "Clearfield-Indiana Area Ozone SIP Revision" in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-513. Filed for public inspection March 21, 2008, 9:00 a.m.]

### **Proposed Revision to the State Implementation Plan for the York-Adams 8-Hour Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can cause damage to crops, forests and wildlife. Motor vehicles contribute significantly to the precursors of ozone formation. Federal transportation conformity regulations require that transportation planning activities take into account the potential impact on air quality. On January 14, 2008, the United States Environmental Protection Agency (EPA) approved a State Implementation Plan (SIP) revision submitted by the Department of Environmental Protection (Department) on June 14, 2007, for the York-Adams 8-Hour Ozone Attainment Area (York and Adams Counties). The maintenance plan portion of the approved SIP revision establishes motor vehicle emission budgets (MVEBs) for purposes of transportation conformity for the entire area. The Department is seeking comments on a revision to the SIP for the York-Adams area. The Department of Transportation has requested a separate MVEB for each of the two transportation planning organizations in the area, which is allowed by Federal regulations. The total of the two subarea budgets is the same as the currently the EPA-approved MVEBs for the two counties as a whole. The proposed SIP revision is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans) or through the contact persons listed as follows.

The Department will hold a public hearing to receive comments on the proposed SIP revision only if a request for a public hearing is received from a member of the public. A request for a public hearing must be received by 4 p.m. on Monday, April 21, 2008. If a request for a public hearing is received by 4 p.m. on Monday, April 21, 2008, the public hearing will be held on Wednesday, April 23, 2008, at 1 p.m. at the Department's York District Office,

Conference Room, 150 Roosevelt Avenue, York, PA 17404. If the Department does not receive a request for a public hearing by 4 p.m. on Monday, April 21, 2008, the hearing will be cancelled and notice of the cancellation will be published on Tuesday, April 22, 2008, at 12 p.m., on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans). Interested parties may also call (717) 787-9495 to find out if the hearing has been cancelled.

Persons wishing to request a public hearing or who wish to present testimony at a scheduled hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. The Department will consider a request to present testimony at a scheduled hearing to be a request for a public hearing. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Persons interested in this proposed SIP revision are invited to submit written comments on the proposed SIP revision. Written comments must be received by the Department no later than April 25, 2008. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468, or at [ashulman@state.pa.us](mailto:ashulman@state.pa.us). Use "York-Adams MVEB SIP" in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-514. Filed for public inspection March 21, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Applications of Penn Surgery Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Surgery Institute has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 08-515. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station).

Guardian Elder Care Center  
147 Old Newport Street  
Nanticoke, PA 18634

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 08-516. Filed for public inspection March 21, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Intention to Establish an Additional Class of Disproportionate Share Payments for Obstetrical and Neonatal Intensive Care Services

The purpose of this notice is to announce the Department of Public Welfare's (Department) intends to establish a one-time additional class of disproportionate share hospital (DSH) payments for certain qualifying hospitals based on obstetrical and neonatal intensive care cases.

The Commonwealth is dedicated to ensuring the availability of quality care to low-income pregnant woman and children. Special programs exist within the Medical Assistance (MA) Program to provide benefits for pregnant woman and as a result, approximately one of every three births within this Commonwealth is covered by MA.

Access to obstetrical and neonatal health care services across this Commonwealth is necessary for all MA recipients and is crucial to ensure a positive prenatal experience for the mother and the best outcome for the infant. Maintaining the system for obstetrical and neonatal health care services, the Department will make a one-time additional type of disproportionate share payment to hospitals that meet certain qualifying criteria.

A rural hospital, which is defined as being located in a county outside a Metropolitan Statistical Area (MSA) established by the United States Office of Management and Budget or is the only hospital licensed by the Department of Health (DOH) to provide obstetrical services located in a county of the 6th, 7th or 8th class, must meet one of the following qualifying criteria to be eligible for the DSH payments:

- (a) The hospital is licensed to provide neonatal intensive care services;
- (b) The hospital is licensed to provide obstetrical services and ranks in the top 1/3 of rural hospitals in terms of volume of obstetrical cases for Pennsylvania (PA) MA recipients during the most recent fiscal year with available data;
- (c) The hospital is licensed to provide obstetrical services and has greater than 50% of all of its obstetrical cases for PA MA recipients during the most recent fiscal year with available data; or
- (d) The hospital is the only hospital licensed to provide obstetrical services within the county.

A nonrural hospital must be licensed to provide obstetrical and/or neonatal intensive care services and must meet one of the following qualifying criteria to be eligible for the DSH payments:

- (a) The hospital ranks in the top 1/3 of nonrural hospitals in terms of volume of obstetrical cases for PA MA recipients during the most recent fiscal year with available data;
- (b) The hospital has greater than 50% of all of its obstetrical cases for PA MA recipients during the most recent fiscal year with available data;
- (c) The hospital provides obstetrical care services and is located within 5 miles of any hospital that closed its obstetrical service during the previous 3 years;
- (d) The hospital ranks in the top 1/3 of nonrural hospitals in terms of volume of neonatal intensive care cases for PA MA recipients during the most recent fiscal year with available data;
- (e) The hospital has greater than 50% of all of its neonatal intensive care cases for PA MA recipients during the most recent fiscal year with available data;
- (f) A children's hospital with greater than 40% of all of its cases for PA MA recipients during the most recent fiscal year with available data.

The Department will make a one-time additional class of DSH payments to those hospitals that meet the qualifying criteria using the following payment methodology:

- (a) 15% of the total amount available will be paid to qualified rural hospitals as follows:
  - (i) Of the amount available for distribution to rural hospitals, 75% will be distributed to qualified rural hospitals with obstetrical cases for PA MA recipients using the following formula:

- (A) For each hospital, determine the ratio of the hospital's obstetrical cases for PA MA recipients to all obstetrical cases for the hospital.

- (B) For each hospital, multiply the ratio under clause (A) by the number of the hospital's obstetrical cases for PA MA recipients.

- (C) Add the products under clause (B) for all hospitals.

- (D) Divide the amount available for distribution to rural hospitals, by the sum under clause (C).

- (E) Multiply the quotient under clause (D) by the product under clause (B).

- (ii) Of the amount available for distribution to rural hospitals, 10% will be distributed to qualified rural hospitals with neonatal intensive care cases for PA MA recipients using the following formula:

- (A) For each hospital, determine the ratio of the hospital's neonatal intensive care cases for PA MA recipients to all neonatal intensive care cases for the hospital.

- (B) For each hospital, multiply the ratio under clause (A) by the number of the hospital's neonatal intensive care cases for PA MA recipients.

- (C) Add the products under clause (B) for all hospitals.

- (D) Divide the amount available for distribution to rural hospitals by the sum under clause (C).

- (E) Multiply the quotient under clause (D) by the product under clause (B).

- (iii) 15% of the funds available for rural hospitals will be distributed equally among qualified rural hospitals with obstetrical cases for PA MA recipients.

- (b) 85% of the total amount available will be paid to qualified nonrural hospitals as follows:

- (i) Of the 85%, 52.5% will be distributed to qualified nonrural hospitals with obstetrical cases for PA MA recipients covered by medical assistance using the following formula:

- (A) For each hospital, determine the ratio of the hospital's obstetrical cases for PA MA recipients to all obstetrical cases for the hospital.

- (B) For each hospital, multiply the ratio under clause (A) by the number of the hospital's obstetrical cases for PA MA recipients.

- (C) Add the products under clause (B) for all hospitals.

- (D) Divide the amount available for distribution to nonrural hospitals by the sum under clause (C).

- (E) Multiply the quotient under clause (D) by the product under clause (B).

- (ii) Of the amount available for distribution to nonrural hospitals, 32.5% will be distributed to qualified nonrural hospitals with neonatal intensive care cases for PA MA recipients using the following formula:

- (A) For each hospital, determine the ratio of the hospital's neonatal intensive care cases for PA MA recipients to all neonatal intensive care cases for the hospital.

- (B) For each hospital, multiply the ratio under clause (A) by the number of the hospital's neonatal intensive care cases for PA MA recipients.

- (C) Add the products under clause (B) for all hospitals.

- (D) Divide the amount available for distribution to nonrural hospitals by the sum under clause (C).

(E) Multiply the quotient under clause (D) by the product under clause (B).

(iii) Of the amount available for distribution to nonrural hospitals, 15% will be distributed equally among qualified nonrural hospitals with obstetrical cases for PA MA recipients.

*Fiscal Impact*

The Fiscal Year 2007-2008 fiscal impact, as a result of this one-time additional class of DSH payments is \$10,888,502 (\$5.0 million in State General Funds and \$5,888,502 in Federal Funds upon approval by the Centers for Medicare and Medicaid Services). Additional future payments will be based on continued funding appropriation to the MA Program for this additional class of DSH payments.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Build-

ing, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-546. (1) General Fund; (2) Implementing Year 2007-08 is \$5,000,000; (3) 1st Succeeding Year 2008-09 is \$0; 2nd Succeeding Year 2009-10 is \$0; 3rd Succeeding Year 2010-11 is \$0; 4th Succeeding Year 2011-12 is \$0; 5th Succeeding Year 2012-13 is \$0; (4) 2006-07 Program—\$0; 2005-06 Program—\$0; 2004-05 Program—\$0; (7) MA—Obstetric and Neonatal Services; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 08-517. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Increases for Select Chemotherapy Administration Procedure Codes

The Department of Public Welfare (Department) announces that it will increase the fees paid by the Medical Assistance (MA) Program for select chemotherapy administration procedure codes effective with dates of service on or after March 22, 2008. The Department consulted with the Pennsylvania Medical Society, medical providers, and other key stakeholders in determining which existing fees for select chemotherapy administration procedure codes should be increased to support continued access to medical services by MA recipients. The Department is increasing the fees for the following chemotherapy administration procedure codes.

<i>National Code</i>	<i>Procedure Description</i>	<i>Current Fee</i>	<i>Fee Effective March 1, 2008</i>
36640	Arterial catheterization for prolonged infusion therapy (chemotherapy), cutdown	\$73.50	\$93.50
51720	Bladder instillation of anticarcinogenic agent (including retention time)	\$26.00	\$66.94
95990	Refilling and maintenance of implantable pump or reservoir for drug delivery, spinal (intrathecal, epidural) or brain (intraventricular)	\$41.87	\$47.46
96401	Chemotherapy administration, subcutaneous or intramuscular; nonhormonal antineoplastic	\$38.61	\$50.23
96402	Chemotherapy administration, subcutaneous or intramuscular; hormonal antineoplastic	\$27.35	\$31.76
96409	Chemotherapy administration; intravenous, push technique, single or initial substance/drug	\$69.98	\$92.20
96411	Chemotherapy administration; intravenous, push technique, each additional substance/drug (List separately in addition to code for primary procedure.)	\$43.82	\$52.89
96413	Chemotherapy administration, intravenous infusion technique; up to 1 hour, single or initial substance/drug	\$99.53	\$124.80
96415	Chemotherapy administration, intravenous infusion technique; each additional hour (List separately in addition to code for primary procedure.)	\$26.63	\$28.28
96416	Chemotherapy administration, intravenous infusion technique; initiation of prolonged chemotherapy infusion (more than 8 hours), requiring use of a portable or implantable pump	\$124.96	\$135.16

<i>National Code</i>	<i>Procedure Description</i>	<i>Current Fee</i>	<i>Fee Effective March 1, 2008</i>
96417	Chemotherapy administration, intravenous infusion technique; each additional sequential infusion (different substance/drug), up to 1 hour (List separately in addition to code for primary procedure.)	\$59.65	\$61.68
96420	Chemotherapy administration, intra-arterial; push technique	\$32.00	\$86.78
96422	Chemotherapy administration, intra-arterial; infusion technique, up to 1 hour	\$32.00	\$143.57
96423	Chemotherapy administration, intra-arterial; infusion technique, each additional hour (List separately in addition to code for primary procedure.)	\$32.00	\$62.16
96425	Chemotherapy administration, intra-arterial; infusion technique, initiation of prolonged infusion (more than 8 hours), requiring the use of a portable or implantable pump	\$37.01	\$140.94
96440	Chemotherapy administration into pleural cavity, requiring and including thoracentesis	\$74.00	\$103.75
96445	Chemotherapy administration into peritoneal cavity, requiring and including peritoneocentesis	\$74.00	\$97.21
96450	Chemotherapy administration, into CNS (such as, intrathecal), requiring and including spinal puncture	\$28.00	\$76.66
96521	Refilling and maintenance of portable pump	\$91.55	\$108.81
96522	Refilling and maintenance of implantable pump or reservoir for drug delivery, systemic (such as, intravenous, intra-arterial)	\$64.75	\$86.85
96542	Chemotherapy injection, subarachnoid or intraventricular by means of subcutaneous reservoir, single or multiple agents	\$22.00	\$37.43

#### *Fiscal Impact*

These changes will result in the increased costs of \$0.024 million (\$0.011 million in State funds) in the Medical Assistance—Outpatient Program in Fiscal Year 2007-2008, and \$0.147 million (\$0.068 million in State funds) in Fiscal Year 2008-2009.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in any subsequent revisions to the MA Program Outpatient Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-545. (1) General Fund; (2) Implementing Year 2007-08 is \$11,000; (3) 1st Succeeding Year 2008-09 is \$68,000; 2nd Succeeding Year 2009-10 is \$68,000; 3rd Succeeding Year 2010-11 is \$68,000; 4th Succeeding Year 2011-12 is \$68,000; 5th Succeeding Year 2012-13 is \$68,000; (4) 2006-07 Program—\$671,472,000; 2005-06 Program—\$945,950,000; 2004-05 Program—\$842,991,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 08-518. Filed for public inspection March 21, 2008, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## PA Lottery's *MLB*<sup>TM</sup> Instant Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is PA Lottery's *MLB*<sup>TM</sup> Instant Game. The name appearing on the tickets will be either *Phillies*<sup>TM</sup> or *Pirates*<sup>TM</sup> on an alternating consecutive basis. There is no difference in game play method. For readability, this notice will use a generic title, PA Lottery's *MLB*<sup>TM</sup> Instant Game, to represent the two different game names.

2. *Price:* The price of a PA Lottery's *MLB*<sup>TM</sup> Instant Game ticket is \$5.

3. *Play Symbols:* Each PA Lottery's *MLB*<sup>TM</sup> Instant Game ticket will contain one play area featuring a "PIRATES NUMBERS" or a "PHILLIES NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "PIRATES NUMBERS" or "PHILLIES NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), Baseball symbol (BASBL) and a Bat symbol (BAT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000, \$50,000 and \$100,000.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a second-chance drawing for non-winning PA Lottery's *MLB*<sup>TM</sup> Instant Game tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the PA Lottery's *MLB*<sup>TM</sup> Instant Game.

### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play

symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$1,000 (ONE THO) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$100 (ONE HUN) appears under the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$400 (FOR HUN) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$40\$ (FORTY) appears under the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$100 (ONE HUN) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$50\$ (FIFTY) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$40\$ (FORTY) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$20\$ (TWENTY) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "PHILLIES NUMBERS" or "PIRATES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Baseball symbol (BASBL), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Baseball symbol (BASBL), on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Phillies<sup>TM</sup> Or Pirates<sup>TM</sup> Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$5 w/BASEBALL	\$5	20	330,000
\$5	\$5	20	330,000
\$10 w/BASEBALL	\$10	60	110,000
\$5 x 2	\$10	60	110,000
\$10	\$10	30	220,000
\$20 w/BASEBALL	\$20	120	55,000
\$5 x 4	\$20	120	55,000
\$20	\$20	60	110,000
\$40 w/BASEBALL	\$40	600	11,000
\$5 x 8	\$40	600	11,000
\$10 x 4	\$40	600	11,000
\$20 x 2	\$40	600	11,000
\$40	\$40	600	11,000
\$50 w/BASEBALL	\$50	600	11,000
\$5 x 10	\$50	600	11,000
\$5 w/BAT	\$50	600	11,000
\$10 x 5	\$50	600	11,000
\$50	\$50	600	11,000
\$100 w/BASEBALL	\$100	1,714	3,850
\$10 x 10	\$100	1,714	3,850
\$10 w/BAT	\$100	2,000	3,300
\$50 x 2	\$100	1,714	3,850
\$100	\$100	1,714	3,850
\$400 w/BASEBALL	\$400	30,000	220
\$40 x 10	\$400	30,000	220
\$40 w/BAT	\$400	30,000	220
\$100 x 4	\$400	30,000	220
\$400	\$400	30,000	220
\$1000 w/BASEBALL	\$1,000	120,000	55
\$100 x 10	\$1,000	60,000	110

When Any Of Your Numbers  
Match Any Of The Phillies™  
Or Pirates™ Numbers, Win  
With Prize(s) Of:

\$100 w/BAT  
(\$400 × 2) + (\$100 × 2)  
\$1,000  
\$50,000  
\$100,000

Win:  
\$1,000  
\$1,000  
\$1,000  
\$50,000  
\$100,000

Approximate  
Odds Are 1 In:  
60,000  
60,000  
60,000  
1,320,000  
1,320,000

Approximate No.  
Of Winners Per  
6,600,000 Tickets

110  
110  
110  
5  
5

Five (5) Second-Chance Drawings will be conducted during the sales period of the game to award bonus prizes consisting of:

10 *MLB™* Dream Prizes—1 of 4 options available (2 awarded at each drawing)  
3,300 *MLB™* Merchandise Prize Packs (660 awarded at each drawing)

Second-Chance Drawing schedule:

1st Drawing: Entry deadline: April 17, 2008; Drawing will be held week of April 21, 2008  
2nd Drawing: Entry deadline: May 22, 2008; Drawing will be held week of May 27, 2008  
3rd Drawing: Entry deadline: June 26, 2008; Drawing will be held week of June 30, 2008  
4th Drawing: Entry deadline: July 31, 2008; Drawing will be held week of August 4, 2008  
5th Drawing: Entry deadline: October 9, 2008; Drawing will be held week of October 14, 2008  
The odds of winning depend on the number of entries received for that drawing.

*MLB™* Dream Prize Package winners may opt for the \$10,000 cash value less \$2,500 federal withholding, in lieu of the Dream Prize.

Baseball (BASBL) = Win prize shown under it automatically.  
Bat (BAT) = Win 10 times the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *PA Lottery's MLB™ Instant Game Second-Chance Drawings Requirements:*

(a) To be eligible for the Second-Chance Drawing, players must mail exactly three (3) non-winning PA Lottery's *MLB™* Instant Game tickets in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery, *Major League Baseball™* Second-Chance Drawings, P. O. Box 555, Middletown, PA 17057-0555. The player shall affix proper postage to the entry.

(b) Envelopes containing less than or more than three (3) non-winning PA Lottery's *MLB™* Instant Game tickets shall be disqualified.

(c) Non-winning PA Lottery's *MLB™* Instant Game tickets received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning PA Lottery's *MLB™* Instant Game tickets received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning PA Lottery's *MLB™* Instant Game tickets submitted to the PA Lottery's *MLB™* Instant Game Second-Chance Drawing address will not be paid or honored. Second-Chance Drawing entries containing winning PA Lottery's *MLB™* Instant Game tickets will be disqualified.

(e) The back of each non-winning PA Lottery's *MLB™* Instant Game ticket entered in the Second-Chance Drawing must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature. Only one claimant per ticket allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. *Second-Chance Drawings Procedures:*

(a) The Lottery will conduct five PA Lottery's *MLB™* Instant Game Second-Chance Drawings. All PA Lottery's

*MLB™* Instant Game Second-Chance Drawing entries received at Lottery Headquarters on or before October 9, 2008, will be eligible to participate in one of the five PA Lottery's *MLB™* Instant Game Second-Chance Drawings.

(1) All PA Lottery's *MLB™* Instant Game Second-Chance Drawing entries received at Lottery Headquarters on or before April 17, 2008, will be eligible to participate in the PA Lottery's *MLB™* Instant Game Second-Chance Drawing which will be held at Lottery Headquarters the week of April 21, 2008.

(2) All PA Lottery's *MLB™* Instant Game Second-Chance Drawing entries received at Lottery Headquarters on April 18, 2008, through and including May 22, 2008, will be eligible to participate in the PA Lottery's *MLB™* Instant Game Second-Chance Drawing which will be held at Lottery Headquarters the week of May 27, 2008.

(3) All PA Lottery's *MLB™* Instant Game Second-Chance Drawing entries received at Lottery Headquarters on May 23, 2008, through and including June 26, 2008, will be eligible to participate in the PA Lottery's *MLB™* Instant Game Second-Chance Drawing which will be held at Lottery Headquarters the week of June 30, 2008.

(4) All PA Lottery's *MLB™* Instant Game Second-Chance Drawing entries received at Lottery Headquarters on June 27, 2008, through and including July 31, 2008, will be eligible to participate in the PA Lottery's *MLB™* Instant Game Second-Chance Drawing which will be held at Lottery Headquarters the week of August 4, 2008.

(5) All PA Lottery's *MLB™* Instant Game Second-Chance Drawing entries received at Lottery Headquarters on August 1, 2008, through and including October 9, 2008, will be eligible to participate in the final PA Lottery's *MLB™* Instant Game Second-Chance Drawing which will be held at Lottery Headquarters the week of October 14, 2008.



(6) The odds of an entry being selected in a PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawings.

(2) A PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawing entry is eligible for only one Second-Chance Drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Second-Chance Drawing.

(3) If a PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawing entry is rejected during or following the PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) Manner of conducting each of the *Major League Baseball*<sup>TM</sup> Dream Prize Package Drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered container(s) from which the two *Major League Baseball*<sup>TM</sup> Dream Prize Package winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered container(s). As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a *Major League Baseball*<sup>TM</sup> Dream Prize Package described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(d) Manner of conducting each of the *Major League Baseball*<sup>TM</sup> Merchandise Prize Packs Drawings after the *Major League Baseball*<sup>TM</sup> Dream Prize Package winners have been determined.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered container(s) from which the 660 *Major League Baseball*<sup>TM</sup> Merchandise Prize Packs winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered container(s). As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a *Major League Baseball*<sup>TM</sup> Merchandise Prize Pack described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(e) The payment of a prize awarded in any of the PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner).

#### 12. Description of Second-Chance Drawings Prizes:

(a) There will be two *Major League Baseball*<sup>TM</sup> Dream Prize Packages awarded in each of the five PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawings. The winner of a *Major League Baseball*<sup>TM</sup> Dream Prize Package shall select one (1) of the following *Major League Baseball*<sup>TM</sup> Dream Prize Packages:

(1) Winner's Choice Season Tickets Dream Prize Package. Two (2) boxed seat season tickets and one (1) parking pass for all home games for the 2009 regular season. The Winner's Choice Season Tickets Dream Prize Package winner shall select either the *Pittsburgh Pirates*<sup>TM</sup> or the *Philadelphia Phillies*<sup>TM</sup>; or,

(2) Winner's Choice *Spring Training*<sup>TM</sup> Trip Dream Prize Package. Road trip for four (4) to Bradenton or Clearwater, Florida, for up to five (5) nights. Trip includes airfare, up to four (4) first class hotel rooms and four (4) tickets to winner's choice of each of five (5) games; or,

(3) Winner's Choice Road Trip Dream Prize Package. Road trip for two (2) to any *MLB*<sup>TM</sup> three (3) game series featuring either the *Pittsburgh Pirates*<sup>TM</sup> or the *Philadelphia Phillies*<sup>TM</sup> for up to three (3) nights. Trip includes airfare, up to two (2) first class hotel rooms and two (2) box seat tickets to up to three (3) games.

(4) Winner's Choice *All-Star Game*<sup>®</sup> Trip Dream Prize Package. *MLB*<sup>TM</sup> *All-Star Game*<sup>®</sup> trip for two (2) to the *MLB*<sup>TM</sup> *All-Star Game*<sup>®</sup> for up to three (3) nights. Trip includes up to two (2) first class hotel rooms, airfare and two (2) tickets to the *All-Star Game*<sup>®</sup> and Home Run Derby.

(b) There will be 660 *Major League Baseball*<sup>TM</sup> Merchandise Prize Packs awarded in each of the five PA Lottery's *MLB*<sup>TM</sup> Instant Game Second-Chance Drawings. There is no cash equivalent for the *Major League Baseball*<sup>TM</sup> Merchandise Prize Packs. The winner of each of the *Major League Baseball*<sup>TM</sup> Merchandise Prize Packs will receive one of each of the follow items:

(1) Officially licensed jersey by Majestic Athletic. The jersey is decorated in the team colors with button-front design, and displays the tackle twill team name across the chest and the number on the back. Prize winner selects jersey from among top three players on either team (*Pittsburgh Pirates*<sup>TM</sup> or *Philadelphia Phillies*<sup>TM</sup>). Prize winner selects size.

(2) Embroidered jacket exclusively designed by G-II and features a taslan finish with knit collar and cuffs. Prize winner selects team (*Pittsburgh Pirates*<sup>TM</sup> or *Philadelphia Phillies*<sup>TM</sup>) and size.

(3) Black leather 20" x 10" x 10" bag with silver nylon lining and embroidered with a 3" team logo. A leather identification tag and sports water bottle with the team logo is also included. Prize winner selects team (*Pittsburgh Pirates*<sup>TM</sup> or *Philadelphia Phillies*<sup>TM</sup>).

(4) Windshirt exclusively designed by G-III and features the team logo on the left chest. Prize winner selects team (*Pittsburgh Pirates*<sup>TM</sup> or *Philadelphia Phillies*<sup>TM</sup>) and size.

(5) All cotton, extra large, T-shirt with team logo. Prize winner selects team (*Pittsburgh Pirates*<sup>TM</sup> or *Philadelphia Phillies*<sup>TM</sup>).

(6) Home game cap provided by New Era features an adjustable back and embroidered with team logo. Prize winner selects team (*Pittsburgh Pirates*<sup>TM</sup> or *Philadelphia Phillies*<sup>TM</sup>).

13. Major League Baseball<sup>TM</sup> Dream Prize Package Restrictions:

(a) Each *Major League Baseball*<sup>TM</sup> Dream Prize Package trip winner will be responsible for the following expenses: applicable travel expenses to and from the departure airport or any airport parking fees; entertainment including alcoholic beverages; fees (i.e., departure fees, excess baggage fees, etc.); additional gratuities; hotel incidentals (that is, telephone calls, valet services, laundry, gift shop, etc.); additional transportation in addition to that described herein; travel accident, baggage and trip cancellation insurance. The winner will be responsible for any additional costs incurred by the following changes to the trip package: change of travel companions; staying additional nights; adding additional travelers; upgrading transportation; upgrading hotel room; upgrading class of airline; or any other applicable trip details.

(b) The *Major League Baseball*<sup>TM</sup> Dream Prize Package is transferable one time. If the winner cancels any trip, the trip package will be void. There will be no extensions and the winner will not receive any reimbursement for the unused trip package. Airline tickets are non-refundable and all airline rules and restrictions apply. Other restrictions may apply.

(c) All *Major League Baseball*<sup>TM</sup> Dream Prize Package trips are valid for the 2008, 2009 and, if necessary, 2010 *MLB*<sup>TM</sup> seasons.

(d) The *Major League Baseball*<sup>TM</sup> Dream Prize Package winner, at his or her option, may select a cash prize of ten thousand dollars (\$10,000), less federal withholding in lieu of the *Major League Baseball*<sup>TM</sup> Dream Prize.

14. *Retailer Incentive Awards*: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell PA Lottery's *MLB*<sup>TM</sup> Instant Game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

15. *Unclaimed Prize Money*: For a period of one year from the announced close of PA Lottery's *MLB*<sup>TM</sup> Instant Game, prize money from winning PA Lottery's *MLB*<sup>TM</sup> Instant Game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within one year of the announced close of the PA Lottery's *MLB*<sup>TM</sup> Instant Game, the right of a ticket

holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

16. *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.

17. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote PA Lottery's *MLB*<sup>TM</sup> Instant Game or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-519. Filed for public inspection March 21, 2008, 9:00 a.m.]

## Pennsylvania Millionaire Raffle VI 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 VI.

2. *Price*: The price of a Pennsylvania Millionaire Raffle VI lottery game ticket is \$20.

3. *Ticket Sales And Drawing Date*: Pennsylvania Millionaire Raffle VI lottery game tickets sales will commence on or after May 1, 2008, and will continue until all 500,000 tickets have been sold, or 5 p.m. on July 5, 2008, whichever occurs earlier.

4. *Ticket Characteristics*: Each Pennsylvania Millionaire Raffle VI lottery game ticket will contain one unique eight-digit number between 00000001 and 00500000, for a total of 500,000 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 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle VI 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 VI will be televised on July 5, 2008, at or about 7 p.m. The drawing will be conducted with the aid of an electronic device. Six-thousand (6,000) unique eight-digit numbers will be drawn, between 00000001 and 00500000. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn

will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th 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 VI 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

<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
125,000	4
125,000	4
5,000	100
85	5,892

All Pennsylvania Millionaire Raffle VI 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 VI 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 VI, prize money from winning Pennsylvania Millionaire Raffle VI 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,  
*Secretary*

[Pa.B. Doc. No. 08-520. Filed for public inspection March 21, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Dillsburg Area Authority v. DEP; EHB Doc. No. 2008-065-L

Dillsburg Area Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Dillsburg Area Authority for a facility in Carroll Township, York County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-521. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Dover Township v. DEP; EHB Doc. No. 2008-066-L

Dover Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Dover Township for a facility in Conewago Township, York County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-522. Filed for public inspection March 21, 2008, 9:00 a.m.]

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-523. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Northeastern York County Sewer Authority v. DEP; EHB Doc. No. 2008-064-L

Northeastern York County Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Northeastern York County Sewer Authority for a facility in East Manchester Township, York County.

A date for the hearing on the appeal has not yet been scheduled.

## GOVERNOR'S OFFICE

### Pennsylvania State Data Center; Pennsylvania Population Projections; Public Review

The Pennsylvania State Data Center at the Pennsylvania State University consulting with a Statewide advisory committee comprised of State agencies, regional planning agencies and academic representatives have produced preliminary State and county population projections for the Commonwealth. These preliminary projections are detailed by age, sex and race (race projections are only for counties with a 2,000 nonwhite population over 5,000). Presented are county totals from the 2000 Census and projections for 2010 to 2030.

The method of projection is a cohort-component demographic projection model. That is, the base population is survived 5 years in the iteration of the projection cycle, and births are projected by applying fertility rates to survived females of childbearing age to determine the population due to natural increase. The survived population for each group is then adjusted for projected net migration by age, sex and race.

The detailed population projections and preliminary working papers relating to assumptions are on file and may be inspected and arrangements made for copying at the Pennsylvania State Data Center as indicated.

Persons wishing to comment on these preliminary population projections are invited to submit a statement to the Pennsylvania State Data Center, Penn State Harrisburg, Room 224 Church Hall, 777 West Harrisburg Pike, Middletown, PA 17057, (717) 948-6427, pasdc@psu.edu, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final preliminary population projections. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Pennsylvania State Data Center of the exact basis of any comment and the relevant facts upon which it is based.

#### *Pennsylvania Preliminary Population Projections: 2000-2030*

<i>County</i>	<i>April 1, 2000 Census</i>	<i>July 1, 2010 Projection</i>	<i>July 1, 2020 Projection</i>	<i>July 1, 2030 Projection</i>	<i>% Change 2000-2010</i>	<i>% Change 2010-2020</i>	<i>% Change 2020-2030</i>
Pennsylvania	12,281,054	12,540,197	12,870,797	13,188,930	2.1	2.6	2.5
Adams	91,292	101,592	109,533	115,044	11.3	7.8	5.0
Allegheny	1,281,666	1,212,917	1,172,399	1,135,865	-5.4	-3.3	-3.1
Armstrong	72,392	68,550	66,226	63,909	-5.3	-3.4	-3.5
Beaver	181,412	168,881	158,653	148,194	-6.9	-6.1	-6.6
Bedford	49,984	51,060	51,873	52,047	2.2	1.6	0.3
Berks	373,638	412,708	451,816	493,080	10.5	9.5	9.1
Blair	129,144	121,494	114,887	107,624	-5.9	-5.4	-6.3
Bradford	62,761	60,763	59,528	58,864	-3.2	-2.0	-1.1
Bucks	597,635	644,039	674,799	699,858	7.8	4.8	3.7
Butler	174,083	191,776	206,903	221,069	10.2	7.9	6.8
Cambria	152,598	141,775	133,174	124,483	-7.1	-6.1	-6.5

<i>County</i>	<i>April 1, 2000 Census</i>	<i>July 1, 2010 Projection</i>	<i>July 1, 2020 Projection</i>	<i>July 1, 2030 Projection</i>	<i>% Change 2000-2010</i>	<i>% Change 2010-2020</i>	<i>% Change 2020-2030</i>
Cameron	5,974	5,578	5,580	5,624	-6.6	0.0	0.8
Carbon	58,802	63,311	67,079	69,340	7.7	6.0	3.4
Centre	135,758	148,220	157,035	166,609	9.2	5.9	6.1
Chester	433,501	520,721	605,799	693,665	20.1	16.3	14.5
Clarion	41,765	39,728	38,844	38,025	-4.9	-2.2	-2.1
Clearfield	83,382	82,788	81,723	80,167	-0.7	-1.3	-1.9
Clinton	37,914	35,597	33,763	32,354	-6.1	-5.2	-4.2
Columbia	64,151	64,573	67,233	69,944	0.7	4.1	4.0
Crawford	90,366	89,421	89,728	90,294	-1.0	0.3	0.6
Cumberland	213,674	235,327	259,614	283,743	10.1	10.3	9.3
Dauphin	251,798	256,478	263,198	270,543	1.9	2.6	2.8
Delaware	550,864	554,432	568,256	585,434	0.6	2.5	3.0
Elk	35,112	31,988	28,979	26,344	-8.9	-9.4	-9.1
Erie	280,843	280,872	276,063	268,220	0.0	-1.7	-2.8
Fayette	148,644	146,007	139,730	132,290	-1.8	-4.3	-5.3
Forest	4,946	7,073	7,591	8,003	43.0	7.3	5.4
Franklin	129,313	135,959	142,014	148,990	5.1	4.5	4.9
Fulton	14,261	15,509	16,654	17,561	8.8	7.4	5.4
Greene	40,672	40,526	40,118	38,974	-0.4	-1.0	-2.9
Huntingdon	45,586	47,393	48,094	47,698	4.0	1.5	-0.8
Indiana	89,605	81,130	73,078	66,322	-9.5	-9.9	-9.2
Jefferson	45,932	44,650	43,886	42,645	-2.8	-1.7	-2.8
Juniata	22,821	24,019	24,872	25,780	5.2	3.6	3.7
Lackawanna	213,295	205,061	199,867	195,388	-3.9	-2.5	-2.2
Lancaster	470,658	499,261	527,486	554,611	6.1	5.7	5.1
Lawrence	94,643	90,110	86,378	83,593	-4.8	-4.1	-3.2
Lebanon	120,327	122,619	126,397	131,470	1.9	3.1	4.0
Lehigh	312,090	318,365	331,455	350,262	2.0	4.1	5.7
Luzerne	319,250	306,900	297,473	288,847	-3.9	-3.1	-2.9
Lycoming	120,044	116,071	113,434	110,322	-3.3	-2.3	-2.7
McKean	45,936	43,811	41,701	39,832	-4.6	-4.8	-4.5
Mercer	120,293	120,266	121,711	123,311	0.0	1.2	1.3
Mifflin	46,486	46,816	46,529	45,704	0.7	-0.6	-1.8
Monroe	138,687	173,612	208,641	240,385	25.2	20.2	15.2
Montgomery	750,097	815,168	857,209	890,682	8.7	5.2	3.9
Montour	18,236	17,299	17,018	17,080	-5.1	-1.6	0.4
Northampton	267,066	288,886	313,925	338,632	8.2	8.7	7.9
Northumberland	94,556	93,363	93,121	92,481	-1.3	-0.3	-0.7
Perry	43,602	44,408	45,229	45,772	1.8	1.8	1.2
Philadelphia	1,517,550	1,450,356	1,424,801	1,411,405	-4.4	-1.8	-0.9
Pike	46,302	63,739	81,017	94,707	37.7	27.1	16.9
Potter	18,080	17,791	17,686	17,198	-1.6	-0.6	-2.8
Schuylkill	150,336	147,227	146,872	146,567	-2.1	-0.2	-0.2
Snyder	37,546	38,358	39,140	39,068	2.2	2.0	-0.2
Somerset	80,023	78,532	77,366	76,521	-1.9	-1.5	-1.1
Sullivan	6,556	6,352	6,330	6,303	-3.1	-0.3	-0.4
Susquehanna	42,238	48,625	61,846	77,835	15.1	27.2	25.9

<i>County</i>	<i>April 1, 2000 Census</i>	<i>July 1, 2010 Projection</i>	<i>July 1, 2020 Projection</i>	<i>July 1, 2030 Projection</i>	<i>% Change 2000-2010</i>	<i>% Change 2010-2020</i>	<i>% Change 2020-2030</i>
Tioga	41,373	40,424	39,864	39,760	-2.3	-1.4	-0.3
Union	41,624	46,497	50,174	52,471	11.7	7.9	4.6
Venango	57,565	55,261	52,979	50,343	-4.0	-4.1	-5.0
Warren	43,863	39,485	35,816	32,248	-10.0	-9.3	-10.0
Washington	202,897	207,043	211,884	213,590	2.0	2.3	0.8
Wayne	47,722	52,604	60,781	67,349	10.2	15.5	10.8
Westmoreland	369,993	374,729	381,868	381,722	1.3	1.9	0.0
Wyoming	28,080	26,919	24,075	20,631	-4.1	-10.6	-14.3
York	381,751	417,384	452,002	484,234	9.3	8.3	7.1

Source: Pennsylvania Preliminary Population Projections  
Pennsylvania State Data Center  
February 2008

DONNA COOPER,  
*Secretary*  
Governor's Office of the  
Policy and Planning

[Pa.B. Doc. No. 08-524. Filed for public inspection March 21, 2008, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council have been scheduled for Thursday, March 27, 2008, Council Meeting—10 a.m. and Payment Data Advisory Group—1 p.m. The meetings will be held in the Conference Room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and want to attend the meetings, contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 08-525. Filed for public inspection March 21, 2008, 9:00 a.m.]

obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-64	Pennsylvania Liquor Control Board Licenses; Promotions	3/3/08	4/3/08
6-298	Department of Education Vocational Education	3/6/08	4/17/08
14-506	Department of Public Welfare Child Care Facilities	3/10/08	4/17/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-526. Filed for public inspection March 21, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be

## INSURANCE DEPARTMENT

### Abington Memorial Hospital; Prehearing

#### Appeal of Abington Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-02-021

On or before March 27, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 4, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 17, 2008, at 2 p.m. Each party shall provide a telephone

number to be used for the telephone conference to the Hearings Administrator on or before March 19, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 3, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 10, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-527. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Altoona Center for Nursing Care; Prehearing

#### **Appeal of Altoona Center for Nursing Care under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.9100); Doc. No. MM06-04-042**

The hearing is scheduled for March 20, 2008, at 9 a.m. is canceled. The hearing is rescheduled to April 11, 2008, at 9:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. As agreed by the parties, testimony will be received to create a factual record for all the cases identified during the prehearing telephone conference.

The deadline for filing prehearing statements is extended to March 28, 2008. Each prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by any expert witness designated in the statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-528. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Application for Increase in Underwriting Authority of Triumphe Casualty Company

Triumphe Casualty Company (Triumphe), a Pennsylvania domiciled stock casualty insurance company, has filed an application to increase its lines of underwriting authority. The class of authority that Triumphe is applying to add is Workers' Compensation, as defined by section 202(c)(14) of The Insurance Company Law of 1921 (Law) (40 P. S. § 382(c)(14)). The filing was made under the requirements set forth under section 322 of the Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-529. Filed for public inspection March 21, 2008, 9:00 a.m.]

### The Center for Urologic Care, PC, et al.; Prehearing

#### **Appeal of The Center for Urologic Care, PC, et al. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-02-015**

On or before March 28, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 22, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 18, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 25, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 11, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-530. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Children's Health Insurance Program Advisory Council Meeting

The Insurance Department has scheduled a meeting of the Children's Health Advisory Council (Council) on Wednesday, April 2, 2008, at 1:30 p.m. at the Keystone Children and Family Services Office located at 3700 Vartan Way, Harrisburg, PA 17110. The Children's Health Care Act (40 P. S. 991.2301—991.2361) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in the Children's Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Kirk Montrose, Insurance Department, 1300 Strawberry Square, Harrisburg, PA 17120 (717) 214-4781, at least 24 hours in advance so that arrangements can be made.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-531. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Exxon Service Station 9899; Hearing

#### Appeal of Exxon Service Station 9899 under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2005-0109(M); Doc. No. UT07-07-021

The proceedings in this matter will be governed by Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing is scheduled for May 21 and 22, 2008, beginning at 10 a.m. each day in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. On or before May 1, 2008, Exxon Service Station 9899 must serve on USTIF a copy of any report generated by an expert witness. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph. On or before May 9, 2008, USTF must serve on Exxon Service Station 9899 a copy of any report generated by an expert witness. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only

on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Motions preliminary to those at hearing, if any, must be filed on or before May 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Responses to preliminary motions, if any shall be filed on or before May 15, 2008. On or before May 14, 2008, each party shall file with the Administrative Hearings Office and serve on the opposing party a prehearing statement which must contain: (a) names and address of witnesses along with the specialties of experts to be called; (b) a list of documents to be used at the hearing; and (c) a summary of special evidentiary or other legal issues. A jointly executed stipulation of facts may be presented for admission into the record at the beginning of the hearing.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-532. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Gnaden Huetten Memorial Hospital; Prehearing

#### Appeal of Gnaden Huetten Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-02-026

On or before March 27, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 10, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 17, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 19, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 3, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 10, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-533. Filed for public inspection March 21, 2008, 9:00 a.m.]



**Harmar Village Care Center; Prehearing****Appeal of Harmar Village Care Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-06-037**

The hearing is scheduled for March 20, 2008, at 9 a.m. is canceled. The hearing is rescheduled to April 11, 2008, at 9:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. As agreed by the parties, testimony will be received to create a factual record for all the cases identified during the prehearing telephone conference.

The deadline for filing prehearing statements is extended to March 28, 2008. Each prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by any expert witness designated in the statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-534. Filed for public inspection March 21, 2008, 9:00 a.m.]

**Highland Park Care Center; Prehearing****Appeal of Highland Park Care Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-05-045**

The hearing is scheduled for March 20, 2008, at 9 a.m. is canceled. The hearing is rescheduled to April 11, 2008, at 9:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. As agreed by the parties, testimony will be received to create a factual record for all the cases identified during the prehearing telephone conference.

The deadline for filing prehearing statements is extended to March 28, 2008. Each prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by any expert witness designated in the statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-535. Filed for public inspection March 21, 2008, 9:00 a.m.]

**Jay Lutins, M. D., et al.; Prehearing****Appeal of Jay Lutins, M. D., et al. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM08-02-016**

On or before March 28, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 22, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 18, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 25, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 11, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to

participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-536. Filed for public inspection March 21, 2008, 9:00 a.m.]

### The Mercy Hospital of Pittsburgh; Prehearing

**Appeal of The Mercy Hospital of Pittsburgh under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. 08-02-023**

On or before March 25, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 21, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 15, 2008, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 25, 2008. At the conference, parties shall be prepared to discuss consolidation with Docket No. MM08-02-022. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 1, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 8, 2008.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-537. Filed for public inspection March 21, 2008, 9:00 a.m.]

### The Mercy Hospital of Pittsburgh; Prehearing

**Appeal of The Mercy Hospital of Pittsburgh under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. 08-02-022**

On or before March 25, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's February 7, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 15, 2008, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 25, 2008. At the conference, parties shall be prepared to

discuss consolidation with Docket No. MM08-02-023. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 2, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 8, 2008.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-538. Filed for public inspection March 21, 2008, 9:00 a.m.]

### New Castle Orthopedic Associates; Prehearing

**Appeal of New Castle Orthopedic Associates under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-008**

The hearing is scheduled for March 20, 2008, at 9 a.m. is canceled. The hearing is rescheduled to April 11, 2008, at 9:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. As agreed by the parties, testimony will be received to create a factual record for all the cases identified during the prehearing telephone conference.

The deadline for filing prehearing statements is extended to March 28, 2008. Each prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by any expert witness designated in the statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-539. Filed for public inspection March 21, 2008, 9:00 a.m.]

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**Timothy E. Perschke, DPM; Prehearing**

**Appeal of Timothy E. Perschke, DPM under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.9100); Doc. No. MM06-04-043**

The hearing is scheduled for March 20, 2008, at 9 a.m. is canceled. The hearing is rescheduled to April 11, 2008, at 9:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. As agreed by the parties, testimony will be received to create a factual record for all the cases identified during the prehearing telephone conference.

The deadline for filing prehearing statements is extended to March 28, 2008. Each prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by any expert witness designated in the statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing contact, Kathryn Culbertson, Agency Coordinator (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-540. Filed for public inspection March 21, 2008, 9:00 a.m.]

**Alan C. Sally, DPM; Prehearing**

**Appeal of Alan C. Sally, DPM under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-04-025**

The hearing is scheduled for March 20, 2008, at 9 a.m. is canceled. The hearing is rescheduled to April 11, 2008, at 9:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. As agreed by the parties, testimony will be received to create a factual record for all the cases identified during the prehearing telephone conference.

The deadline for filing prehearing statements is extended to March 28, 2008. Each prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by any expert witness designated in the statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-541. Filed for public inspection March 21, 2008, 9:00 a.m.]

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**Allan B. Schachter, M. D.; Prehearing**

**Appeal of Allan B. Schachter, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-02-017**

On or before March 28, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 22, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone

conference initiated by this office is scheduled for April 18, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 25, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 11, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-542. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Ajay Shetty, M. D.; Prehearing

**Appeal of Ajay Shetty, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-02-020**

On or before March 26, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's January 11, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 9, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 20, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before March 26, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 2, 2008.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-543. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Donald Turner, D. O.; Prehearing

**Appeal of Donald Turner, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-03-020**

On or before April 1, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 6, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 16, 2008, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 21, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 2, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 9, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-544. Filed for public inspection March 21, 2008, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Allegheny County, Wine & Spirits Shoppe #0212, 959 Liberty Avenue, Pittsburgh, PA 15222.

*Lease Expiration Date:* April 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 12,000 net useable square feet of new or existing retail commercial space in downtown Pittsburgh. Location should be within an area bounded by Grant Street, Liberty Avenue, Stanwix Street and the Boulevard of the Allies and have rear door access for tractor-trailer deliveries.

*Proposals due:* April 11, 2008 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

The Liquor Control Board seeks the following new site:

Chester County, Wine & Spirits Shoppe #1530, West Chester, PA 19380.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Walnut and Gay Streets, in the downtown section of West Chester.

*Proposals due:* April 11, 2008 at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671  
 PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 08-545. Filed for public inspection March 21, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 7, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2008-2023883. Brian Edward Price** (43 Dorset Road, Glen Mills, Delaware County, PA 19342)—in paratransit service, from points in Berks, Bucks, Chester, Delaware and Montgomery Counties, to points in Pennsylvania, and return.

**A-2008-2024167. Wall Street West Limousine Service, LLC** (6506 Runnymede Lane, Tobyhanna, Monroe County, PA 18466)—a limited liability company of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in Monroe County to points in Pennsylvania, and return. *Attorney:* Patrick O. Regan, Rothman Gordon, PC, 310 Grant Street, Third Floor, Grant Building, Pittsburgh, PA 15219.

**A-2008-2024747. Robert E. Rankin, t/a Robert E. Rankin Transportation Services** (9779 Route 210N, Smicksburg, Indiana County, PA 16256)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Jefferson, Armstrong and Indiana, to points in Pennsylvania and return.

**A-2008-2025262. Bucks Cab Co., LLC, t/a Bucks Limousine** (1317 Almshouse Road, Ivyland, Bucks County, PA 18974), a limited liability company of the Commonwealth—persons, in limousine service, from

points in the Counties of Bucks, Montgomery and Delaware, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2008-2026326. Martin Joseph Buffone, t/a Buffone Transport** (P. O. Box 164, Dayton, Armstrong County, PA 16222)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Indiana, Jefferson and Armstrong, to points in Pennsylvania and return.

**A-2008-2027891. Peggy Wheeler** (1927S Highway 89, Spartansburg, Crawford County, PA 16434)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Erie and Crawford, to points in Pennsylvania and return.

**A-2008-2027892. Veronica Maruri** (1131 Hammaker Drive, Harrisburg, Dauphin County, PA 17110)—persons upon call or demand, from points in the City of Harrisburg, and within an airline distance of 20 statute miles of the limits of said city.

**A-2008-2021069. Roberts Limousine Service, LLC** (3185 Penn Estates, East Stroudsburg, Monroe County, PA 18301)—limousine service, from points in Monroe, Pike, Lackawanna, Luzerne, Carbon, Lehigh, Northampton and Wayne Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2008-2023216. Elvin M. Rohrer** (432 Sawmill Road, Cochranville, Chester County, PA 19330)—in paratransit service, from points within the boundaries starting at the intersection of Interstate 30 and Route 741 westward to the intersection of Routes 741 and 896, south-eastward to the intersection of Routes 896 and 372, south-westward to the intersection of Routes 372 and 472, south-eastward to the intersection of Route 472 and Interstate 1, north-eastward to the intersection of Interstate 1 and Route 10, westward from the intersection of Route 10 and Interstate 30, westward to the intersection of Interstate 30 and Route 741.

**A-2008-2027899. Alfonso Soto** (2821 Rose Hill Road, Harrisburg, Dauphin County, PA 17110), begin right to transport, by motor vehicle, persons, upon call or demand in the Counties of Dauphin and Cumberland.

**A-2008-2028699. Gerardo Jose Del Guadio t/a Gerardo's Transportation** (P. O. Box 100, State Line, Franklin County, PA 17263-0100), begin right to transport, by motor vehicle, persons, upon call or demand in the Borough of Waynesboro, Franklin County.

#### **Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.***

**A-2008-2023078. SVJ, Inc., t/a SVJ Moving & Storage Co.** (1104 Bergan Road, Oreland, Montgomery County, PA 19075), a corporation of the Commonwealth—begin right to transport, by motor vehicle, household goods in use, from points in the Counties of Philadelphia, Montgomery, Delaware and Bucks, and vice versa.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-00117894. Francis A. Larkin, t/d/b/a Door To Door Limousine Service** (33A Waverly Avenue, Morton, Delaware County, PA 19070)—discontinuance of service and cancellation of its certificate—persons in limousine service, between points in the City and County of Philadelphia and the County of Delaware, and from points in the said city and counties, to points in Pennsylvania, and return; Subject to the following conditions: a) That no right, power or privilege is granted to provide transportation in vehicles by manufactured in whole or part Rolls-Royce Motor Cars Inc; its affiliated companies: Vickers, Volkswagen, Bentley, Muliner-Park Ward, BMW and Pressed steel; b) That no right, power or privilege is granted to provide service to persons attending funerals or proms; c) That no right, power or privilege is granted to provide service in vehicles which have white as a prominent exterior color; d) That no advertising will be done by newspaper, radio, television, telephone directory or internet.

**A-00120852. John Zelenevich, t/d/b/a Windsor Limousine** (484 Maple Avenue, Doylestown, Delaware County, PA 18901)—discontinuance of service and cancellation of its certificate—persons, in limousine service, between points in the County of Bucks, and from points in said county, to points in Pennsylvania, and return.

**A-00122988. Madera Volunteer Ambulance Association** (P. O. Box 175, Madera, Clearfield County, PA 16661)—discontinuance of service and cancellation of its certificate—persons, in paratransit service, from points in the County of Clearfield, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-546. Filed for public inspection March 21, 2008, 9:00 a.m.]

## Telecommunications

**A-310325F7000. Verizon Pennsylvania, Inc. and Windstream Communications, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Windstream Communications, 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 Windstream Communications, Inc., by its counsel, filed on February 26, 2008, 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 Windstream Communications, 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. 08-547. Filed for public inspection March 21, 2008, 9:00 a.m.]

## Telecommunications Service

**A-2008-2029089, A-2008-2029091, A-2008-2029092 and A-2008-2029093. Comcast Business Communications, LLC, d/b/a Comcast Long Distance.** Application of Comcast Business Communications, LLC, d/b/a Comcast Long Distance, for approval to offer, render, furnish or supply telecommunications services as a Facilities-Based Competitive Local Exchange Carrier in the service territories of Windstream Pennsylvania, Inc., Commonwealth Telephone Company t/a Frontier Communications Commonwealth, Consolidated Communications of PA Company (formerly North Pittsburgh) and Conestoga Telephone and Telegraph Company.

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 7, 2008. 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:* Comcast Business Communications, LLC, d/b/a, Comcast Long Distance

*Through and By Counsel:* Alan Kohler, Esquire, Deanne O'Dell, Esquire, Wolf, Block, Schorr & Solis-Cohen, LLC, 213 Market Street, 9th Floor, Harrisburg, PA 17108-0865

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-548. Filed for public inspection March 21, 2008, 9:00 a.m.]

## Water Service

**A-2008-2028444. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc., for approval to offer, render, furnish or supply water service to the public in an additional portion of Pocopson Township, Chester 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 7, 2008. 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:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-549. Filed for public inspection March 21, 2008, 9:00 a.m.]

### Water Service

**A-2008-2028447. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in additional portions of Valley Township, Chester 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 7, 2008. 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. 08-550. Filed for public inspection March 21, 2008, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v. Studio One Salon and Day Spa; Doc. No. 0181-45-2008**

On January 28, 2008, Studio One Salon and Day Spa, of Wysox, Bradford County, had their license suspended for failure to comply with a previously issued State Board of Cosmetology (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. If you take an appeal to the Commonwealth Court, must serve the

Board with a copy of your petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-551. Filed for public inspection March 21, 2008, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 17, 2008	Wilmot A. Fraser (Retroactive Pension Benefits)	1 p.m.
April 24, 2008	Laura English (Multiple Service Election)	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code, Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 08-552. Filed for public inspection March 21, 2008, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v. James Monroe Company and James M. Zinkand; File Nos. 07-56-13137 and 07-56-13138**

On December 11, 2007, James Monroe Company, license no. RB051313C, of Plymouth Meeting, Montgomery County and James M. Zinkand, license nos. RS098423A, AB041750A, RB041750A and RM041750A, of Ft. Washington, Montgomery County, had their licenses automatically suspended based on a payment totaling \$20,000 being made from the Real Estate Recovery Fund to satisfy the claim of Robert B. Anderson, c/o Joseph J. Kalkbrenner, Jr., Esquire, who has uncollectible civil judgments against them.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Real Estate Commission's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals taking an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The agency contact for receiving service of the appeals is the previously-named Board counsel.

ANNIE HANNA CESTRA,  
*Chairperson*

[Pa.B. Doc. No. 08-553. Filed for public inspection March 21, 2008, 9:00 a.m.]

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