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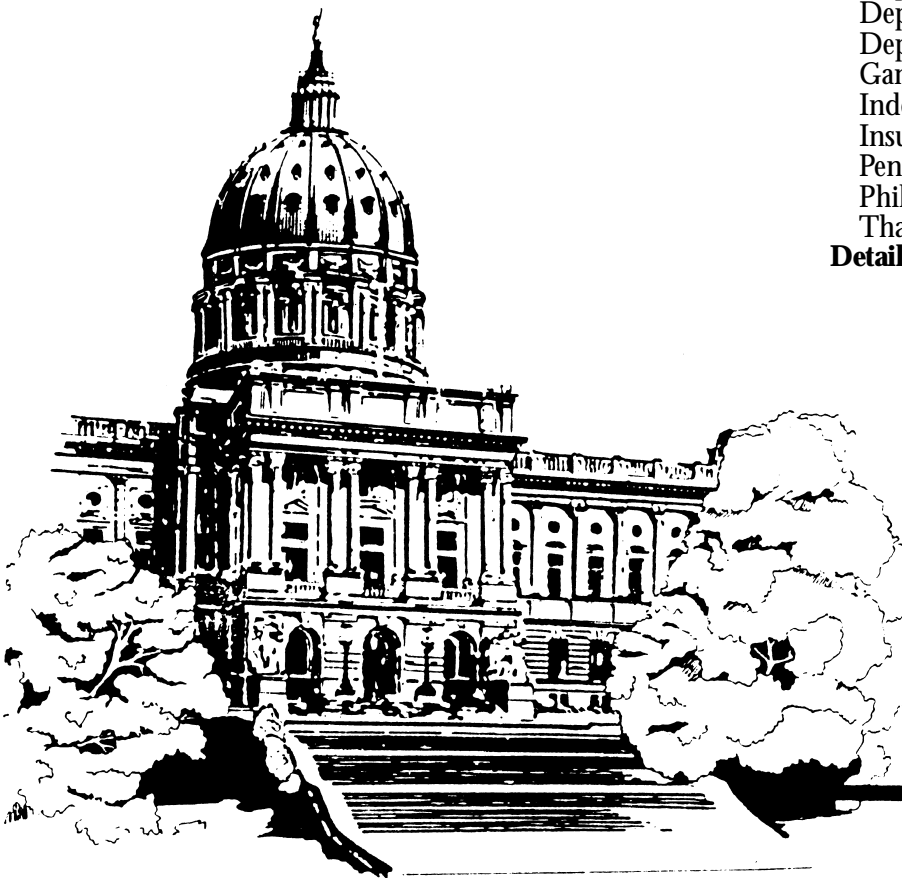
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PENNSYLVANIA BULLETIN

Volume 39
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Number 13
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Agencies in this issue

The Courts
Capitol Preservation Committee
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of Health
Department of Public Welfare
Department of Transportation
Game Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Thaddeus Stevens College of Technology
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 412, March 2009

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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 2009.

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THE COURTS

Title 255—LOCAL COURT RULES

ERIE COUNTY

In the Matter of the Revision and Restatement of the Erie County Orphans' Court Rules; Orphans' Court Division

Motion

And Now, this 17th day of February 2009, comes the Orphans' Court Rules Committee of the Erie County Bar Association, by and through its Chairperson, Raymond A. Pagliari, Esq., and hereby moves this Honorable Court to approve, adopt and promulgate the attached proposed and recommended revisions and amendments to the Local Orphans' Court Rules of the Erie County Court of Common Pleas, Sixth Judicial District, Erie, Pennsylvania.

Respectfully Submitted,

RAYMOND A. PAGLIARI Jr., ESQ.,
Chairperson

Order

And Now, this 18 day of February, 2009, upon consideration of the foregoing Motion, it is hereby *Ordered, Adjudged and Decreed*, that the Local Orphans' Court Rules of the Erie County Court of Common Pleas, Sixth Judicial District, Erie, Pennsylvania are hereby Amended and Revised in accordance with the annexed Motion.

Amended Rules are: Rules 3.4.1(e), 3.4.1(h)(2), 5.1.1, 5.2.1(a), 5.2.1(b), 5.4.1(a), 5.6.1, 6.1.4, 6.1.5, 6.2.2(c), 6.3.1, 6.4.2, 6.4.3, 6.6.1, 6.6.2, 6.9.1, 6.9.3, 6.9.4, 6.10.1(a), 6.10.1(e), 6.10.1(f), 6.10.1(h), 6.11.1, 7.1.2(b), 7.1.2(c), 7.1.3, 7.1.4(c), 7.1.5(c), 10, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 12.0.1(a)(6), 12.0.1(b)(3), 12.1.1(c), 12.5.5(e), 12.9.1(a)(6), 12.9.1(b)(4), 12.9.1(c)(6), 12.9.3(a), 12.9.3(b), 12.10.1, 13.3.1 footnote # changed to 3, 14.1.1(a), 14.2.1(c), 14.2.1(d)(1) and 15.5.1.

Deleted Rules are: Rules 5.2.1(c), 5.2.1(d), 6.1.1(a) footnote 3, 10.2.7, 10.2.8, 10.2.9 and 10.2.10.

New Rules are: Rules 5.1.2, 10.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.2, 10.3, 10.3.1, 10.3.2, 10.3.3, 10.4, 10.4.1, 10.4.2, 10.4.3, 10.5, 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.6, 10.6.1, 10.6.2, 10.7, 10.7.1, 10.7.2, 10.8, 10.8.1, 10.8.2, 10.8.3, 10.8.4 and Administrative Order.

Petitioner shall take all steps necessary to publish these amendments in accordance with the applicable law. Such amendments shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ELIZABETH K. KELLY,
President Judge

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(c) *Elimination of Formal Audit Court.* There shall be no formal Audit Court hearing.

1.2.2 Argument.

Cases requiring argument are heard at a time fixed by the Court.

1.2.3 Attorneys.

(a) *Attorney as Surety.* An attorney shall act as surety only by special Order.

(b) *Notice to Counsel.* Notice by or to attorneys shall be in writing, given to the attorney of record or to an employee of his office, and shall be considered notice to the party represented unless personal notice to the party is required.

(c) *Removal of Records.* No records shall be removed from the office of the Clerk without a written Order of Court. The Clerk shall report to the Court any failure to comply with the Order.

(d) *Appearance.* Any attorney representing a party in any proceeding in the Orphans' Court Division shall enter a written appearance with the clerk of the Orphans' Court which shall state the attorney's Pennsylvania Supreme Court Identification Number and an address within the Commonwealth at which papers may be served. Written notice of entry of appearance shall be given forthwith to all parties.

1.2.4 Sureties. Individual—Corporate.

(a) *Individual Sureties.* Individuals proposed as sureties on bonds of fiduciaries shall file affidavits on the printed forms supplied by the Clerk. The affidavits and bond shall be filed for approval.

(b) *Bond Without Surety.* The Court may permit a party in interest to execute an individual bond, without surety upon such conditions as the Court requires.

(c) *Corporate Sureties.* Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in the Orphans' Court; provided, that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, is filed of record.

(d) *Duty of fiduciary.* It is the duty of the fiduciary to determine that its surety remains responsible and that any bond remains continuously in effect.

1.2.5 Certificates of Appointments. Fiduciaries.

The Clerk shall not issue a certificate of appointment of any fiduciary until the security, if any, ordered by the Court, has been filed, approved and entered.

1.2.6 Individual Fiduciaries. Assets and Investments.

(a) *Segregation and Designation of Assets.* Assets subject to the jurisdiction of the Court and held by individual fiduciaries shall be kept separate and apart from their individual assets and, except where otherwise permitted by Act of Assembly, shall be held in the name of the fiduciary as such unless they are left in the name of the decedent, the incapacitated person, or the minor.

(b) *Small estates.* Where the cash assets of an estate are \$1,000.00, or less, the fiduciary may deposit such cash in the attorney's trustee account.

(c) *Deposit of Uninvested Funds.* All funds held uninvested shall be deposited in financial institutions, the deposit of which are insured by a Federal governmental insurance agency, in such manner as to guarantee that all such funds are fully insured, unless otherwise authorized by the Court.

1.2.7 Corporate Fiduciaries. Approval. Security.

(a) *In General.* Corporations having fiduciary powers and authorized to do business in this Commonwealth, upon petition and pursuant to approval by the Court, may act as fiduciaries in matters pending in the Court; provided that a current certificate evidencing the approval of the State Banking Department, or a certified copy of the certificate from the Federal Reserve Board granting the right to exercise fiduciary powers, is on file with the Clerk.

(b) *Period of Approval.* The approval granted by the Court under subparagraph (a) of this Rule shall be for a period of one year and thereafter annually, subject; however, to compliance by the corporation with these Rules and with such other rules and regulations governing approval of continuance as the Court will, from time to time, promulgate.

(c) *Security.* A bond will not be required of an approved corporate fiduciary except when required by statute or for special cause shown.

1.2.8 Release of Fiduciary and Surety.

No fiduciary, bonding company or corporation that files its own bond, or individuals who become sureties on bonds, will be released from their liabilities on the bond until all of the requirements relative to the administration of the estate have been fulfilled. Any surety may be substituted by special Order of Court, but the old surety shall only be released after filing and confirmation of an account, unless excused from doing so by Order of Court.

1.2.9 Trusts Inter Vivos.

The Rules of Court applicable to testamentary trusts shall apply to trusts inter vivos.

1.2.10 Legal Periodical.

The *Erie County Legal Journal* is the legal periodical for the publication of legal notices in Erie County.

1.2.11 Return Days.

Return days shall be on such day as may be fixed by Order of Court unless otherwise provided by statute or Rule of the Supreme Court.

RULE 2

CONSTRUCTION AND APPLICATION OF RULES

2.3.1 Definitions.

The following words, when used in these Rules, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(a) "Business days" shall be deemed to include Mondays through Fridays excepting weekdays when the Court House is closed.

(b) "Common Pleas" means the Court of Common Pleas of Erie County.

(c) "Exceptions" shall mean written objections to a ruling of the Court.

(d) "Local Rule" shall mean the Erie County Orphans' Court Rules.

(e) "Objections" shall mean written objections to actions of a fiduciary.

(f) "PEF Code" shall mean the Pennsylvania Probate, Estates and Fiduciaries Code as found in 20 Pa.C.S.A. § 101, et seq., as shall be amended from time to time.

(g) "State Rule" shall mean the Pennsylvania Supreme Court Orphans' Court Rules.

RULE 3

PLEADINGS AND PRACTICE

3.2.1 Pleadings.

The Pleadings in matters before the Orphans' Court are limited to a petition, (including a petition for a citation or for declaratory relief), an answer (which may include new matter), a reply, preliminary objections and an answer to preliminary objections.

(a) *New Matter.* Any defense which is not a denial of the averments of fact in the petition shall be set forth under the heading "New Matter."

(b) *Reply.* A reply shall be required when New Matter is set forth in the answer.

(c) *Preliminary Objections.*

(1) Preliminary objections are available to any party, but shall be limited to questions of:

- (A) law;
- (B) form; or
- (C) jurisdiction.

(2) An answer to preliminary objections is limited to the averments of fact concerning jurisdiction set forth in the preliminary objections.

3.2.2 Disposition of Pleadings.

(a) *Failure to Answer.* If the respondent fails to file a timely answer, all averments of fact within the petition may be deemed by the Court to have been admitted.

(b) *Failure to Reply.* If the petitioner fails to file a reply to an answer which contains new matter, the averments of fact set forth under the new matter may be deemed admitted and the case will be at issue.

(c) *Failure to File an Answer to Preliminary Objections.* If the petitioner fails to file an answer to preliminary objections raising questions of jurisdiction, the averments of fact set forth in the preliminary objections may be deemed admitted and the case will be at issue on the preliminary objections.

3.4.1 Form. Additional Requirements.

(a) *Typing. Endorsements.* Every pleading shall be endorsed with the name, address, Pennsylvania Supreme Court Identification Number and telephone number of counsel and, where practicable, typewritten and double-spaced or printed.

(b) *Notice to Plead.* Every pleading to which a response is required shall have endorsed thereon, or included therein as the first page thereof, in a conspicuous place, a notice to defend and notice to plead addressed specifically to each party from whom a response is required. The form as required by RCP 1018.1 and RCP 1361 (as said Rules may be in force or hereafter amended) shall be used.

(c) *Signature and Verification.* All pleadings shall be signed by the attorney and verified by at least one of the

parties involved. If this is impracticable, they may be signed and verified by someone familiar with the facts, in which case the reason for the failure of the parties to do so shall be set forth.

(d) *Decree*. Every proposed decree shall bear the caption of the case and shall be attached to the petition.

(e) *Consents*. The petition shall recite that all necessary consents are attached or shall set forth the names of the persons who do not consent. In all cases where a consent is not attached, in order to obtain personal jurisdiction over a non-consenting person, a citation shall be issued and served upon the person(s) who do not consent. See Pa. State Orphans Court Rule 3.5.

(f) *Paper Size*. No paper or other document may be filed in the Register of Wills or Clerk of Orphans' Court Division other than paper 8 1/2" by 11" in size. The only exception to this Rule is the filing of a Will.

(g) *Cover Sheet*. All motions presented at motion Court shall include a completed motion Court cover sheet in the form required by the Court.

(h) *Notice Requirements Prior to Presentation at Motion Court*.¹ Prior to the presentation to the Court of any motion or petition requesting an immediate Order of Court, other than a Rule to Show Cause which grants no relief, opposing counsel and unrepresented parties must be given notice, subject to the following:

(1) *Contents of Notice*. The notice must give the date and time when the motion or petition will be presented to the Court and must be accompanied by a copy of the proposed motion and Order.

(2) *Certification of Notice*. The motion or petition must contain a certificate signed by counsel verifying that proper notice or citation was given under this Rule.

(3) *Length of notice required*. Except where otherwise required under the Local Rules, the following notice shall be required:

(A) Two (2) full business days' notice must be given by personal delivery or facsimile transmission to each party or their counsel's office, **or**

(B) Five (5) full business days' notice must be given if notice is by mail.

(4) *Failure to give notice*. The Court will not enter an Order on a petition or motion without the Certificate of Notice being attached unless a special cause is shown to the Court.

3.5.1 Service of Copies of Pleadings.

(a) *Pleadings*. A copy of every pleading filed in a case shall be promptly served upon counsel of record for all parties in interest; or, in the absence of counsel, upon the parties themselves.

(b) *Briefs*. All briefs shall be filed directly with the Clerk of the Court, with copies to the Judge and to all parties of record or their counsel of record.

3.6.1 Depositions, Discovery and Production of Documents.

The procedure relating to depositions, discovery and production of documents shall be governed by special Order of Court.

(a) Leave to take depositions and/or to obtain discovery or production of documents shall be granted only upon petition with good cause shown, except upon agreement of counsel.

(b) In the case of a will contest, no discovery shall be allowed prior to the filing of the contest or caveat.

3.6.2 Perpetuation of Testimony.

The procedure relating to perpetuation of testimony shall be governed by special Order of Court in every case.

3.7.1 Pre-trial Conference.

In any action the Court, of its own motion or on motion of any party, may direct the attorneys for the parties to appear for a conference to consider:

(a) The simplification of issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining admissions or stipulations of fact and documents which will avoid unnecessary proof;

(d) The limitation of the number of expert witnesses; and

(e) Such other matters as may aid in the disposition of the action.

The Court may make an Order reciting the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties as to any of the matters considered and limiting the issues for trial to those not disposed of by admissions or agreements of the attorneys. Such Order when entered shall control the subsequent course of the action unless modified at the trial to prevent manifest injustice.

RULE 5

NOTICE

5.1.1 Method of Serving Notice. Public Sale of Real Property.

Notice of the public sale of real property (containing the date, time and place of sale and any other information required by Act of Assembly) shall be given:

(a) By advertisement once a week for three successive weeks in the *Erie County Legal Journal* and at least in one newspaper of general circulation in Erie County; and

(b) (1) By handbills, one of which shall be posted at a conspicuous place on the real property to be sold, and at least three of which shall be posted in three public places in the vicinity of such real property; and

(2) By personal notice, sent via registered or certified mail, to all parties in interest, of the time and place of the proposed sale, at least ten days prior to the time set for the sale of the property.

5.1.2 Petitions for Approval or Confirmation of Public Sale.

Petitions for approval or confirmation by the Court of the public sale of real property shall be verified and shall be set forth:

(a) The notice as given as provided by this Rule; and

(b) The method of sale; and

(c) The price obtained; and

(d) The name and address of the purchaser and an averment that the purchaser was the highest bidder.

5.2.1 Method of Serving Notice. Person under Incapacity With No Fiduciary.

Whenever notice is to be given to a person who is not *sui juris*, for whom there is no guardian or trustee, notice

¹ See also Rule 7 for additional notice.

shall be given by serving it upon said person, if more than fourteen years of age, and, in all cases, upon

(a) Said person's spouse; or if no spouse, then; next of kin; and an adult with whom said person resides or by whom said person is maintained; or the superintendent or other official of the institution having custody of said person; or

(b) In such manner as the Court, by special Order, may direct.

5.2.2 Method of Serving Notice. Presumed Decedents and Unascertained Persons.

Notice to be given to an absentee, a presumed decedent, or to an unknown or unascertained person, shall be given in the manner provided by Act of Assembly, or, in the absence thereof, in such manner as the Court, by special Order, shall direct.

5.4.1 Return of Notice. Additional Requirements.

(a) *Copy of Notice to be Attached.* A copy of the notice required to be given by this Rule shall be attached to the petition or return and shall set forth the date the notice was served and method of service.

(b) *Personal Service.* Return of personal service of notice shall set forth the date, time, place and manner of service, and that a true and correct copy of the notice was handed to the person served.

(c) *Registered or Certified Mail.* Return of notice by registered or certified mail shall set forth the date and place of mailing and shall include the return receipt, or a photostatic copy thereof. When the person who gives notice by registered or certified mail has personal knowledge or cause to believe that such notice was not received by the person to be notified, he shall so state in the return. When a person resides in a foreign country, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.

(d) *Publication.* Return of notice by publication shall consist of proofs of publication, together with affidavits of publication by the publisher or his agent.

5.4.2 Petitions for Approval or Confirmation of Public Sale.

Petitions for approval or confirmation by the Court of the public sale of real property shall be verified and shall set forth:

- (a) The notice as given as provided by Rule 5.4.1 (a);
- (b) The price obtained; and

(c) The name and address of the purchaser and an averment that the purchaser was the highest bidder.

5.6.1 Legatees, Devisees and Beneficiaries of Dispositive Instruments. Notice to Named Individuals.

In every proceeding involving a dispositive instrument requiring the filing of a Pennsylvania Inheritance Tax Return (including, inter alia, wills and inter-vivos trusts), the Fiduciary shall within three (3) months after the probate of the Will, or within six (6) months of the happening of the event giving rise to the disposition of any interest in any property, whichever shall first occur, notify all individuals and entities (and the Attorney General, where required) named in said dispositive instrument of the probate or the happening of the event

giving rise to the disposition of the interest. The notice shall be submitted by regular U.S. Mail and shall include the following:

(a) In the case of a will²:

- (1) The name of the decedent and date of death;
- (2) The date that a Will has been probated and the location;
- (3) Notification that the addressee has been named as a legatee or devisee in said will;
- (4) The address where a copy of the will can be acquired, if desired.

(b) In the case of a dispositive instrument other than a will:

- (1) The name of the creator of the property interest;
- (2) The nature of the property interest created;
- (3) Notification that the addressee has been named as a beneficiary in said dispositive instrument and a copy of such instrument or a description of the beneficiary's interest under the terms of the instrument;
- (4) The address where a copy of the dispositive instrument can be acquired, if desired.

RULE 6

ACCOUNTS AND DISTRIBUTIONS

6.1.1 Accounts. Form. Additional Requirements.

In addition to the requirements of State Rule 6.1, accounts shall meet the following requirements:

(a) *Form.* Except as herein provided, all accounts shall be in the form approved by the Pennsylvania Supreme Court and known as the Uniform Fiduciary Accounting Standards. Should the account fail to comply with the said accounting standards, the Clerk shall notify the Accountant to immediately comply prior to twenty (20) days before the Audit Day. The corrected account shall be given to all parties in interest. A failure to correct the account shall result in the account being stricken.

(b) *Paper.* Accounts shall be stated on 8 1/2" by 11" paper, fastened together securely at the top and numbered consecutively at the bottom.

(c) *Use of forms provided by Register of Wills.* Accounts may continue to be stated in conformity with and on forms provided by the Register of Wills.

6.1.2 Reporting Requirements for Sales and Purchases Between Estate and Accountant.

The account shall specifically describe and indicate the amount:

(a) Of the purchase price for all assets which have been purchased from the estate by the accountant, individually, as a fiduciary or in any other capacity; and

(b) Received for all assets sold to the estate which are owned by the accountant, individually, as a fiduciary or in any other capacity.

6.1.3 Execution and Verification of Account.

Every account filed with the Register or Clerk shall be signed by each accountant, unless special leave of Court is obtained, and shall be verified by at least one accountant. It must be sworn or affirmed:

(a) That the disbursements claimed have been made to the parties entitled thereto;

² The form provided by the Register of Wills at the time of Appointment of a Personal Representative may be used to meet the requirements of this section.

- (b) That the account as stated is true and correct;
- (c) That notice has been given to each unpaid creditor, whether or not payment is contested;
- (d) In a decedent's estate, that four months have elapsed from the date of the first complete advertisement of the original grant of letters, unless the accountant has been directed by the Court to file an account prior to that time.

6.1.4 Receipts for Disbursements.

(a) Fiduciaries shall not be required to file receipts with the Account, unless a written request is made for a receipt by an objecting party, as provided for in party (c) of this rule.

(b) All receipts or other tangible proof of payment shall be retained by the fiduciary.

(c) In the event an objection to the Account is filed, and upon the written request of the objecting party, a receipt or other tangible proof of payment shall be delivered to the objecting party, and a certificate of delivery shall be filed with the Register of Wills.

6.1.5 Small Estates.

Where an estate does not exceed in value the amount fixed by the PEF Code as a small estate, an account may be filed and confirmed in accordance with the applicable Statutory authority. Petitions for the Settlement of Small Estates must conform to the PEF Code and Local Rule 12.0.1.

6.2.2 Accounts of Guardians of the Estates of Minors.

The guardian of the estate of a minor shall submit to the Court with the audit statement and account:

- (a) A statement of the manner and date of appointment of the guardian;
- (b) A statement that notice of the audit has been given to all known, unpaid claimants; and
- (c) If a final account because the minor has attained majority, is deceased, or has been adjudged an incapacitated person, a Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa.O.C. Rules 6.9, in the manner set forth in Form OC—04 of the Pennsylvania Orphans' Court Rules.

6.3.1 Notice to Parties in Interest.

No account shall be confirmed unless the accountant has mailed or given to the attorney of record of or to every unpaid claimant who has given written notice of his claim to the accountant and every other person known to the accountant to have or claim an interest in the estate as a creditor, beneficiary, heir, or next of kin, except where a specific legatee has been paid in full, a written copy of the complete account and written notice of the filing thereof in accordance with Local Rule 7.1.2(b).

6.4.1 Filing for a Particular Audit.

Accounts to appear on a particular audit list must be filed in accordance with the audit calendar published by the Clerk's office.

6.4.2 Postponement or Adjournment and Method of Audit.

Audits may be postponed or adjourned at the discretion of the Auditing Judge. Accounts shall be audited by the Auditing Judge, who shall give written notice to the accountant or the accountant's attorney of record of:

- (a) Any objections and the hearing dates thereon;
- (b) Any conditions precedent to confirmation of the account;
- (c) Confirmation; and
- (d) Any other matters deemed appropriate by the Court.

6.4.3 Attendance at Audit not Required.

Attendance at the audit by the accountant, by the attorney of record for the accountant or any interested party shall not be required. There shall be no formal Audit Court hearing.

2008 Comment: The change to Local Rule 6.2.2 is necessitated by the 2006 addition of PA Form OC—04, which is now required under Pa.O.C. Rule 6.9. The information required under the former Local Rule 6.2.2(c) and (d) will be included in PA Form OC—04. The change to Local Rule 6.3.1 reflects the broader and more exhaustive language of Pa.O.C. Rule 6.3, which requires notice to known claimants and those having an interest as creditors (whether a claim has been filed or not), and to beneficiaries, heirs, or next of kin (which are broader in terms that the term "distributee"), even though the accountant may be convinced that they have no valid interest.

6.6.1 Advertisement of Accounts, Audit Statements, and Petition for Adjudication.

The Clerk shall give notice of all accounts, audit statements, and Petitions for Adjudication filed both in the Clerk's Office and in the Office of the Register of Wills and of the time and place of audit by advertising in the legal periodical and in one newspaper of general circulation published in Erie County in accordance with the requirements of the PEF Code Section 745, as may be amended. An account/Petition for Adjudication shall not be audited unless an audit statement or Petition for Adjudication has been filed in timely accordance with the audit calendar published by the Clerk's office. The Clerk's notice shall include the last day on which objections may be filed.

6.6.2 Filing.

Accounts/Petitions for Adjudication received by the Clerk or by the Register and found to violate any provision of these Rules or the State Rules will not be docketed.

6.9.1 Audit Statement and Petition for Adjudication.

(a) The Audit Statement/Petition for Adjudication shall be signed by each Accountant/Petitioner and verified by at least one of them, which Affidavit shall state that a copy of the Statement of Proposed Distribution has been mailed or given to each unpaid creditor and to each distributee or his attorney of record. The Audit Statement/Petition shall include a Statement of Proposed Distribution.

(b) The Audit Statement/Petition for Adjudication shall be filed not later than four (4) weeks prior to the date audits are scheduled by the Clerk to be presented to the Court. A copy of the Audit Statement/Petition for Adjudication shall be served on all parties in interest not later than twenty (20) days prior to the Audit date.

(c) In the event that an Accountant/Petitioner files an account/Petition for Adjudication required by these Rules and thereafter for a two (2) year period fails to file Statement of Proposed Distribution, the Court sua sponte, upon recommendation of the Orphans' Court Auditor and/or upon motion of a party in interest, may dismiss without prejudice, and consider the account withdrawn

with 10 days prior notice to the Accountant/Petitioner. The Accountant/Petitioner shall have the right to re-file an account, upon the payment of the filing fee. At the time of re-filing an account, the Accountant/Petitioner shall be required at a minimum to file a Statement of Proposed Distribution.

6.9.2 Unknown or Non-Resident Distributees. Report by Fiduciary.

Whenever it shall appear at the audit of an account that the identity or whereabouts of a distributee is unknown, or that if distribution is made, the beneficiary would not have the actual benefit, use, enjoyment or control of the money or other property to be awarded, and the Court is requested to withhold distribution or to make a provisional award thereof to the accountant, to the Clerk of the Orphans' Court, or to the State Treasury through the Department of Revenue, or in any manner other than to the distributee or the nominee of said distributee, the fiduciary or his counsel shall submit to the Court or auditor, as the case may be, a written report outlining the investigation made and the facts upon which the request is based.

6.9.3 Contents of Report.

The report shall be submitted at the audit and shall include substantially the following:

(a) *Unknown Distributee.* If it appears that the identity or whereabouts of a distributee is unknown, or there are no known heirs, the fiduciary shall submit a written report at the audit, verified by the fiduciary or the fiduciary's counsel, in which shall be set forth:

(1) The nature of the investigation made to locate the heirs of the decedent, in complete detail; and

(2) In cases of intestacy, or where there are no known heirs, a family tree, as complete as possible under the circumstances, supported by such documentary evidence as the fiduciary has been able to obtain. The term "investigation", as used in this Rule, shall include inquiry of or to as many of the following as may be pertinent and feasible: residents of the household in which the decedent resided; friends and neighbors; beneficial organizations; insurance records; church membership, school records; social security, Veterans' Administration or military service records; naturalization records, if not native born; and such other sources of information as the circumstances may suggest.

(b) *Non-Resident Distributees.* If the fiduciary requests the Court to withhold distribution to a non-resident distributee, he or she shall submit a written report at the audit, verified by the fiduciary or the fiduciary's counsel, in which shall be set forth:

(1) The relationship of the distributee to the decedent, and any available information concerning his present whereabouts;

(2) In cases of intestacy, a family tree, as complete as possible under the circumstances, supported by such documentary evidence as the fiduciary has been able to obtain; and

(3) The reasons for the request that distribution be withheld, and the suggested manner of withholding.

6.9.4 Additional Receipts and Disbursements.

Receipts and disbursements since the date to which the account was stated and to be included in the adjudication, shall be set forth in the Statement of Proposed Distribution or in a separate statement attached thereto.

6.10.1 Objections to Account, Audit Statement or Statement of Proposed Distribution. Form, Notice and Time.

(a) Objections to an account, audit statement or Petition for Adjudication shall be filed in timely fashion in accordance with the deadline set forth in the notice to be given by the Clerk pursuant to Rule 6.6.1.

(b) Each objection shall be specific as to description and amount.

(c) Objections shall be filed with the Clerk of the Orphans' Court.

(d) A copy of the objections shall be served promptly after filing upon the Court by mailing or delivering a copy to the Auditing Judge, the Orphans' Court Auditor, upon counsel for the accountant and counsel for all other parties who have entered appearances.

(e) The Court, for cause shown, may extend the time for filing of objections; provided that a request for extension of time by any person or entity having received notice of the Account/Petition for Adjudication and Statement of Proposed Distribution has been filed or presented prior to the date of the audit.

(f) Failure by a party or entity to whom notice of the account and statement of proposed distribution has been given in accordance with Local Rule 6.9.1 to file timely objection or to request an extension of time in which to file objections shall constitute a waiver of objections.

(g) Upon the filing of Objections, the Court shall schedule a separate hearing date and time for the taking of testimony on the Objections. Notice shall be given by the Orphan Court Auditor.

(h) Accounts/Petitions for Adjudication in proper form and to which no Objections are filed will be audited and confirmed absolutely without court hearing.

6.11.1 Schedule of Distribution: Confirmation of Title to Real Property.

Approval of a schedule of distribution of real estate shall be in the nature of a confirmation of title in the respective distributees.

(a) *Separate Awards of Real Property.* A schedule of distribution shall set forth separate awards of real property in separate paragraphs.

(b) *Description of Real Property. Certification by Counsel.* Real property shall be described in the manner appearing in the last deed of record and shall, in addition, include information pertinent to the derivation of decedent's title.

6.11.2 Determination of Title to Real Property. PEF Code Section 3546.

(a) *Contents of Petition.* A petition under PEF Code Section 3546 for the determination of title shall set forth:

(1) The name of the petitioner and the relationship of the petitioner to the decedent;

(2) The facts on which the claim of the petitioner is based;

(3) Whether the decedent died testate or intestate, and where, when and to whom letters were granted;

(4) A description of real property located within the Commonwealth, and the place, book and page of recording the last deed thereto;

(5) The names and addresses of all known creditors and parties in interest; and

- (6) The facts material to a determination of the title.
- (b) *Exhibits*. The following exhibits shall be attached to the petition:
 - (1) The notice which has been given to creditors, parties in interest; and, if the heirs of the decedent are unknown, a copy of the notice given to the Attorney General; and
 - (2) A copy of the decedent's Will.
 - (c) *Service*. The decree shall be served on all known heirs and creditors of the decedent thirty (30) days prior to final confirmation, which must be at least three (3) months after the date of the decree nisi. The final confirmation date shall be advertised once in the legal publication and once in a newspaper of general circulation, or as the Court shall otherwise direct.

**RULE 7
EXCEPTIONS**

7.1.1 Filing of Exceptions

Exceptions authorized by State Rule 7.1 and by this Rule shall be filed in the office of the Clerk of the Orphans' Court.

7.1.2 Finality of Certain Orders, Decrees and Adjudications

(a) Orders, Decrees and Adjudications entered in the following matters where no objections have been filed or asserted prior to their entry shall be final and not subject to further exceptions:

- (1) An Adjudication approving an account and distribution as set forth on an audit statement or statement of proposed distribution; and
- (2) Where not less than ten (10) business days' written notice of intention to present the petition and a copy of the petition and proposed Order or Decree has been given to all parties in interest:
 - (A) Those approving settlement of a small estate on petition or settlement of an estate, guardianship or trust administration;
 - (B) Those approving public or private sale of real estate;
 - (C) Those approving a claim for family exemption;
 - (D) Those entered upon petition in other matters where such notice has been given.
- (b) Where the moving party has given to all parties in interest not less than ten (10) business days' written notice of intention to present a petition specified in this Rule or, in the case of an account, audit statement or statement of proposed distribution, has given notice of the filing and deadline for filing written objections in accordance with the requirements of the Local Rule 6.9.1(b), the failure by a party in interest to assert objections prior to entry of the Order, Decree or Adjudication shall not be authorized or allowed.
- (c) All accounts, audit statements, statements of proposed distribution and petitions subject to this Rule to which objections must be asserted in timely fashion or are waived shall be accompanied by a notice to all parties in interest, signed by the moving party or that party's counsel and substantially in the following form:

(CAPTION)

NOTICE AS REQUIRED BY ERIE COUNTY ORPHANS' COURT RULE 7.1.2(c)

THE ATTACHED DOCUMENT REQUESTS THAT THE COURT ENTER A FINAL ORDER OR DECREE AND AUTHORIZE THE REQUESTED ACTION WITHOUT FURTHER PROCEEDINGS OR APPEAL **UNLESS** A PARTY IN INTEREST PROMPTLY ASSERTS OBJECTIONS TO THE REQUESTED RELIEF.

(select one or the other of the following paragraphs)

OBJECTIONS TO AN **ACCOUNT, AUDIT STATEMENT OR STATEMENT OF PROPOSED DISTRIBUTION** MUST BE FILED IN WRITING IN THE OFFICE OF THE ERIE COUNTY CLERK OF THE ORPHANS' COURT, ERIE COUNTY COURT HOUSE, 140 WEST 6TH STREET, ERIE, PA 16501 NOT LATER THAN THE DEADLINE FOR FILING OBJECTIONS, WHICH IS _____.

OR

OBJECTIONS TO A **PETITION** MUST BE ASSERTED EITHER AT THE TIME OF THE PETITION'S PRESENTATION TO THE Court AS SET FORTH IN A NOTICE ACCOMPANYING THE PETITION OR BY A WRITING FILED IN THE OFFICE OF THE ERIE COUNTY REGISTER OF WILLS PRIOR TO THE DATE AND TIME OF INTENDED PRESENTATION.

IF YOU DO NOT OBJECT TO THE ATTACHED DOCUMENT, YOU ARE NOT OBLIGATED TO TAKE ANY ACTION. IF YOU DO OBJECT TO THE DOCUMENT AND/OR THE PROPOSED ORDER OR DECREE, YOU MUST ASSERT YOUR OBJECTIONS PRIOR TO THE APPLICABLE DEADLINE FOR ACTION. IF YOU FILE WRITTEN OBJECTIONS, YOU MUST MAIL A COPY OF SUCH OBJECTIONS TO THE UNDERSIGNED AND TO ALL OTHER PERSONS WHO ARE PARTIES TO THE MATTER, OR THEIR ATTORNEY(S).

IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, THE OFFICE BELOW MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE:

Erie County Lawyer Referral & Information Service
P. O. Box 1792
Erie, PA 16507
Telephone: (814) 459-4411

Mailing Date

Attorney for

7.1.3 Finality of Other Orders and Decrees.

All other Orders and Decrees entered in proceedings shall be final as of the date of filing unless exceptions thereto are taken within twenty (20) days after the date of filing thereof.

7.1.4 Effect of Exceptions Upon Decree Nisi.

(a) An exception to any part of a Decree Nisi shall stay the entire Decree, so that the Decree shall not be a final Order until the exception(s) is/are disposed of.

(b) After expiration of the time for filing of exceptions, the Court upon petition filed by any party may enter an Order or Decree declaring those portions of the Decree Nisi not excepted thereto final and binding pending entry of a Final Decree after consideration of the exceptions that have been filed.

(c) The entry of an interim Order or Decree in accordance with Local Rule 7.1.4(b) shall not render any portion of the original Decree Nisi a final Order for purposes of appeal.

7.1.5 Exceptions to Orders and Decrees.

(a) *Additional Exceptions.* In the event exceptions are filed by any party, all other parties shall have an additional period of ten (10) days from the service of the initial exceptions within which to file additional exceptions.

(b) *Form of Exceptions.* All exceptions shall set forth, with particularity and in numbered paragraphs, the portion(s) of the Order to which exception is taken and the basis for each exception. Only one exception shall be made per paragraph. Points of law may be addressed in a separate brief.

(c) *Procedure for Service of Exceptions.* All exceptions shall be served upon the judge who made the Order or Decree being excepted to and upon all other parties or their counsel of record promptly after filing. The party filing the exception shall file a certificate of service.

(d) *Procedure Following Filing of Exceptions.*

(1) Upon the expiration of time for filing additional exceptions and replies to exceptions filed, the Court shall enter an Order setting the time and date of the hearing or argument on the exceptions if it deems the same appropriate, unless the parties should stipulate that no argument and/or hearing is necessary.

(2) The Court may order the parties to file briefs or memoranda supporting the position(s) taken by the parties, and may set deadlines for their filing.

(3) Following argument, or upon submission of the exceptions, replies and/or briefs, if any, or upon stipulation and without argument, the Court shall enter an Order or Decree disposing of the exceptions as raised.

7.1.6 Effect of Exceptions on Adjudications, Orders and Decrees.

(a) If specific exceptions to one or more portions of an Adjudication, Order and Decree are filed, the Adjudication, Order or Decree shall become final and binding as to matters not affected by the exceptions.

(b) No Adjudication, Order or Decree to which timely exceptions are taken shall become final for purposes of appeal until the exceptions are disposed of, subject to the provisions of State Rule 7.1(f).

7.1.7 Other Exceptions.

Exceptions not otherwise covered by State Rules 7.1 and 7.2 or by this Rule shall be filed or presented at such time and place, and in such form, as the Court may direct.

RULE 8**AUDITORS AND MASTERS****8.1.1 Appointment.**

(a) *Auditors.* An Auditor shall be appointed only when all parties in interest, or their counsel, consent thereto in writing.

(b) *Master.* A Master may be appointed by the Court, on its own motion, or upon the petition of the accountant, or of any party in interest.

(c) Auditors and Masters shall be members of the Bar of this Court.

8.1.2 Manner and to Whom Notice is Given.

(a) An Auditor or Master shall give at least ten (10) days' written notice of his appointment and of the time and place of his or her first hearing to all persons who have appeared of record, and to such other persons and in such manner as the Court may direct.

(b) Notice of succeeding hearings given by the Auditor or Master at a hearing of which proper notice has been given shall constitute sufficient notice of such succeeding hearings.

(c) The hearing shall be held at a time and place indicated and not later than forty-five (45) days after the Auditor's or Master's appointment and shall be extended only upon application to the Court for good cause shown.

(d) The report of the Auditor or Master shall be filed within ninety (90) days after appointment and shall be extended only upon application to the Court for good cause shown.

8.6.1 Notice of Intention to File. Exceptions.

(a) An Auditor or Master shall give ten (10) days' written notice to all parties of record of his or her intention to file his report on a day certain and make a copy thereof available for their inspection during such notice period.

(b) Exceptions, if any, shall be filed with the Auditor or Master before the date fixed for the filing of the report and notice thereof shall be given by the exceptant to all parties of record. Upon the filing of exceptions, the Auditor or Master shall consider and dispose of them, and may amend the report if the exceptions are, in the opinion of the Auditor or Master, in whole or part, well founded.

8.7.1 Exceptions Before the Court.

At the hearing before the Court on the confirmation or approval of the report of an Auditor or Master, the exceptant shall be confined to the exceptions filed by that party with the Auditor or Master unless otherwise allowed by the Court.

8.8.1 Filing of Security With Clerk.

The Court may require that security be filed with the Clerk for the compensation of the Auditor or Master and, until filed, the Auditor or Master need not proceed with the performance of his duties.

8.8.2 Compensation of Auditor or Master.

Any Auditor or Master appointed by the Court under these Rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the Auditor or Master shall recommend and the Court shall direct. The Court may require payment of the Auditor's or Master's fees in advance.

RULE 9**OFFICIAL EXAMINERS****9.1.1 Examiners—Appointment and Ordinary Duties.**

The Court may appoint by special Order an examiner or examiners who shall examine the assets held by a fiduciary and make full written report thereon to the Court showing what assets belong to the estate, how they are registered or otherwise earmarked as the property of the estate to which they belong, and where and how the cash belonging to the estate is kept or deposited.

9.1.2 Examiners—Special Duties.

The Court may, in any Order appointing an examiner or examiners, also request the examiner or examiners to accomplish one or more of the following:

- (a) Determine, in the case of a trust, if its purposes are being carried out;
- (b) Determine if the funds and assets in the hands of the fiduciary are being used or applied in accord with any trust instrument, Will, applicable statute, regulation or Court Order;
- (c) Make a written report including findings of fact, conclusions of law; and, when appropriate, recommendations for the consideration of the Court; and
- (d) Such other matters at the Court may designate.

9.1.3 Examiners—Compensation.

Examiners shall be allowed such fees from principal or income, or apportioned between principal and income, as may be directed by the Court.

RULE 10**MATTERS BEFORE THE REGISTER OF WILLS****10.1 Application and Construction of Register of Wills Rules.****10.1.2 Application of Rules.**

These rules shall govern all proceedings before the Register of Wills.

10.1.3 Construction of Rules.

These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding before the Register of Wills. The Register of Wills at every stage of any action or proceeding before the Register, in the Register's discretion, may disregard any error or defect of procedure which does not affect the substantial rights of the parties in interest.

10.1.4 Filing of Death Certificates—Estates.

(a) A death certificate for the decedent shall be filed with the Register of Wills not later than with the first submission next following the grant of letters.

(b) The Register of Wills shall have authority to impose a filing fee for a death certificate filed subsequent to the submission of a petition requesting grant of letters.

10.1.5 Extension of Time Limitation.

The Register of Wills, upon his or her own motion, or upon the motion of any party, may extend any limitation of time prescribed by these rules.

10.2 Pleading and Practice before the Register.**10.2.1 Pleading and Practice.**

The practice, procedure and forms used before the Register of Wills shall be in substantial conformity with the practice, procedure and forms approved by the Supreme Court of this Commonwealth, or, in the absence thereof, the practice, procedure and forms set forth herein or as approved by the Erie County Court of Common Pleas, Orphans' Court Division.

10.2.2 Jurisdiction of the Register.

All proceedings to determine the validity of a document offered for probate, and all proceedings to grant or revoke letters testamentary or letters of administration shall be before the Register of Wills of the county wherein the decedent maintained his or her last principal residence, or, if a decedent's estate has been opened, the county where the Register has issued letters or a will has been probated.

10.2.3 Presiding Officer.

The Register of Wills, or a duly deputized attorney acting as solicitor for the Register, or a Deputy Register of Wills specifically deputized and authorized by the Register of Wills to conduct hearings, shall be the presiding officer in all proceedings before the Register of Wills.

10.2.4 Evidence.

The Rules of Pennsylvania Evidence shall be applicable to all proceedings before the Register of Wills.

10.2.5 Stenographic Record.

(a) The Register of Wills may, at the Register's discretion, require or permit a stenographic record to be made, at the parties expense, the cost of which shall be allocated as directed by the Register.

10.2.6 Objections to Evidence.

Any objections to any evidence to be presented before the Register shall be made to the Register, or the Deputy Register or attorney acting as solicitor, who is conducting the hearing, who shall rule upon such objections at the time that they are made. In the discretion of the person presiding over the hearing, the presiding officer may defer ruling upon the objection until the conclusion of the hearing.

10.3 Discovery Before the Register.**10.3.1 Limitations on Discovery.**

Discovery before the Register, upon application to the Register by an interested party, shall be limited to the following: depositions, request for production of documents, request for admissions, subpoenas.

10.3.2 Objections to Discovery.

Objections to discovery shall be addressed to, and shall be decided by, the Register of Wills or the Deputy Register or solicitor presiding over the hearing.

10.3.3 Additional Discovery.

Requests for additional discovery beyond the scope of these rules shall be made to the Orphans' Court Division.

10.4 Caveat Practice and Procedure.

10.4.1 Form of Caveat.

A formal or informal caveat to initiate the contest of a testamentary writing or to contest a petition for letters testamentary or administration shall be filed with the Register of Wills upon the Forms of Caveat as attached to the end of this rule.

BEFORE THE REGISTER OF WILLS OF ERIE COUNTY, PENNSYLVANIA

Estate of [name of deceased], Deceased

CAVEAT

To the Register of Wills of Erie County:

You are hereby requested to admit no paper to probate as the last will and testament of [name of deceased], deceased, who died on [date of death], at [specify location],

and was last domiciled at death in Erie County, Pennsylvania. It is further requested that no letters testamentary or letters of administration be issued upon the above estate in connection with the probate of any paper as the decedent's last will and testament without notice to the undersigned.

[Name of attorney] for [name of client]
[address and phone # of attorney]
or if no attorney
[address and phone # of caveator]

10.4.2 Bond and Form of Bond.

After the filing of a caveat with the Register of Wills, the Register may fix a bond at an amount determined at the Register's discretion. The bond as filed before the Register shall be filed upon the Bond Form as attached to the end of this rule.

BEFORE THE REGISTER OF WILLS OF ERIE COUNTY, PENNSYLVANIA

Estate of [NAME OF DECEASED], Deceased

No. [specify number] of [specify year]

BOND OF CAVEATOR

KNOW ALL MEN BY THESE PRESENTS, that we _____

Name(s) of caveator(s)

and _____

Name(s) of Bonding Agency/Insurance Company

are held firmly bound unto the Commonwealth of Pennsylvania, in the sum of _____ Dollars (\$ _____) to be paid to the said Commonwealth, to which payment well and truly to be made, we do bind ourselves jointly and severally, for and in the whole, our heirs, executors, administrators, successors and assigns, and each and every of them, firmly by these presents.

WHEREAS, the said _____

on the _____ day of _____, _____, filed in the office of the Register of Wills of Erie County, Pennsylvania, a Caveat against the admission to probate of any paper writing alleged to be the last Will and Testament of _____ Deceased, or the granting of Letters _____, on the estate of _____ Deceased;

NOW, THEREFORE, the condition of this obligation is, that if the said Caveator(s) shall pay any and all costs which may be occasioned by reason of such caveat, and which may be decreed by such Register of Wills, or by the Orphans' Court Division of Erie County, to be paid by such Caveator(s), then this obligation to be void, otherwise to remain in full force and effect.

Sealed and dated this _____, the presence of:

Signature of Personal Representative(s)

Signature of Personal Representative(s)

Signature of Bonding Agent

10.4.3 Time for Fixing the Amount of Bond.

The Register, after the filing of an informal or formal caveat with the Register, shall enter an Order fixing the amount of bond to be filed, and in the discretion of the Register, the Register may:

(a) Enter an Order within 10 days after the filing of an informal caveat fixing the amount of the bond; or

(b) Wait until the contested document is presented for probate or grant of letters, or the filing of a formal caveat, and fix the amount of the bond within 10 days after the presentation of the challenged document or the filing of the formal caveat.

10.5 Citation Practice and Procedure.

10.5.1 Request for Citation.

Any party in interest may file a petition with the Register of Wills requesting that a citation be issued by the Register directing the appearance of a party before the Register, the production of a document, or requesting other appropriate relief before the Register.

10.5.2 Form of Citation.

All citations issued by the Register shall be upon the form adopted or approved by the Register's Office.

10.5.3 Person Responsible for Service of Citation.

Service of the citation issued by the Register upon the appropriate parties to be served shall be the responsibility of the party requesting the issuance of the citation.

10.5.4 Method of Service of Citation.

(a) All citations issued by the Register shall be served upon the party to whom the citation is directed by certified mail, restricted delivery, with return receipt showing the signature of the party to whom the citation has been directed or by personal service by the Sheriff or a competent adult. Service outside of the Commonwealth shall be as set forth in PA Rule of Civil Procedure 404.

(b) Citations issued by the Register shall be served within 30 days from the date of issue. The Register, upon cause shown, may extend the time for service.

10.6 Notice.**10.6.1 Distribution of Pennsylvania Orphans' Court Rule 5.6 and Rule 6.12 Notices.**

Upon the grant of Letters Testamentary or Letters of Administration the Register shall provide to the personal representative PA Orphans' Court Rule 5.6 and Rule 6.12 Notice forms. The Register shall not be required to mail the forms to the personal representative or counsel of record, or notify the personal representative or the attorney of record of their obligation to file the forms if they have not been timely filed.

10.6.2 Manner of Proceeding.

Whenever a notice is to be given by a person, notice shall be in the manner prescribed in Orphans' Court Rule 5.

10.7 Conclusion of Hearing and Decree of Register.**10.7.1 Procedure Before the Register Upon Conclusion of the Receipt of Testimony.**

At the discretion of the Register, at the conclusion of the presentation of testimony from witnesses and the receipt of documents offered into evidence, the Register may require the following from the parties:

(a) closing arguments from each of the parties or their counsel

(b) a brief from each of the parties requesting the following to be included in the brief

- (1) the parties' argument supporting their position
- (2) proposed Finding of Fact
- (3) proposed Conclusions of law

The Register, when briefs are required, shall set the time within which the parties shall file their briefs with the Register, which period of time shall not be less than 30 days nor more than 45 days from the date of the conclusion of the hearing.

10.7.2 Decision of the Register.

Within 30 days following the conclusion of the hearing before the Register, or within 30 days after the submission of written briefs, if required, whichever is later, the Register shall render a written decision. The Register, in rendering his or her decision, may, but need not, render a written opinion containing findings of fact and conclusions of law, together with a discussion of the issues before the Register. The opinion of the Register shall be accompanied by a **Decree** of the Register containing the Register's decision.

10.8 Appeals from Decision of Register.**10.8.1 Right of Appeal.**

Any party aggrieved by a decision of the Register shall have the right to appeal the Register's decision to the Orphans' Court Division of the Court of Common Pleas in accordance with PEF Code § 908.

10.8.2 Procedure for Appeal from Decisions of the Register of Wills.

Any appeal from a decision of the Register of Wills shall be initiated as follows:

(a) A notice of appeal shall be filed with the Register of Wills on the form attached to the end of this rule;

(b) A petition for appeal and issuance of citation shall be filed with the Clerk of the Orphans' Court, signed by counsel, if any, verified by petitioner and shall set forth the following:

(1) The caption;

(2) A heading indicating briefly the purpose of the petition;

(3) A concise statement of the facts relied upon to give the Court jurisdiction and to justify the relief desired, and any averments specifically required by any State Rule or Local Rule. The statement shall be divided into paragraphs numbered consecutively, each containing but one material allegation, and shall cite the applicable section of any Act of Assembly relied upon;

(4) The names of all parties in interest, indicating those not sui juris. The names of fiduciaries of parties not sui juris shall be set forth with references to their appointments;

(5) A prayer for the relief desired;

(6) There shall be attached to the appeal petition as exhibits the originals or copies of all Wills, codicils, consents, joinders, approvals, contracts and any other written instruments relied on or pertinent. Exhibits which are not originals and not otherwise certified shall be certified by counsel to be correct. If the petitioner is unable to attach any exhibit, such shall be stated in his petition, with the reason for the inability; and

(7) Within ten (10) days of filing the petition for appeal, the appellant shall file a bond and secure its approval by the Register and shall request a Citation by the Court to all parties in interest, including those not represented on the record.

(c) Non Pros.

If the bond is not presented within ten (10) days of taking the appeal, the Clerk of the Orphans' Court, upon praecipe of the appellee, shall order a judgment of non pros.

(d) Certified Cases.

When a certification of a dispute has been made by the Register of Wills to the Orphans' Court Division under PEF Code § 907, the Court will determine whether pleadings will be required.

(e) Jury Trial.

A person entitled to and desiring a trial by jury, shall make timely demand therefore in accordance with the PEF Code.

(f) Action Upon Default.

If the respondent in any action fails to comply with the requirements of any citation or notice, the Court, upon proof of service thereof, shall make such Order as may be just and necessary.

(g) Enforcement of Decrees.

(1) *Applications for Enforcement, Procedure.* All applications to enforce a decree or adjudication for the payment of money or costs or for the delivery of any goods, chattels, or other assets of an estate by a fiduciary or surety, shall be by petition of the person or persons entitled thereto, briefly setting forth the facts. If the application is satisfactory to the Court, an Order will be granted to pay or transfer, assign or deliver, as the case may be.

(A) *Service.* If possible, a copy of the Order, certified by the Clerk or counsel, must be served upon the respondent personally at least ten (10) days prior to the day specified

therein. If such service is not possible, service may be made as required of a citation by PEF Code § 765.

(2) *Writ of Attachment.* If the Order of Court is not complied with on or before the day specified, upon proof of service of the order as required of a citation by Section 765, PEF Code, 20 Pa.C.S.A. Section 765, and upon petition setting forth the necessary facts, a writ of attachment of the person will be awarded.

(3) *Sequestration.* If an Order to pay or transfer, assign or deliver has not been complied with on or before the date specified in such Order, upon proof of service of the Order upon a fiduciary or surety in the manner required for the service of a citation by PEF Code § 765, or upon proof of service of notice of such Order as provided in Section 768 of said Code, and upon petition setting forth the necessary facts, the Court may direct sequestration of real or personal property or attachment execution.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

Estate of *[name of deceased]*, Deceased

No. *[specify number]* of *[specify year]*

APPEAL FROM PROBATE

To the Register of Wills of Erie County:

You are hereby notified that the undersigned hereby appeals to the Orphans' Court of said county from the decision of the Register of Wills in the above estate admitting to probate as a certain writing and alleged last will and testament of *[name of deceased]*, the deceased, a writing dated *[date of writing]*, and granting letters testamentary thereon.

[Name of Attorney for Appellant]

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

Estate of *[name of deceased]*, Deceased

No. *[specify number]* of *[specify year]*

**PETITION FOR CITATION TO SHOW CAUSE WHY APPEAL FROM PROBATE
SHOULD NOT BE SUSTAINED**

To the Honorable, *[name of judge]*, the Orphans' Court Judge of the said Court:

NOW comes *[name of petitioner]*, petitioner(s), and request(s) your Honorable Court to issue a citation in the above matter directed to the executor of the estate of *[name of deceased]* and the heirs of the estate of *[name of deceased]* to show cause why the decision of the Register of Wills admitting to probate a writing dated *[date of writing]*, as the last will and testament of the above decedent should not be vacated and the appeal therefrom sustained, and says:

1.

The above-named decedent, *[name of deceased]*, was a resident of *[name of county]* County at the time of his/her death on *[date of death]*, with a last principal address of *[last principal address of deceased]*.

2.

Your Honorable Court has jurisdiction over this matter under and pursuant to 20 Pa.C.S.A. § 711(1) and (18).

3.

On *[specify date]*, the Register of Wills admitted to probate as the last will and testament of the above-named decedent a writing dated *[date of writing]*. Your petitioner(s) feel(s) the aforesaid last will and testament admitted to probate is not the last will and testament of the decedent and should not have been admitted to probate for the following reasons: *[specify reasons]*.

4.

Your petitioner(s) is(are): (1) beneficiar(y)(ies) under a prior last will and testament of the decedent dated *[date of will]*; or (2) is(are) the person(s) entitled to inherit under the intestate laws of the Commonwealth of Pennsylvania and will be the heir(s) of the decedent if the aforesaid last will and testament is not admitted to probate (*[specify relevant facts]* *[state such other facts as will allow petitioner(s) to either gain or lose if the last will and testament admitted to probate is allowed to stand as the last will and testament of the decedent or is set aside]*).

5.

The name(s) and address(es) of the executor(s) of the last will and testament admitted to probate is(are) as follows: *[name of executor]* *[address of executor]*.

6.

The name(s) and address(es) of all other parties in interest is(are) as follows: *[name of party/parties in interest]*
[address of party/parties in interest].

7.

The proceedings before the Register of Wills have consisted of the admission to probate of a purported will of the decedent dated *[date of purported will]*, and the grant of letters testamentary thereon unto *[name of person granted letters]*. A copy of the Register's decree is attached hereto and marked Exhibit A.

8.

On *[date of filing]*, your petitioner(s) filed an appeal from the Register's order admitting the will to probate, a copy of said Notice of Appeal having been served upon the Register of Wills on *[date of service]*. A true and correct copy of the Notice of Appeal is attached hereto and marked Exhibit B.

9.

Your petitioner(s) believe(s) and therefore aver(s) that the testator (lacked testamentary capacity) (executed the aforesaid last will and testament as the result of undue influence), and in support of said allegation allege(s) as follows: *[specify allegations]*.

[OR]

The signature of the testator is not the signature of the testator, but is a forgery and in support thereof the petitioner(s) allege(s) as follows: *[specify allegations]*.

[OR]

The aforesaid last will and testament is not the last will and testament of the decedent for the reason that the aforesaid will was procured by fraud and misrepresentation, and in support of said allegation, the petitioner(s) allege(s) as follows: *[specify allegations]*.

WHEREFORE, petitioner(s) request(s) that your Honorable Court issue a citation upon the respondent(s) to show cause why the appeal from the decree of the Register of Wills admitting to probate the writing dated *[date of writing]* should not be sustained, and that the decree of the Register of Wills be opened to permit the Register to receive and act upon (a petition for probate of an earlier writing dated *[date of writing]*, as the last will and testament of the decedent) (a petition for letters of administration on the estate of decedent).

[Name of Attorney for Petitioner(s)]

[Add verification of petitioner(s).]

10.8.3 Decree of Orphans' Court upon Sustaining Appeal.

Upon appeal from a decision of the Register of Wills, if the Orphans' Court sustains the appeal, the Court shall:

(a) In sustaining an appeal from probate shall direct the Register to revoke its decree of probate;

(b) In sustaining an appeal from the grant of letters shall direct the Register to revoke its grant of letters;

(c) In an appropriate case, if the Court directs the revocation of a decree of probate or the grant of letters, the Court shall direct the Register to enter an appropriate decree of probate or grant appropriate letters testamentary or administration to the appropriate person or persons.

10.8.4 Decree of Orphans' Court upon Dismissing Appeal.

Upon dismissing an appeal, the Orphans' Court shall enter a final Decree dismissing the appeal from the Register's decree.

RULE 12

SPECIAL PETITIONS

12.0.1 Settlement of Small Estates.

(a) Form of Petitions. Contents.

Petitions under PEF Code § 3102, as amended for the settlement of small estates shall set forth:

(1) The name and address of the petitioner and the relationship of the petitioner to the decedent.

(2) The name, date of death and domicile of decedent, whether the decedent died testate or intestate, the dates of the probate of the Will and of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, amount.

(3) The names and relationship of all beneficiaries entitled to any part of the estate under the Will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under Section 3101 of the PEF Code and whether any of them are minors, incapacitated or deceased with the names of their fiduciaries.

(4) The person or persons, if any, entitled to the family exemption; whether or not the individual was a member of the same household as the decedent at the time of decedent's death; and, if a claim thereof is made in this petition, any additional facts necessary to establish the prima facie right thereto.

(5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

(6) An itemization of all administrative costs, funeral expenses, debts and distributions, and of assets then remaining for distributions.

(7) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(8) That ten (10) business days' written notice of intention to present the petition has been given to every

unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown.

(9) A prayer for distribution of the property, setting forth the persons entitled and their distributive shares, and requesting the discharge of the personal representative and the release of surety, if letters have been granted and advertised.

(b) Required Exhibits.

The following exhibits shall be attached to the petition:

(1) The original of the decedent's Will, if it has not been probated.

(2) Joinders of unpaid beneficiaries, heirs and claimants insofar as they are obtainable.

(3) A receipt for the filing of an inheritance tax return reporting the assets which are the subject of the petition.

(4) A certification that a copy of the proposed petition and decree has been given to all beneficiaries and unpaid creditors at least ten (10) business days prior to presentation of the petition.

(5) Written confirmation by the Pennsylvania Department of Public Welfare of the amount of any claim for assistance provided to the decedent.

12.1.1 Family Exemption. Additional Requirements.

A petition for the family exemption shall also set forth in separate paragraphs:

(a) The name, residence and date of death of the decedent;

(b) The name, address and relationship of the petitioner to the decedent, and whether the petitioner was a member of the same household as the decedent at the date of decedent's death;

(c) The name of the spouse of the decedent, if any, and whether the spouse forfeited spousal rights;

(d) Whether the decedent died intestate or testate, and the date of the appointment of the fiduciary, if any;

(e) The description and value of the property claimed;

(1) If an inventory has been filed, the petition shall set forth the value of the property claimed as fixed in the inventory.

(2) If it is not included in the inventory, an appraisal or written confirmation of the value of the property as of the date of death must be attached to the petition, unless the property claimed consists of personal property in the form of cash, bank accounts or government bonds whose value is ascertainable from its face; and

(f) That ten (10) business days' prior notice of intention to present the petition at a stated regular session of Motion Court has been given to the personal representatives, or when no letters have been granted, to the parties adversely affected. The ten (10) days' notice requirement shall not be required in the case of a petition filed by a surviving spouse, nor shall ten (10) days' notice be required if the petition contains consents executed by all other parties in interest.

(g) The family exemption petition may be included in a petition for settlement of small estates.

12.5.1 Minor's Estate. Appearance Before the Court. Minor over Fourteen.

A minor over the age of fourteen (14) shall appear in person at the presentation of the petition for appointment

of guardian. If the minor is unable to appear in person, the reason for the minor's absence shall be set forth in the petition.

12.5.2 Minor's Estate. Restricted Account.

(a) No guardian shall exercise any authority under his appointment until the guardian shall have filed and had approved by the Court a bond in an amount directed by the Court, except where the guardian is a corporate fiduciary authorized to act as such under applicable law.

(b) In lieu of bond, the Court may authorize the guardian to deposit the cash in a Federally insured interest bearing account or a money market or cash management account guaranteed by the Security Investors Protection Corporation, with the restriction, "Not to be withdrawn prior to the minor's attainment of the age of eighteen (18) except on Order of Court." Proof of such deposit shall be presented to the Clerk of the Orphans' Court within thirty (30) days.

12.5.3 Minor's Estate Not Exceeding Amount Established by PEF Code.

(a) *Disposition. In General.* If the value of the real and personal estate of a minor does not exceed the amount established by the PEF Code, the Court may:

(1) Authorize payment or delivery thereof to the minor, or the parent or other person maintaining the minor; or

(2) Direct the deposit of the money in a restricted account or accounts, in the name of a natural guardian of the minor, or of the minor alone; or

(3) Make such provision for the retention or deposit of securities or other assets, as the Court shall deem for the best interests of the minor.

(b) *Mortgage or Sale of Real Property.* If the entire estate of a minor does not exceed the amount established by the PEF Code, the Court, upon petition, may authorize the parent or other person maintaining the minor to convey or mortgage any real property forming a part or all of such estate, without the appointment of a guardian or the entry of security. The petition shall conform to the requirements of the Rules governing the sale or mortgage of real property by a guardian. The Order of the Court may be conditioned upon the deposit of the proceeds of the sale or mortgage in a restricted account or accounts.

12.5.4 Minor's Estate. Allowance.

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

(a) The manner of the guardian's appointment and qualification, and the dates thereof;

(b) The age and residence of the minor, whether the minor's parents are living, the name of the person with whom the minor resides, and the name and age of the minor's spouse and children, if any;

(c) The value of the minor's estate, real and personal, where located and the net annual income;

(d) The circumstances of the minor, whether employed or attending school; and, if the minor's parents are living, the reason why the parents are not discharging their duty of support;

(e) The date and amount of any previous allowance by the Court;

(f) The financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary; including whether

there is adequate provision for the support and education of the minor, spouse and children.

(g) If the petition is presented by someone other than the guardian, that demand was made upon the guardian to act, and the reason, if known, for the guardian's failure to do so.

12.5.5 Minors and Incapacitated Persons; Settlement, Compromise or Discontinuance.

(a) *Contents of Petition.* The Petition for Settlement, Compromise or Discontinuance shall:

(1) State the name, residence and parentage of the minor or incapacitated person;

(2) Set forth the factual circumstances of the case;

(3) Set forth the injury sustained and its effect on the property and health of the minor or incapacitated person;

(4) Itemize the expenses and fees incurred in the treatment of the injuries or substantiating and establishing the settlement or compromise;

(5) State whether proceedings have been conducted in a civil action concerning the claim and if so, include detail as to the nature of such proceedings and the presiding Judge;

(6) State the reason why the settlement or compromise is a proper one;

(7) State the amount of counsel fees incurred in obtaining the agreement for settlement or compromise;

(8) Include a proposed Order for hearing on the Petition for approval;

(9) Include a proposed Order for distribution.

(b) *Manner of Presentation.* Petitions under this Rule shall be presented in accordance with Erie County Civil Procedure Rule 2039.

The Judge to whom the Petition is submitted may require the personal appearance of the minor or incapacitated person, the guardian of the minor, the doctor or any other relevant party, as well as the production of any other evidence deemed necessary for approval of the Petition.

(c) *Notice of Hearing.* Notice of hearing on the Petition shall be given by United States first class mail, or as the

Court shall direct, to all parties which shall include the minor or incapacitated person, the minor's parents, the minor's or incapacitated person's guardian(s) and any other person so designated by the Local Rules, the State Rules or the Judge to whom the Petition is presented. Proof of service shall be filed with the Court pursuant to the Local Rules.

(d) *Filing of the Petition.* Petitions presented under this Rule shall be filed as follows:

(1) If the Petition pertains to a matter as to which a civil action has been commenced and docketed, the original Petition shall be filed with the Prothonotary and a copy of the Petition shall be filed with the Register of Wills.

(2) If the Petition pertains to a matter as to which no civil action has been commenced, the original Petition shall be filed with the Register of Wills.

(e) Petitions under this Rule shall be substantially like the form at the end of this Rule.

(f) *Confirmation of Deposits into Restricted Accounts.* When the Court directs the deposit of the sum payable to the minor or incapacitated person be placed in a restricted account, the deposit shall be made with a copy of the approving Court Order not later than five (5) business days after receipt of the settlement funds by the person directed to make the deposit. The designated depositor shall file or cause to be filed with the Register of Wills proof of the restricted account deposit in compliance with the approving Court Order, including the amount, within thirty (30) days after the date of the Order.

Committee Comment. The objective of subsection (b) of this Rule is to ensure that an assigned Judge in a civil action who has presided over proceedings which would facilitate an evaluation of the facts and proposed settlement consider a petition under this Rule, petitions in other cases being presented to the Motions Judge of the Orphans' Court. The purpose of including item 6 in the form petition is to make clear potential involvement by the assigned Judge in a civil action so that a Motions Judge of the Orphans' Court to whom a petition is presented can, in his or her discretion, determine whether presentation and determination in Orphans' Court is appropriate in the facts of the case.

(CAPTION)

PETITION FOR SETTLEMENT, COMPROMISE, DISCONTINUANCE AND DISTRIBUTION FOR A MINOR/INCAPACITATED PERSON

To the Judge of your Honorable Court:

This Petition respectfully represents:

1. Petition is _____, who resides at _____, and is the parent, guardian of the minor/incapacitated person, age ____ years, born the ____ day of _____, _____, and who resides at _____.

2. The minor's parents are _____, father, and _____, mother, who reside at _____.

3. The minor/incapacitated person's claim arises out of the following circumstances (set forth the date, place, time and details): _____.

4. The minor/incapacitated person sustained injuries as follows (set forth description of the injuries, the effect of the injuries on the property and health of the minor, including applicable medical reports and records, recovery or prognosis): _____.

5. The following expenses were incurred in the treatment of the injuries to the minor/incapacitated person (itemize expenses incurred, noting whether paid or owed); state if any are to be reimbursed out of the settlement and if so, to whom they are payable): _____.

6. A civil action pertaining to this claim has/has not been commenced. If an action has been commenced and is not identified above, docketing information pertaining to said action is as follows: _____, _____. Proceedings in said civil action before the assigned Judge include: _____.

THE COURTS

7. Petitioner has received an offer from _____ to settle the minor's/incapacitated person's claim for the amount of \$ _____. A copy of the offer is attached hereto as Exhibit _____.

8. Petition believes the settlement offered is in the best interest of the minor/incapacitated person for the following reasons (give reasons): _____.

9. _____, Esq. has been the attorney for the minor/incapacitated person in this matter and requests a counsel fee for services detailed in Exhibit _____ attached hereto which, in Petitioner's opinion, is a reasonable fee. Counsel also requests reimbursement for disbursements of \$ _____ as shown on Exhibit _____.

10. Petitioner and counsel are satisfied the offer of settlement is reasonable and proper in this matter.

11. To consummate the offered settlement, Petitioner, on behalf of the minor/incapacitated person, will be required to execute a release, a copy of which is attached hereto as Exhibit _____, and obtain approval of the settlement by your Honorable Court.

12. Petitioner requests this Honorable court to approve the within offer of settlement and to direct disbursement of the proceeds as follows:

- (a) _____, Esq. - attorney fee \$ _____
- (b) _____, Esq. - reimbursement \$ _____
- (c) Other: _____ \$ _____
- (d) Petitioner on behalf of the minor/incapacitated person as per attached Court Order \$ _____

13. The Petitioner requests this Honorable Court to direct the deposit of the above balance for this minor person into one or more federally insured savings accounts in the name of the minor/incapacitated person, to be marked "Not to be withdrawn before the ____ day of _____, ____ (date of minor's 18th birthday) or by further Order of this Court (other disposition may be requested as provided by statute)."

WHEREFORE, Petitioner requests this Honorable Court to enter an Order approving the above settlement, directing distribution of the proceeds and expenses as set forth above and authorizing the Petitioner to execute the Release upon payment of the sum of \$ _____.

Respectfully submitted,

Petitioner

NAME OF LAW FIRM

BY: _____
Address
Telephone
Attorney No.

VERIFICATION

I, _____ (Petitioner), hereby verify, subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the foregoing Petition and this Court being satisfied as to the reasonableness of the settlement and that the settlement is in the best interest of the minor/incapacitated person hereto, it is hereby ORDERED, ADJUDGED AND DECREED:

1. The settlement set forth in the Petition in the above matter presented to the Court is approved as being in the best interest of the minor/incapacitated person, _____.

2. Counsel fees to the firm of _____, Attorneys-at-Law, of \$ _____ and the reimbursement of _____, Esq. for expenses, \$ _____ from the settlement proceeds are approved.

3. The settlement sum of \$ _____ is directed to be disbursed as follows:

- A. _____, Esq. \$ _____
(attorney's fees per fee agreement)
- B. _____, Esq. \$ _____
(reimbursement for expenses)
- C. Other: _____ \$ _____
- D. _____ \$ _____
(minor/incapacitated person's name)
- Total \$ _____

4. The total sum payable to _____ (minor/incapacitated person's name), \$ _____, is directed to be deposited by his/her parents, _____ (parent's names) in a savings account in the name of the parent as natural guardian of _____ (minor/incapacitated person's name) in a local bank or savings and loan association, either FDIC or FSLIC insured, said account to be marked that no withdrawal may be made until the _____ day of _____, 20 ____ (date of minor/incapacitated person's birthday) or upon further Order of this Court. This deposit shall be made within five (5) business days following receipt of the minor/incapacitated person's proceeds.

5. Upon receipt of the settlement proceeds, _____ is authorized to execute and deliver a Release in the form as attached to the foregoing Petition.

6. Petitioner shall file with the Register of Wills proof of the restricted account deposit in accordance with this Order within thirty (30) days of the date of this Order.

J.

12.6.1 Appointment of Trustee. Exhibits.

The following exhibits shall be annexed to the petition:

- (a) A copy of the trust instrument;
- (b) The consent by the proposed trustee to act as such; and
- (c) Any consents or joinders of parties in interest.

12.6.2 Appointment of Successor Co-Trustee.

When the governing instrument requires two or more co-fiduciaries and one is unable to serve for any reason, it shall be the obligation of the other fiduciary to petition the Court for the appointment of a successor co-fiduciary.

12.7.1 Discharge of a Personal Representative. Section 3531—PEF Code.

When the gross real and personal estate of a decedent does not exceed the amount established by statute, the personal representative, after the expiration of one year from the grant of letters, may present a petition to the Court with an account attached under the provisions of Section 3531 of the PEF Code. The petition shall conform as far as practicable to the requirements of a petition for settlement of a small estate under the provisions of Section 3531 of PEF Code.

12.9.1 Public Sale. Contents of Petition. Additional Requirements.

(a) *Personal Representative.* A petition by a personal representative to sell real property at public sale, under Section 3353 of the PEF Code shall set forth in separate paragraphs:

(1) The name, residence and date of death of the decedent, whether the decedent died testate or intestate and the date of the grant of letters;

(2) That the personal representative is not otherwise authorized to sell by the PEF Code; or is not authorized or is denied the power to do so by the Will; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(3) Whether an inventory and appraisal have been filed, the total value of the property shown therein; and the value at which the real property to be sold was included therein;

(4) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;

(5) The names and relationships of all parties in interest; a brief description of their respective interests; whether any of them are minors, adjudicated incapacitated or deceased, and, if so, the names and the record of the appointment of their fiduciaries, if any;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value (current county tax assessment × common level ratio factor); and

(7) Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) *Trustee.* A petition by a trustee to sell real property at public sale, under Section 3353 of the PEF Code, shall also set forth in separate paragraphs:

(1) How title was acquired, stating the date and place of probate of the Will or recording of the deed;

(2) A recital of the relevant provisions of the Will or deed pertaining to the real property to be sold, and the history of the trust;

(3) The names and relationships of all parties in interest; a brief description of their respective interest; whether any of them are minors, adjudicated incapacitated or deceased, and if so, the names and record of appointment of their fiduciaries, if any;

(4) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value (current county tax assessment × common level ratio factor);

(5) That the trustee is not otherwise authorized to sell by the PEF Code, or is denied the power by the trust instrument; or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(6) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(c) *Guardian of Minor.* A petition by a guardian to sell real property at public sale, under Section 3353 of the PEF Code, shall set forth in separate paragraphs:

(1) The age of the minor;

(2) The names of the minor's next of kin and the notice given them of the presentation of the petition;

(3) How title was acquired, stating the date and place of probate of Will or recording of the deed;

(4) A recital of the provisions of the Will or deed relating to the real property to be sold;

(5) The nature and extent of the interest of the minor, of the guardian and of third persons in the real property;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value (current county tax assessment × common level ratio factor); and

(7) Sufficient facts to enable the Court to determine that the proposed sale will be in the best interest of the minor.

(d) *Guardian of Incapacitated Person.* A petition by a guardian to sell real property at public sale, under Section 3353 of the PEF Code, shall set forth in separate paragraphs the same information as required for the sale by a guardian of a minor with sufficient additional facts to enable the Court to determine that the proposed sale will be in the best interest of the incapacitated person.

12.9.2 Public Sale. Exhibits.

The following exhibits shall be attached to the petition by a personal representative, trustee or guardian, to sell real property at public sale:

(a) Certification that ten (10) business days' notice has been given to those parties who do not consent or join; and

(b) Consent by any mortgagee whose lien would otherwise not be discharged by the sale.

12.9.3 Public Sale of Real Property. Notice. Confirmation.

(a) *Notice.* After the allowance of a petition for public sale, notice in approved form of the proposed sale shall be given in the manner provided by Local Rule.

(b) *Confirmation.* If no objection is filed, the Court may enter a decree confirming the sale upon submission of a return of sale as provided by Local Rule.

12.9.4 Public Sale. Security.

On the return day of the sale, the Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter, or will excuse the fiduciary from entering additional security.

12.10.1 Private Sale. Contents of Petition. Additional Requirements.

(a) Where the power to sell real property is not granted by the will, trust instrument or statute, a petition by personal representative, trustee or guardian, to sell real property at private sale shall also conform as closely as practicable to all requirements of these Rules with regard to a petition to sell real property at public sale.

(b) When seeking Court approval of a private sale or transfer to a personal representative under 20 Pa.C.S.A. § 3356 and/or Pennsylvania Orphans' Court Rule 12.10, the petitioner may avoid the need to present/secure a second affidavit of value provided that all possible beneficiaries execute a written consent to the relief requested within the petition. The consent shall state that the consenting beneficiary:

(1) has reviewed the petition and affidavit attached to the petition;

(2) is satisfied with the value expressed therein, and

(3) waives the requirement that a second affidavit of value be presented.

The Court Order attached to the petition approving the sale shall not address issues related to the title of the purchaser.

12.10.2 Private Sale. Exhibits.

Personal Representative. Trustee. Guardian. The following exhibits shall be attached to the petition by a personal representative, trustee or guardian to sell real property at private sale:

(a) Certification that ten (10) business days notice has been given to those parties who do not consent or join; and

(b) A copy of the agreement of sale; and

(c) Affidavits in the form required by State Rule 12.10(b) unless otherwise ordered by the Court.

12.10.3 Private Sale. Higher Offer.

Any person desiring to make a substantially higher offer for real property offered at private sale may do so at the time the petition of the fiduciary for leave to make such private sale is presented to the Court, whereupon the Court will make such Order as it deems advisable under the circumstances.

12.10.4 Private Sale. Security.

The Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter, or will excuse the fiduciary from entering additional security.

12.10.5 Petition to Fix or Waive Additional Security. Personal Representatives.

(a) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative acting without benefit of an Order of Court directing or authorizing such sale, but who was required to give bond, the personal representative shall present a petition to the Court before the proceeds of the sale are paid by the purchaser, setting forth:

(1) The date of death of the decedent;

(2) The date of the grant of letters to the petitioner;

(3) The amount of the bond or bonds filed by the petitioner, the date of such filing and the name or names of the surety;

(4) The total valuation of the personal estate as shown in the inventory and appraisal, if any; and the total proceeds of any real estate sold previously;

(5) A short description of the real property sold, the name of the purchaser, the amount of the consideration to be paid and the terms of the sale;

(6) A list of all liens of record known to petitioner, including mortgages, delinquent taxes, judgments, etc., and the names and relationships of all parties in interest; with a brief description of their respective interests; and

(7) A prayer for an Order fixing the amount of additional security or for an Order excusing the filing of additional security.

(b) *Surety on Additional Bond.* The surety on any additional bond, except for cause shown, shall be the same as on the original bond.

12.11.1 Mortgage of Real Property. Additional Requirements.

(a) *Contents of Petition.* A petition to mortgage real property by a personal representative, trustee or guardian, shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed mortgage loan; and shall set forth sufficient facts to enable the Court to determine whether the proposed mortgage should be approved.

(b) *Exhibits.* There shall be attached to the petition certification that ten (10) business days' notice has been given to those parties who do not consent or join.

12.12.1 Inalienable Property.

In addition to the requirements of Chapter 83 of the PEF Code and State Rule 12.12, in the case of

(a) *Public Sale.* The content of the petition, required exhibits, notices, confirmation and security shall conform to the requirements of Rule 12.9.1 through 12.9.4.

(b) *Private Sale.* The content of the petition, required exhibits, provisions as to higher offers, security and petitions to fix or waive additional security shall conform to the requirements of Rule 12.10.1 through 12.10.5.

(c) *Mortgage.* The content of the petition, required exhibits, notices and action on security shall conform to the requirements of Rule 12.11.1

12.12.2 Notice. Discretion of Court.

If it appears that all parties having a present or potential interest may not have been identified or served with notice, the Court shall have discretion to issue a citation and require such additional notice as it deems appropriate.

12.12.3 Inalienable Property. Real Estate or Fiduciaries in Other Counties.

(a) Fiduciaries whose appointments originated in this county shall obtain leave of this Court to petition the Court of another county of this Commonwealth, under the Inalienable Property Act, to sell or mortgage real property located in that county. Such leave may be obtained by petition to this Court setting forth briefly the substantial averments of a petition for the sale or mortgage of real property.

(b) Fiduciaries whose appointments originated in other counties of this Commonwealth shall obtain leave of the Court of their appointment to petition this Court under Inalienable Property Act to sell or mortgage real property located in this County. The petition to this Court shall comply with the provisions of these Rules with regard to the sale or mortgage of real property and shall include, as exhibits, copies of the petition and of the decree of the Court of origin.

RULE 13

DISTRIBUTION—SPECIAL SITUATIONS

13.3.1 Unknown Distributee. Contents of Report.

If it appears that the identity or whereabouts of a distributee is unknown, or there are no known heirs, the fiduciary shall submit a written report at the time of the filing of the audit or petition to settle a small estate, verified by affidavit of the fiduciary or his counsel, in

which shall be set forth the nature of the investigation³ made to locate the heirs of the decedent, in complete detail.

RULE 14

INCAPACITATED PERSONS

14.1.1 Procedure.

(a) All petitions requiring a hearing shall first be submitted along with a petition cover sheet, proposed Order for scheduling a hearing and proposed final decree to the Family/Orphans' Court Administrator at such times as provided in Erie County Civil Rule 304 for assignment of a hearing date.

(1) Upon the assignment of a hearing date by the Family/Orphans' Court Administrator, the original Petition or Motion and one copy shall be filed with the Clerk of the Orphans' Court. A copy shall also be given to the Family/Orphans' Court Administrator.

(2) All other pleadings not requiring a hearing shall be filed directly with the Clerk of the Orphans' Court.

(b) Emergency petitions requiring the immediate attention of the Court shall be presented to the Family/Orphans' Court duty judge.

(c) The petitioner shall provide a copy of the petition and any Orders or proposed Orders to the Clerk of the Orphans' Court who shall prepare and attach a Citation and Notice as required by PEF Code § 5511(a).

(d) The petition and citation shall be served personally upon the alleged incapacitated person by the Orphans' Court Investigator.

(e) The petitioner shall serve a copy of the guardianship petition and the Notice of Guardianship form provided by the Clerk of the Orphans' Court by first class mail to the following persons:

(1) All persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at the time;

(2) The person or institution providing residential services to the alleged incapacitated person;

(3) Any attorney in fact under a durable power of attorney;

(4) Such other parties as the Court may direct.

(f) All petitions required by this rule shall be signed by the moving party or that party's counsel and shall contain the following notice:

³The term "investigation," as used in this Rule, shall include inquiry of or to as many of the following as may be pertinent and feasible: residents of the household in which the decedent resided; friends and neighbors; beneficial organizations; insurance records; church membership; school records; social security; Veteran's Administration or military service records; naturalization records, if not native born; and such other sources of information as the circumstances may suggest.

(CAPTION)

NOTICE OF GUARDIANSHIP

This notice is to advise you that a Petition for Guardianship has been filed seeking the appointment of a guardian for the above named individual. A hearing on the petition is scheduled for the ____ day of _____, 20____, at _____ M. before Judge _____ in Court Room _____ of the Erie County Court House, 140 West Sixth Street, Erie, Pennsylvania 16501.

You do NOT have to attend this hearing if you do not oppose the Petition.

*If you intend to object to the proposed guardianship or otherwise contest this action, you must **immediately** send written notice to the assigned Judge and the Family/Orphans' Court Administrator at the Erie County Court House, 140 West Sixth Street, Erie, Pennsylvania 16501. A copy must also be sent to the attorney for the Petitioner at the address listed below.*

Your notice must be filed at least seven (7) days before the hearing.

Attorney for Petitioner
Street Address
City State Zip
Telephone

Date: _____

14.2.1 General Practice and Procedure.

(a) *Petition Contents.* A Petition to adjudicate a person incapacitated and for the appointment of a guardian shall contain all of the information required by PEF Code § 5511(e) and State Rule 14.2 and shall also include the following additional information:

(1) Whether the alleged incapacitated person executed a durable Power of Attorney and the name and current address of the attorney in fact.

(2) Whether the alleged incapacitated person executed a Will or other testamentary document and the location of the original document.

(3) Whether the alleged incapacitated person executed a living will, advance health care directive or similar document and the location of the original document.

(b) *Notice of Representation.* The petitioner shall notify the Court in writing at least seven (7) days prior to the hearing whether counsel has been retained by or for the alleged incapacitated person. If counsel has been retained, the petitioner shall provide the name, address and telephone number of counsel.

(c) *Evidence.* The evidence presented may be in accordance with PEF Code § 5518 as provided in the form at the end of this Rule.

(d) *Presence of Alleged Incapacitated Person.* The alleged incapacitated person shall be present at the hearing unless:

(1) The Court is satisfied, upon the deposition or testimony of or sworn statement (as provided by the form at the end of this Rule by a physician or licensed psychologist, that the alleged incapacitated person's physical or mental condition would be harmed by being present at the hearing; or

(2) It is impossible for the alleged incapacitated person to be present because of absence from the Commonwealth.

IN RE _____ : IN THE COURT OF COMMON PLEAS
: _____
: OF ERIE COUNTY, PENNSYLVANIA
: Orphans' Court Division
: _____
An Alleged Incapacitated Person : No.

AFFIDAVIT OF PHYSICIAN
PURSUANT TO ERIE COUNTY ORPHANS' COURT RULE 14.2.1(c)

The undersigned, a physician licensed to practice medicine in Pennsylvania does hereby swear or affirm that he/she has examined the following individual and that the information below is accurate and complete to the best of his/her knowledge information and belief:

1. Identification of the Alleged Incapacitated Person

- a. Name _____
- b. Address _____

2. Reason for Evaluation: Plenary Guardianship of the Person and/or Estate.

3. Affidavit Completed by:

- a. Name _____
- b. Office Address _____

4. Are you currently licensed in Pennsylvania? ____ Yes ____ No

5. Are you currently licensed in any other states? ____ Yes ____ No

If so, where? _____

6. Briefly describe your educational background, professional degrees, Board Certification, etc: _____

7. Which hospitals are you affiliated with: _____

8. Please list the date(s) upon which you've examined, evaluated or treated the Alleged Incapacitated Person within the past six (6) months: _____

9. Please provide your diagnosis of the patient's current condition: _____

10. Please provide your prognosis for the patient's condition and recovery: _____

- 11. Is the patient able to feed him/herself? _____ Yes _____ No
- 12. Is the patient able to dress him/herself? _____ Yes _____ No
- 13. Is the patient able to walk unassisted? _____ Yes _____ No
- 14. Is the patient's ability to receive and evaluate information and to make and communicate decisions significantly impaired? _____ Yes _____ No
- 15. Is the patient presently able to manage her finances or to meet essential requirements for her physical health and safety. _____ Yes _____ No
- 16. Is the patient presently able to make and communicate decisions relating to legal, financial or other matters? _____ Yes _____ No
- 17. Would it be medically advisable for the patient to be transported to attend the Guardianship hearing at the Courthouse? _____ Yes _____ No

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of physician

Printed name of physician

IN RE:

An Alleged Incapacitated Person

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA
Orphans' Court Division
No.

**AFFIDAVIT TO EXCUSE ALLEGED INCAPACITATED PERSON FROM COURT HEARING
PURSUANT TO ERIE COUNTY ORPHANS' COURT RULE 14.2.1(d)(1)**

I, _____, am a licensed physician (psychologist). I have been licensed to practice in the Commonwealth of Pennsylvania. I do hereby swear or affirm that within a reasonable degree of medical certainty I believe that the above referred to alleged incapacitated person would not be furthered by his/her attendance at the Court hearing regarding his/her incapacity at the Erie County Court House because he/she is incapable of comprehending the nature of the proceedings or participating in any meaningful way in the proceedings. In my professional opinion his/her physical or mental condition would be harmed by the transportation to the Court Room and by his/her attendance at the Court hearing.

I have based my opinion on a personal examination of the individual and my records pertaining to his/her condition.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Signature of physician or licensed psychologist

14.2.3 Proof of Service. Prior to the hearing, the petitioner shall file an affidavit or verification that the proper service of notice of the petition and hearing was made to all parties listed in the petition and to any other parties required by the Court to be notified.

14.2.4 Emergency Guardianships.

(a) A petition for emergency guardianship under PEF Code § 5513 may be filed by separate petition or with a petition for appointment of a permanent guardian. Reasons for the need for emergency guardianship shall be clearly set forth in the petition.

(b) Notice to the alleged incapacitated person and other interested persons of the petition and hearing shall be required unless it appears to the Court not to be feasible under the circumstances. It shall not be necessary for a citation to issue or be served on the alleged incapacitated.

(c) The emergency guardian of the estate shall account to the Court for all funds it receives and expends during its appointment as emergency guardian.

(d) At the hearing for the appointment of emergency guardian the provisions of PEF Code § 5518, regarding medical testimony, shall apply.

(e) The emergency appointment may be continued by the Court until the final disposition of the petition for determination of incapacity.

14.2.5 Post Adjudication Duties.

(a) *Annual report.* Within one year from the date of the appointment, and annually thereafter or otherwise as the Court may direct, the guardian shall file a periodic report in a form approved by the Court.

(b) *Final Accounting.* Upon the death of an incapacitated person, upon an adjudication of capacity or as the

Court may require, the practice and procedure with regard to the filing and auditing of accounts as well as distribution of assets comprising the estate of a person who has been adjudicated incapacitated shall conform with the practice and procedures governing trustees' accounts and small estates.

(c) *Additional Assets.* If, upon the filing of the Inventory, or any time thereafter, it appears that the value of the estate which has, or is about to, come into the possession and/or control of the guardian, exceeds the amount set forth on the original petition by \$10,000 or more, the guardian shall notify the Court which may determine whether additional security is necessary.

(d) *Testamentary Writings, Living Wills and Advance Health Care Directives.* The original and a copy of the will or other testamentary writing and any living will or advance health care directive of the incapacitated person shall be submitted to the Court for inspection as soon as possible following the hearing or, in any event, no later than the date set for the filing of the Inventory. The Court shall compare the copy with the original, retain the copy, and return the original to the guardian.

14.2.6 Modification of Guardianship.

The guardian, incapacitated person or other interested party may petition the Court for review of the guardianship as follows:

- (a) When the incapacitated person has regained capacity;
- (b) Where there has been a significant change in the ward's capacity;
- (c) Where there is a significant change in the need for guardianship services;
- (d) Upon request for the appointment of a successor guardian;
- (e) For any other good cause shown.

14.3.1 Adjudication of Capacity.

(a) A petition to adjudicate that a person previously adjudged incapacitated has regained capacity shall set forth:

- (1) The date of the adjudication of incapacity;
- (2) The name and address of the guardian;
- (3) If the incapacitated person has been a patient in a mental hospital, the name of the institution, the date of admission and the date of discharge;
- (4) The present address of the incapacitated person and the names of all persons residing in the same household.
- (5) The names and addresses of the next of kin of the incapacitated person;
- (6) An averment that the mental health of the incapacitated person has been restored; and,
- (7) A request that the guardian be directed to file an account or other final report as the Court may require.

(b) *Proof of Service.* Proof of service of notice of the hearing to all parties in interest shall be presented at the time of the hearing.

RULE 15 ADOPTION

15.1.1 Procedure.

(a) All Petitions or Motions requiring a hearing including those pertaining to Adoptions, Involuntary Termina-

tions, Voluntary Relinquishments and Confirmation of Consent shall first be submitted to the Family/Orphans' Court Administrator at such times as provided in Erie County Civil Rule 304 for assignment of a hearing date.

(b) Upon the assignment of a hearing date the original Petition or Motion shall be filed with the Clerk of the Orphans' Court and a copy of the Order setting the date of the hearing shall be given to the Family/Orphans' Court Administrator.

(c) All other pleadings not requiring a hearing shall be filed with the Clerk of the Orphans' Court.

(d) Any Motion or Petition requiring immediate attention of the Court shall be presented at Family/Orphans' Court Motion Court, with notice to all parties as required by Erie County Civil Rule 440.

15.4.1 Involuntary Termination of the Parental Rights of a Putative Father Whose Identity or Whereabouts Cannot be Ascertained.

The parental rights of a natural or putative father whose identity or whereabouts cannot be ascertained must be terminated by an involuntary termination proceeding prior to approval of a final adoption.

(a) The involuntary termination petition must aver that the natural mother does not know the identity or whereabouts of the natural or putative father, must include his last known address, if known, and must also specify all attempts made by the Petitioner to determine the correct identity of the natural or putative father.

(b) Notice of the involuntary termination petition and hearing shall be served on the natural or putative father by publication in the form and manner approved by the Court following presentation of a separate Motion for Service by Publication and Affidavit of Diligent Search as required by Pa.R.C.P. 430.

(c) Publication shall include, as a minimum, the contents of the citation attached to the Involuntary Termination Petition. Proof of publication shall be submitted to the Court prior to hearing.

(d) Exceptions to an Involuntary Termination Decree must be filed within ten (10) days of the filing of the Decree pursuant to Rule 7.

15.4.2 Petition to Terminate Putative Father's Rights Under § 2503(d) and § 2504(c)

(a) *Contents.* A Petition to terminate a putative father's rights under 23 Pa.C.S.A. Section 2503(d) or 2504(c) shall contain the following:

- (1) The names and addresses of the Petitioners;
- (2) The names and addresses of the birth parents and the putative father;
- (3) The date the child was relinquished to an agency or to an adult intending to adopt the child, the date that a report of intention to adopt was filed, and the date of any proceedings to terminate the parental of the birth parents, including voluntary relinquishment, involuntary termination, or confirmation of consent;
- (4) A statement of any further proceedings pending in the adoption; and

(5) The certification from the Pennsylvania Department of Vital Statistics pursuant to 23 Pa.C.S.A. § 5103 showing that no claim of paternity has been filed.

(b) Procedure.

(1) Upon presentation of a Petition to Terminate putative father's rights under 23 Pa.C.S.A. §§ 2503(d) or 2504(c), the Family/Orphans' Court Administrator shall schedule a hearing, which shall not be less than ten (10) days after the filing of the petition.

(2) Notice shall be provided in the form provided in 23 Pa.C.S.A. § 2513(b), and service shall be as provided in State Rule 15.6.

(3) Notice shall be given to the birth parents and putative father, and to the parents or guardians of a birth parent or putative father who has not reached age 18.

(4) Following hearing, the Court shall issue such decree as clearly sets forth that the parental rights of the putative father are terminated.

(5) A Petition to Terminate Putative Father's Rights may be brought in the name of the attorney for the adopting parents.

15.5.1 Petition to Confirm Consent to Adoption, including Stepparent adoptions.

All written consents to adoption must be confirmed by Court prior to the entry of a final Adoption Decree.

(a) Form of Petition. Contents. The Petition to Confirm Consent shall include the following:

(1) The names and addresses of the petitioners;

(2) The names and addresses of the birth parents;

(3) The date the child was relinquished to an agency or to an adult intending to adopt the child, the date that a report of intention to adopt was filed, and the date the consent to adoption was signed by the birth parent or parents. The original consent shall be attached to the petition or shall be part of prior pleadings; and

(4) A statement of any further proceedings pending in the adoption.

(b) Procedure.

(1) The Petition to Confirm Consent shall be presented to the Family/Orphans Court Administrator to schedule a hearing. The hearing shall be scheduled not less than ten (10) days after the filing of the petition and not less than sixty (60) days after the filing of the consent to adoption, whichever is later.

(2) Notice shall be in the form provided in 23 Pa.C.S.A. Section 2513(b), and service shall be as provided in State Rule 15.6. Notice shall be given to the birth parents and putative father, if applicable, and to the parents or guardians of a consenting parent who has not reached age 18.

(3) Following hearing, the Court shall issue such decree as clearly sets forth that the consent to adoption is confirmed and that all rights of the consenting birth parent are terminated.

(4) A Petition to Confirm Consent may be brought in the name of the attorney for adopting parents.

(5) The Adoption petition shall be filed separately from Petition to Confirm Consent, Petition for Voluntary Relinquishment, or Petition for Involuntary Termination of Parent Rights, and may be filed simultaneously with any aforesaid Petition.

(c) Hearing.

At the hearing to confirm the consent the petitioner shall present such information as may be necessary to allow the court to review the circumstances of the execution and the submission of all written consents to adoption so as to determine their validity. The court shall then enter an order confirming or rejecting the written consent to adoption.

IN RE:

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
: ORPHANS' COURT DIVISION

INSPECTION OF
GESTATIONAL CARRIER FILES

:
_ NO. AO

ADMINISTRATIVE ORDER

AND NOW, to wit, this 16th day of September 2008, it is hereby **ORDERED, ADJUDGED** and **DECREED** that the Clerk of the Orphans' Court of Erie County shall prohibit public inspections of all gestational carrier files except upon Petition and Order of Court granted for cause shown.

BY THE COURT:

/s/ Elizabeth K. Kelly
Elizabeth K. Kelly, President Judge

/s/ John J. Trucilla
John J. Trucilla, Administrative Judge of the
Family/Orphans' Court

cc: Raymond Pagliari, Orphans' Court Committee

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ANY CORRECTIONS OR ADDITIONS MAY BE DIRECTED TO THE ORPHANS' COURT RULES COMMITTEE

[Pa.B. Doc. No. 09-556. Filed for public inspection March 27, 2009, 9:00 a.m.]

ERIE COUNTY

In the Matter of the Revision and Restatement of the Rules of Civil Procedure; Civil Division; No. 90015; Court Order 2009

Amended Order

And Now, this 6th day of March, 2009, the order of December 19, 2008 amending the order of October 21, 2008 amending Local Rules 212.1, 212.4, 1301 and 1302 of the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania, is hereby rescinded.

Furthermore, the order of October 21, 2008, amending Local Rules 212.1, 212.4, 1301 and 1302 of the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania, is hereby amended to provide that these local rules were published in Volume 38, Number 51 of the *Pennsylvania Bulletin*, 38 Pa.B. 6885, on December 20, 2008, and became effective 30 days after publication on January 20, 2009.

By the Court

ELIZABETH K. KELLY,
President Judge

[Pa.B. Doc. No. 09-557. Filed for public inspection March 27, 2009, 9:00 a.m.]

LUZERNE COUNTY

Civil Procedure 206.4(c); No. 4448 of 2009

Order

And Now, this 11th day of March, 2009, it is hereby Ordered and Decreed as follows:

1) The following designated Luzerne County Local Rule of Civil Procedure 206.4(c), Procedure for Issuance of Rule to Show Cause, a copy of which follows, is hereby amended as a Rule of Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2) The Luzerne County Court Administrator is directed to:

a) File seven (7) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts.

b) Distribute two (2) certified copies of this Order and the following Rule, along with a diskette, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c) Arrange for the publication of this Order and Rule with the *Luzerne Legal Register*.

d) File proof of Compliance with this Rule, which shall include a copy of each transmittal letter.

By the Court

CHESTER B. MUROSKI,
President Judge

AMENDMENTS TO LUZERNE COUNTY RULES OF CIVIL PROCEDURE 206.4(c)

Rule 206.4(c) Procedure for issuance of rule to show cause. Issuance as of course. Discretionary issuance.

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

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

(a) All proceedings concerning the appointment of an arbitrator for claims arising under the underinsured or uninsured motorist provisions of an automobile insurance policy are subject to this Rule.

(2) . . . (no change to text) . . .

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

Cause. However, a rule to show cause issued upon a petition for appointment of an arbitrator shall be returnable in no less than 30 days.

. . . (No further changes to the text of the Rule) . . .

[Pa.B. Doc. No. 09-558. Filed for public inspection March 27, 2009, 9:00 a.m.]

LUZERNE COUNTY

Order Amending Rules of Procedure 1038, 1301, 1308 and Rescinding Rules of Procedure 1302(G) and 1311

Order

Now This, 11th day of March, 2009, the Court hereby amends Luzerne County Rules of Civil Procedure 1038, 1301 and 1308, and rescinds Luzerne County Rules of Civil Procedure 1302(g) and 1311, in the attached form, effective immediately.

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

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

By the Court

CHESTER B. MUROSKI,
President Judge,

AMENDMENTS TO LUZERNE COUNTY RULES OF CIVIL PROCEDURE

I. Rule 1038 is amended in its entirety to provide as follows:

Rule 1038. Trial without jury. Appeals from tax assessment of real estate.

The following provisions shall govern the trial of appeals from the tax assessment of real estate:

1. Definitions.

(a) Residential property is defined as a single-family residence or a multi-family residential structure with an owner occupied unit and containing no more than four units.

(b) Non-Residential is defined as all other property.

2. Mediation.

All assessment appeals shall be referred by the Prothonotary to the court administrator for mediation. A report of mediation shall be filed in all cases.

3. Trial List. Case at issue. Certificate of Readiness.

(a) After the expiration of sixty (60) days from the date of service of the original appeal petition, and after the pleadings in the case are closed and whether or not mediation has yet occurred, any of the parties may place the case at issue by filing a certificate of readiness with

the Prothonotary. The certificate shall classify the case as an assessment appeal and identify the nature of property as residential or non-residential as defined herein.

(b) The court administrator shall compile a trial/conciliation list for each term designated for the trial of assessment appeals. Separate trial/conciliation lists shall be compiled for residential and non-residential property.

(c) The court administrator shall notify the parties at least ninety (90) days prior to the beginning of the trial term that the appeal is scheduled to be conciliated/tried during that term.

4. Conciliation.

(a) All appeals shall be conciliated before trial by a conciliation judge or special master assigned thereto.

(b) At the time of conciliation, all parties or their counsel shall be present with full authority to effectuate a settlement of the appeal. Note: Parties and counsel are advised to pay particular attention to the notice of conciliation. In appropriate cases, the conciliation and trial may be scheduled on the same day. In such instances, the parties must appear at the conciliation ready to move directly into trial if the conciliation does not result in settlement.

(c) If any party fails to comply with the provisions of this local rule, the court may impose sanctions or the special master may include in the report a recommendation for the imposition of appropriate sanctions, including but not limited to, attorneys' fees and costs against the party or parties failing to comply.

5. Pre-Trial Statement.

(a) Sixty days prior to the date scheduled for conciliation of tax assessment appeal, the appellant shall distribute to all counsel of record, or if counsel have not entered an appearance, on the party(ies), and to the court administrator a pre-trial statement. The pre-trial statement shall incorporate the following:

(i) a description of the use of the real estate and the nature of the real estate.

(ii) a list of all persons who will give testimony in the trial of this appeal.

(iii) a list of all exhibits which the party intends to use at trial.

(iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.

(b) Twenty days prior to the date scheduled for conciliation of a tax assessment appeal, the appellee(s) shall distribute to all counsel of record, or if counsel have not entered an appearance, on the party(ies), and to the court administrator a pre-trial statement. The pre-trial statement shall incorporate the following information or documents:

(i) a description of the use of the real estate and the nature of the real estate.

(ii) a list of all persons who will give testimony in the trial of this appeal.

(iii) a list of all exhibits which the party intends to use at trial.

(iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.

(c) All interested parties whose interests are aligned with the appellant shall distribute their Pre-Trial Statement in accordance with subsection (a) herein. All interested parties whose interests are aligned with the appellee(s) shall distribute their Pre-Trial Statement in accordance with subsection (b) herein.

(d) The failure to comply with subsections (a), (b) and (c) of this local rule shall result in appropriate relief, which may include the exclusion or limitation at trial of testimony or evidence which was not provided in the pre-trial statement or a recommendation for the imposition of attorneys' fees and costs against the party or parties failing to comply.

6. Trial By Special Master.

(a) If a special master is assigned for trial, the special master shall schedule a trial and shall provide notice of the trial to all party(ies) and/or counsel of record.

The trial shall be open to the public and recorded by a court reporter.

The special master, in the discretion of the special master, may continue the trial.

(b) Report of Special Master.

Following the trial, the special master shall file a written report and recommendation which may be in narrative form stating the reasons for the recommendations and shall include a proposed final order. The special master shall serve a copy of the report and recommendation on all counsel of record or the party(ies), if not represented, by first class United States mail and the court administrator.

(c) Objections To Report and Recommendation of Special Master.

The parties shall file objections, if any, to the report and recommendation in writing within twenty days of the date of mailing of the report and recommendation by the special master. Objections must be accompanied by a certification of counsel that the trial transcript, or necessary portions thereof, has been ordered from the court reporter. Copies of the objections and certification shall be served on all counsel of record or if counsel have not entered their appearance on the party(ies), the special master and the court administrator.

(d) Briefs on Objections.

Within twenty days of the date on which the transcript is filed of record, the moving party shall file a brief in support of objections and shall serve a copy on all counsel of record or if counsel have not entered their appearance on the party(ies) and the court administrator. The brief in support of objections shall refer to transcript page numbers where possible. The moving party's failure to file a brief in support of objections shall constitute a waiver of all issues which could have been raised therein.

(e) Opposing Briefs.

Within twenty days after the moving party has filed a brief in support of objections, responding parties shall file their briefs in opposition to objections and serve a copy on all counsel of record or if counsel have not entered their appearance, on the party(ies), and the court administrator.

(f) Argument.

After the date set for briefs in opposition to objections has passed, the moving party shall notify the court administrator that the matter is ripe for argument by filing a notice that matter is ready for argument with the

court administrator on the civil argument request form which shall be made available at the court administrator's office. The moving party shall serve a copy of this notice on all counsel of record or if counsel have not entered their appearance on the party(ies). Upon the filing of this notice, the court shall schedule oral argument if requested by a party; otherwise, the matter shall be decided upon briefs.

(g) Final Order.

Following oral argument the court may enter an appropriate final order. In the event that none of the parties file objections as described above to the report and recommendation, the court shall enter a final order consistent with the report, recommendation and proposed final order submitted by the special master.

II. Rule 1301 is amended in its entirety to provide as follows:

Rule 1301. Arbitration. Scope.

The following civil actions shall first be submitted to compulsory arbitration and heard by a board of arbitrators:

All civil actions and actions in replevin in which the amount in controversy, exclusive of interest and costs, is Fifty Thousand (\$50,000.00) Dollars or less shall be submitted to and heard and decided by a Board of Arbitrators pursuant to and in accordance with the provisions of 42 Pa.C.S. § 7361 and Pa.R.C.P. 1301 et seq.

III. Rule 1302(g) Assessment Appeals is rescinded.

IV. Rule 1308 is amended in its entirety to provide as follows:

Rule 1308. Appeal—Praecipe for Trial List.

Appeals from an award of the board of arbitrators shall be ordered on the trial list on praecipe of either party.

V. Rule 1311 Procedure On Appeal is rescinded.

[Pa.B. Doc. No. 09-559. Filed for public inspection March 27, 2009, 9:00 a.m.]

LUZERNE COUNTY

Pa.R.J.A. No. 509—Access to Financial Records; No. 3991-2009

Administrative Order

Now This 5th day of March, 2009, it is hereby Ordered, Adjudged and Decreed:

1. A request for access to financial records shall be submitted in writing to:

Rule 509—Open Records Officer
c/o Office of Court Administration
Luzerne County Courthouse
200 North River Street
Wilkes Barre, PA 18711
Fax: (570) 825-6242
Email:
rule509openrecordsofficer@luzernecountycourts.com

2. Appeals from denial of access to any record shall be submitted in writing to:

Rule 509—Appeals Officer
c/o Office of Court Administration
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711

3. Pursuant to Pa.R.J.A. No. 509(c)(5), the District Court Administrator is designated as the Appeals Officer for the 11th Judicial District of Pennsylvania.

4. Fees are to be paid at the time the records are delivered unless prepayment is required. The Court adopts the fee schedule promulgated by the Luzerne County Commissioners. Payment shall be made to the Luzerne County Treasurer.

5. The provisions of this order shall be posted on the Court's web site www.luzernecountycourts.com.

COMPLIANCE IS HEREBY DIRECTED.

By the Court

CHESTER B. MUROSKI,
President Judge

[Pa.B. Doc. No. 09-560. Filed for public inspection March 27, 2009, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc. No. 09 00596

Order

And Now, this 5th day of March, 2009, it is hereby *Ordered and Directed* as follows:

1. The text of existing Lycoming County Rule of Civil Procedure L205.2(b)A shall be replaced by the text set forth on the attachment.

2. Lycoming County Rule of Civil Procedure L1007 is rescinded, and shall be replaced with new Rule L1007, which is set as follows.

3. The Prothonotary is directed to:

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

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the chairperson of the Lycoming County Customs and Rules Committee.

4. Revised Rule L1007 shall become effective 30 days after its publication in the *Pennsylvania Bulletin*.

5. Revised Rule L205.2(b)A shall become effective immediately after its publication on the Pennsylvania Judiciary's Web Application Portal.

By the Court

KENNETH D. BROWN,
President Judge

L205.2. Filing Legal Papers with the Prothonotary.

(a) Size of paper. . . .

(b) Required cover sheets.

A. Case monitoring notice. This requirement applies to civil actions, statutory appeals and appeals from judgments of magisterial district judges, and any other civil matter requiring court action, except a matter filed under the Domestic Relations Code.

1. An original and one copy of a case monitoring notice shall be filed and served by the plaintiff or appellant:

i. Within ten days after an answer has been filed in a mortgage foreclosure action, a credit card collection case or a forfeiture action,

ii. With the filing of a notice of appeal in an administrative agency appeal, or

iii. With the filing of a complaint in a general civil case.

2. When a case is commenced by a writ of summons, the case monitoring notice shall be filed only with the filing of the complaint and not with the filing of the writ of summons.

3. In the event that no case monitoring notice is filed as required by this rule, any party may file a case monitoring notice.

4. The case monitoring notice shall not exceed one page. If necessary, the caption may be abbreviated to accommodate this requirement.

5. After the case monitoring notice is filed, the procedures set forth in rule L1007 shall apply.

6. The form of the case monitoring notice shall be substantially as follows:

COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA CASE MONITORING NOTICE

Plaintiff

vs.

: DOCKET NO:

:

: CIVIL ACTION

:

Defendant

DATE:

I. This matter is:

____ **Mortgage Foreclosure** (file once an **Answer** has been filed). Time needed for trial ____ .

____ **Credit Card Collection Case** (file once an **Answer** has been filed)

a) ____ Arbitration. (\$50,000 or less) Time needed for discovery? ____ months

b) ____ Trial. Fast track (6-12 months) ____
Normal track (12-18 months) ____

____ **Forfeiture** (file once an **Answer** has been filed)

____ **Administrative Agency Appeal** (file with **Notice of Appeal**)

____ **General Civil Case** (file with **Complaint**):

a) ____ Arbitration. (\$50,000 or less) Time needed for discovery? ____ months

b) ____ Fast track (6-12 months)

c) ____ Normal track (12-18 months)

d) ____ Complex track (18-24 months)

____ **Other.** Action requested: _____

II. Jury trial demanded? ____ YES ____ NO

III. Please note any special scheduling concerns: _____

Name of filing counsel or pro se party: _____ for _____

Address: _____

Opposing counsel or pro se party: _____ for _____

Address: _____

B. Motion Cover Sheet. . . .

L1007. Case Monitoring Notice. Scheduling Order. Trial/Hearing Scheduling.

A. This rule applies to all matters requiring a case monitoring notice pursuant to rule L205.2(b)A. When the case monitoring notice is filed, the prothonotary shall file stamp and docket the notice and immediately forward a copy to the court administrator who shall assign a judge to the case and forward the notice to that judge for further action, as follows:

(1) **Mortgage foreclosure**—trial will be scheduled at the next available time, but no sooner than thirty (30) days from the date of the notice.

(2) **Credit card collection case**—a scheduling order will be entered based on the track requested and any special scheduling concerns noted.

(3) **Forfeiture**—a pre-trial conference will be scheduled at the next available time but no sooner than thirty (30) days from the date of the notice.

(4) **Administrative agency appeal**—a conference with the court will be scheduled at the next available time but no sooner than thirty (30) days from the date of the notice.

(5) **General civil complaint**—a scheduling order will be entered based on the track requested and any special scheduling concerns noted.

(6) **Other**—as required by particular action filed.

B. A request for a revision of the scheduling order may be made by filing a motion that sets forth the reason for the request, along with a rule L205.2(b)B. motion cover sheet. The motion shall be accompanied by a proposed amended scheduling order. The motion shall indicate whether or not all other parties concur with the request. If the motion is uncontested, the parties shall so indicate on the motion cover sheet. If the motion is contested, the court may schedule a conference which may, upon prior arrangement, be conducted by telephone. If the *only* relief requested is a continuance of trial, the procedure to be followed is that required by rule L216.

C. A proposed amended scheduling order submitted under this rule shall be in the following form:

COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA AMENDED SCHEDULING ORDER

Plaintiff

vs.

: DOCKET NO:

:

: CIVIL ACTION

:

Defendant

AND NOW, this ___ day of _____, 20 ___, the scheduling order entered _____ is hereby amended as follows:

1. This is a ___ JURY ___ NON-JURY ___ ARBITRATION LIMITS case.

2(a). Trial term dates: _____ .

Jury selection dates: _____ .

Pretrial conference dates: _____ .

(The deputy court administrator will schedule the exact date and time by future notice.)

Settlement conference dates, if needed: _____ .

Counsel shall immediately notify parties and witnesses of the above dates.

2(b). (or) List for arbitration on or after: _____ .

3. Cut-off date for completion of discovery: _____ .

4. Cut-off dates for providing expert reports:

(a) By plaintiff(s) _____ .

(b) By defendant(s) _____ .

5. Cut-off date for filing dispositive motions, including motions to exclude expert testimony under Pa.R.C.P. 207.1:

6. Other: _____ .

Judge

cc: Deputy Court Administrator

Counsel for plaintiff: _____

Address: _____

Counsel for defendant: _____

Address: _____

[Pa.B. Doc. No. 09-561. Filed for public inspection March 27, 2009, 9:00 a.m.]

NORTHAMPTON COUNTY

Administrative Order; Criminal Division 2009-3; N528—Types of Bail

Administrative Order

And Now, this 6th day of March, 2009, it is hereby Ordered that the attached Northampton County Rule of Criminal Procedure N528, Types of Bail, is adopted as amended. Said Rule change is effective immediately.

By the Court

F. P. KIMBERLY MCFADDEN,
President Judge

Rule N528. Types of bail.

A. PERCENTAGE CASH BAIL

(1) A defendant for whom bail has been set or a private third party surety, with the approval of the Court or with the approval of the issuing authority and the recommendation of the Court designated bail agency, shall execute the bail bond and deposit with the issuing authority or the Clerk of Courts Criminal a sum of money equal to ten per cent (10%) of the amount of bail set, but in no event less than Fifty (\$50.00) Dollars. Corporate sureties or

professional bail bondsmen or agents thereof are expressly prohibited from posting the deposit for bail as provided in this Rule.

(2) Where the Court or the issuing authority releases a defendant on bail on the percentage cash bail program, the Court designated bail agency shall be designated surety for the defendant, and the defendant shall then become subject to the rules and regulations of that bail agency.

B. REAL ESTATE

(1) If realty is offered to satisfy the bail set for an individual defendant, the owner shall present justification for such by filing an affidavit containing the following information for such realty:

- (a) Owner's name, address and occupation;
- (b) A general description of the real estate which is offered as surety, including location;
- (c) A statement of the manner in which title was obtained;
- (d) A statement of all encumbrances, including taxes, and estimated amounts required to satisfy said encumbrances;
- (e) A statement of any and all other surety undertakings; and

(f) An appraisal setting the fair market value of any realty as of ninety days prior to the date said realty is offered as surety or a statement of the most current assessed valuation of any realty offered as surety.

(2) Upon review of the affidavit, the Clerk of Court Criminal Division shall deduct from the fair market value the amount of any encumbrance, lien, judgment, mortgage or obligation of record to determine the net value of the realty. Realty shall only be accepted as consideration for bail if the net value is at least equal to the amount of the bail required.

(3) Realty shall be used as bail pursuant to this section only if it has not been posted or is not presently being used for bail for any other charges or defendants, unless permitted by court order.

Adopted December 3, 1996; revised March 5, 2009.

[Pa.B. Doc. No. 09-562. Filed for public inspection March 27, 2009, 9:00 a.m.]

SCHUYLKILL COUNTY

Minor Judiciary Fee Schedule; Installment Payment Plan Assessment; Administrative Order 2009.1; No. AD-26-2009

And Now, this 11th day of March, 2009, at 2:30 p.m., pursuant to 42 Pa.C.S. § 1725.1(c)(5), it is hereby Ordered that the Schuylkill County Magisterial District Judges are directed to impose upon defendants a fee of \$10.00 prior to authorizing an installment payment plan for court costs and fines.

The Installment Payment Plan Fee shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is further ordered to:

(1) File one certified copy of the Administrative Order with the Administration Office of Pennsylvania Courts **and**

(2) publish a copy of this Order on the Unified Judicial System's web site.

A copy of this order shall be publicly displayed in all Schuylkill County Magisterial Courts to provide adequate notice and uniform application of this fee.

By the Court

WILLIAM E. BALDWIN,
President Judge

[Pa.B. Doc. No. 09-563. Filed for public inspection March 27, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that S. C. Bluespruce-Refert, having been disbarred on consent from the practice of law in the State of South Dakota by Order of the Supreme Court of South Dakota dated August 14, 2008, the Supreme Court of Pennsylvania issued an Order on March 17, 2009, disbaring S. C. Bluespruce-Refert, from the Bar of this Commonwealth, effective April 16, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 09-564. Filed for public inspection March 27, 2009, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Leonard Kingsley, having been disbarred from the practice of law in the State of Delaware by Order of the Supreme Court of the State of Delaware dated June 4, 2008, the Supreme Court of Pennsylvania issued an Order on March 17, 2009, disbaring Leonard Kingsley, from the Bar of this Commonwealth, effective April 16, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 09-565. Filed for public inspection March 27, 2009, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Allen J. Rapoport having been submitted his disciplinary resignation from the practice of law in the State of Florida by Order of the Supreme Court of Florida dated February 1, 2001, the Supreme Court issued an Order on March 17, 2009, disbaring Allen J. Papoport from the Bar of this Commonwealth, effective April 16, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is public in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-566. Filed for public inspection March 27, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 143 AND 147]

Hunting and Furtaker Licenses and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2009, meeting, proposed the following rulemaking:

Rescind Chapter 143, Subchapter M (relating to mentored youth hunting program license exemption) and add Chapter 147, Subchapter X (relating to mentored youth hunting program permit) to implement a permitting process to gain authorization to participate in the program.

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

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

The proposed rulemaking was made public at the January 27, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 17, 2009.

1. Purpose and Authority

Since the successful implementation of the Mentored Youth Hunting Program (MYHP) in the fall of 2006, the Commission has been striving to find ways to improve this innovative new program. In October this past fall, the Commission first improved the program with the addition of the coyotes to the list of species that may be lawfully pursued by mentored youth. The Commission is now proposing to further improve the MYHP by implementing a permitting process to gain authorization to participate in the program. The use of a permitting process will provide a two-fold benefit by providing the Commission with an accurate identification and count of participants in the program as well as provide participants with official big game tags appropriate for the species that may be taken by mentored youth.

When the MYHP was in its initial development, the steering committee recommended that a permit or a junior license be required. Unfortunately, the Commission did not have access to a financially feasible administrative process to issue the permit in this manner at that time. Now, with the advent of the Pennsylvania Automated License System (PALS), there is an economic and efficient mechanism to facilitate issuance of the permits and their big game tags. While functionality of the MYHP in the field will remain largely the same, participants will now be required to apply for and receive a permit through the PALS system at any of its issuing agent locations across this Commonwealth prior to participating in the program. Permit application will require participants to supply the required identification information and pay a nominal fee of \$1, plus any transactional and issuing agent fees.

Section 2701(a) of the code (relating to license requirements) states that "Except in defense of person or property or pursuant to exemptions authorized by the commission for implementing a mentored youth hunting program, every person, prior to engaging in any of the

privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The rescission of Chapter 143, Subchapter M and creation of Chapter 147, Subchapter X was adopted under this authority.

2. Regulatory Requirements

The proposed rulemaking will rescind Chapter 143, Subchapter M and add Chapter 147, Subchapter X to implement a permitting process to gain authorization to participate in the MYHP.

3. Persons Affected

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

4. Cost and Paperwork Requirements

The proposed rulemaking may result in some additional cost and paperwork associated with the implementation of the MYHP permit within the Commission's new PALS system. However, the Commission has determined that if there is any additional expense associated with this effort, it will not be substantial and would be absorbed by the current budget.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-283. No fiscal impact; (8) recommends adoption.

(Editor's Note: As part of this proposal, the Commission is proposing to rescind the regulations which appear in Chapter 143, Subchapter M, which currently appear in 58 Pa. Code pages 143-35—143-37, serial pages (341023), (341024) and (322037).

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter M. (Reserved)

§§ 143.241—143.247. (Reserved).

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

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED YOUTH HUNTING PROGRAM PERMIT

Sec.	
147.801.	Purpose and scope.
147.802.	Definitions.
147.803.	Application.
147.804.	General.
147.805.	Safety.
147.806.	Liability.
147.807.	Violations.

§ 147.801. Purpose and scope.

(a) The purpose of this subchapter is to define and implement the Mentored Youth Hunting Program and provide for the issuance of hunting permits to eligible youths.

(b) The Mentored Youth Hunting Program is intended to provide mentors who are dedicated to promoting and sharing this Commonwealth's hunting heritage with interested youths, the opportunity to provide these younger unlicensed youths with one-on-one, hands-on experience and in-field training on the mechanical, ethical, safety, responsibility and enjoyment aspects of the hunting experience.

§ 147.802. Definitions.

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

Lawful hunting device—Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

Mentor—A licensed person, 21 years of age or older who is serving as a guide to a mentored youth while engaged in hunting or related activities.

Mentored youth—An unlicensed person, under 12 years of age who is accompanied by a mentor while engaged in hunting or related activities.

Stationary—The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

§ 147.803. Application.

(a) Applications for mentored youth hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the name, address, telephone number, date of birth and Social Security number of the applicant.

(b) Applications may be submitted on behalf of an eligible mentored youth upon presentation of a written request executed by a parent or legally constituted guardian.

(c) The fee for a mentored youth hunting permit will be \$1, plus any applicable transactional and issuing agent fees.

§ 147.804. General.

(a) A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored youth hunting activities.

(b) A mentored youth shall possess a valid mentored youth hunting permit prior to engaging in any mentored youth hunting activities.

(c) A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey. A mentored youth's hunting eligibility is further limited to:

(i) Spring gobbler season only for turkey.

(ii) Antlered deer only during any applicable deer seasons. However, mentored youth hunters are subject to the same antler restrictions that apply to junior license holders as provided in the definition of antlered deer in § 131.2 (relating to definitions).

(d) A mentored youth's hunting eligibility is further constrained by applicable hunting seasons, daily limits, field possession limits and season limits provided in § 139.4 (relating to seasons and bag limits for the license year).

(e) A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (6).

(f) A mentored youth shall tag and report all big game harvested in the manner provided in section 2323 of the act (relating to tagging and reporting big game kills).

§ 147.805. Safety.

While engaged in mentored youth hunting activities:

(1) A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device.

(2) A mentor may not accompany more than one youth, including junior hunters, at any given time.

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time.

(4) A mentor and mentored youth shall both comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

§ 147.806. Liability.

A mentor is responsible and accountable for all actions of the mentored youth occurring while engaged in mentored youth hunting activities. A mentor who causes or allows a mentored youth to engage in an unlawful act shall be punishable as the principal offender as provided in section 924 of the act (relating to liability for actions of others).

§ 147.807. Violations.

It is unlawful for a mentor or mentored youth to fail to comply with any of the requirements, standards or limitations of this subchapter. A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act. The Director may additionally deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

[Pa.B. Doc. No. 09-567. Filed for public inspection March 27, 2009, 9:00 a.m.]

[58 PA. CODE CH. 131]
Preliminary Provisions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2009, meeting, proposed the following rulemaking:

Amend § 131.8 (relating to replacement costs for wildlife killed) to provide a more comprehensive list of applicable costs for all of the various wildlife species found within this Commonwealth.

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

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

The proposed rulemaking was made public at the January 27, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 17, 2009.

1. *Purpose and Authority*

Section 925(i) of the Code specifically states that "In addition to the fines and costs incurred by the Commission for the species involved in the violation shall be assessed by the magisterial district judges in the amount as is fixed by the regulation of the Commission." Despite the fact that the Commission has set replacement cost values for bear, elk and threatened or endangered species, it has never done so for any other species. Without clear authority or guidance on assessing replacement costs for these other species, the courts rarely assess replacement costs for the same resulting in unanswered losses to the Commonwealth. In an effort to avoid these losses, the Commission is proposing to amend § 131.8 to provide a more comprehensive list of applicable costs for all of the various wildlife species found within this Commonwealth.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 131.8 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 131.8 to provide a more comprehensive list of applicable costs for all of the various wildlife species found within this Commonwealth.

3. *Persons Affected*

Persons unlawfully killing game or wildlife within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

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

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-281. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.8. Replacement costs for wildlife killed.

[In addition to the penalties provided for the violation of any of the provisions of the act or this title, every person who unlawfully kills or possesses wildlife shall be assessed the following replacement costs:

(1) Each elk, bear or threatened or endangered bird or mammal not less than \$800 nor more than \$5,000.

(2) Each elk with at least six points on one antler, not less than \$5,000 nor more than \$10,000.]

Under section 925(i) of the act (relating to fines and penalties for violations), in addition to any fines and costs imposed for violations of the act and this title, any person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(1) *General class.*

(i) Each threatened or endangered bird or mammal, \$5,000.

(ii) Each elk, \$1,500.

(iii) Each bear, \$1,500.

(iv) Each deer, \$800.

(v) Each bobcat, \$500.

(vi) Each otter, \$500.

(vii) Each turkey, \$300.

(viii) Each beaver, \$300.

(ix) Any other wildlife, \$200.

(2) *Trophy class.*

(i) Each elk with a Boone and Crockett green score of 200 points or more, \$5,000.

(ii) Each deer with a Boone and Crockett green score of 115 points or more, \$5,000.

(iii) Each black bear with a field dressed weight over 350 pounds or more, \$5,000.

[Pa.B. Doc. No. 09-568. Filed for public inspection March 27, 2009, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2009 meeting, proposed the following rulemaking:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2009-2010 hunting license year.

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

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

The proposed rulemaking was made public at the January 27, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 17, 2009.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2009-2010 seasons and daily season and possession limits are similar to those set in 2008-2009, the 2009-2010 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth. Some notable proposed changes for hunters next season will be closures to all pheasant hunting in any area designated as a wild pheasant area within any WMU, (WMU) reduced wild turkey hunting opportunities in WMUs 2D, 5C and 5D, expanded wild turkey hunting opportunities in WMU 2F, and finally expanded flintlock muzzleloader deer hunting opportunities in WMUs 2B, 5C and 5D. As the next license year is fast approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2009-2010 license year.

Section 322(c)(1) of the code (relating to powers and duties of the commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours,

and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking . . .” The amendment to § 139.4 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2009-2010 license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2009-2010 license year will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2009, to June 30, 2010.

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-278. No fiscal impact; (8) recommends adoption.

(Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of § 139.4 which appears in 58 Pa. Code pages 139-3—139-14, serial pages (335309)—(335318) and (341021) and (341022) and replace it with the following text.)

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

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

**(SEASONS AND BAG LIMITS TABLE)
2009-2010 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 16	6	12
Squirrels—(Combined species)	Oct. 17	Nov. 28	6	12
	Dec. 14	and Dec. 23		
	Dec. 26	and Feb. 6, 2010		

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Ruffed Grouse	Oct. 17 and Dec. 14 and Dec. 26	Nov. 28 and Dec. 23 and Jan. 23, 2010	2	4
Rabbits, Cottontail	Oct. 24 and Dec. 14 and Dec. 26	Nov. 28 and Dec. 23 and Feb. 6, 2010	4	8
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				
Ring-necked Pheasant—Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law.	Oct. 10	Oct. 17	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law.	Oct. 10	Oct. 17	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 24	Nov. 28	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 24 and Dec. 14 and Dec. 26	Nov. 28 and Dec. 23 and Feb. 6, 2010	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 24	Nov. 28	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2010	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited
Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
WMUs 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Oct. 31	Nov. 14		
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 31	Nov. 21		
WMUs 2C, 2D, 2E, 4A and 4B	Oct. 31	Nov. 14		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 31	Nov. 21		

PROPOSED RULEMAKING

Species	First Day	Last Day	Daily Limit	Season Limit
WMUs 5A and 5B	Closed to fall turkey hunting			
WMUs 5C and 5D (Shotgun, Bow and Arrow only)	Oct. 31	Nov. 4		
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	May 1, 2010	May 31, 2010	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible Junior Hunters only with the required license and when properly accompanied.	April 24, 2010	April 24, 2010	1	1

MIGRATORY GAME BIRDS

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

Exceptions:

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

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

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 3	April 4, 2010		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season			Unlimited

FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2010	6	12
Quail	Sept. 1	Mar. 31, 2010	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2010	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2010	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2010	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2010	2	4

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

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
Deer, Archery (Antlered and Antlerless) ² (Statewide)	Oct. 3	Nov. 14	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 9, 2010	
Deer, Archery (Antlerless) WMUs 2B, 5C and 5D	Sept. 19	Oct. 2	An antlerless deer with each required license.
	Nov. 16	Nov. 28	
	Dec. 14	Dec. 23	
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2A, 2B, 2C, 2E, 2F, 3A, 3B, 3D, 4A, 4C, 4D, 4E, 5A, 5B, 5C, and 5D	Nov. 30	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.

Species	First Day	Last Day	Season Limit
Deer, Regular firearms (Antlered only) ² and ³ WMUs 2D, 2G, 3C, and 4B	Nov. 30	Dec. 4	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² and ³ WMUs 2D, 2G, 3C, and 4B	Dec. 5	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, ⁴ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 22	Oct. 24	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 17	Oct. 24	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² (Statewide)	Dec. 26	Jan. 9, 2010	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² WMUs 2B, 5C and 5D	Dec. 26	Jan. 23, 2010	An antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) WMUs 2B, 5C and 5D	Dec. 14 and Dec. 26	Dec. 23 Jan. 23, 2010	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BLACK BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age (Archery only) ⁵ WMUs 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B and 4D	Nov. 18	Nov. 19	1	1
Bear, any age (Statewide) ⁵	Nov. 23	Nov. 25	1	1
Bear, any age ⁵ Portions of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 30	Dec. 5	1	1

Species	First Day	Last Day	Daily Limit	Season Limit
Portions of WMUs 2G in Lycoming and Clinton Counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Road and South of Lusk Run Road to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Road, South of Croak Hollow Road to Rt. 664 (at Swissdale), South of Rt. 664 to Little Plum Road (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Road, South of Sulphur Run Road to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.				
Bear, any age ⁵ WMUs 4C, 4D, 4E, 5B and 5C	Dec. 2	Dec. 5	1	1
ELK				
Species	First Day	Last Day	Daily Limit	Season Limit
Elk, (Antlered and Antlerless) ⁶ With each required license	Nov. 2	Nov. 7	1	1
FUR TAKING—TRAPPING				
Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats (Statewide)	Nov. 21	Jan. 10, 2010		Unlimited
Beaver (Statewide)	Dec. 26	Mar. 31, 2010		
WMUs 2E, 2F and 2G (Combined)			20	20
WMUs 1A, 1B, 3A, 3B, 3C and 3D (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 25	Feb. 21, 2010		Unlimited
Coyotes and Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 21, 2010		Unlimited
Bobcat ⁷ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Oct. 25	Feb. 21, 2010	1	1
FUR TAKING—HUNTING				
Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(Statewide)		Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.		Unlimited

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(During any archery deer season)	May be taken while lawfully hunting deer or with a furtaker's license.			
Coyotes—(During the regular firearms deer season and any bear season)	May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360° arc.			
Coyotes—(During the spring gobbler turkey season)	May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.			
Opossums, Skunks, Weasels ⁸ (Statewide)	No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.			
Raccoons and Foxes—(Statewide) ⁸	Oct. 24	Feb. 20, 2010		Unlimited
Bobcat ⁷ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Oct. 24	Feb. 20, 2010	1	1

No open seasons on other wild birds or wild mammals.

¹Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

²Only one antlered deer (buck) may be taken during the hunting license year.

³Season changes in WMUs 2D, 2G, 3C and 4B are for the purpose of a 4 year study which must be completed before additional units are modified.

⁴Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁵Only one bear may be taken during the hunting license year.

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

⁷ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁸May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

[Pa.B. Doc. No. 09-569. Filed for public inspection March 27, 2009, 9:00 a.m.]

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposal

CPC 09.120: Capitol Maintenance of finishes and fixtures. This is a 5 year maintenance project. The scope includes dusting and general cleaning of plaster and marble, walls, beam drops, soffits, moldings, bronze and marble railings, bronze and marble sculpture, gilded surfaces, finished woodwork, painted art work and miscellaneous architectural materials and finishes. The work also includes repair, preparation and refinishing of historic plaster, marble and wood, and touch in of gilded surfaces by qualified artisans. Project duration: July 2009—March 2014. A \$100 dollar deposit is required for issuance of project documents. Issue date of proposal will be the 15th of April 2009, at 2 p.m. Mandatory preproposal conference and walk through will be held on the 22nd of April at 10 am, convene in Room 630, Main Capitol. Proposal receipt date is the 27th of May 2009, at 2 p.m. prevailing time. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle (717) 783-6484.

RUTHANN HUBBERT-KEMPER,
Executive Director

[Pa.B. Doc. No. 09-570. Filed for public inspection March 27, 2009, 9:00 a.m.]

Request for Proposal

CPC 08.118: South Wing Capitol Entrance Restoration. Selective removal of existing Mercer field tile and salvage of existing tile medallions. Installation of new Committee supplied Mercer replacement tile and tile Medallions. Temporary removal and replacement of existing iron and brass railings. Removal and resetting of existing granite step blocks. Repair and reconstruction of concrete step foundations. Miscellaneous masonry cleaning and repair. Construction and maintenance of temporary access stairs and railings. Project duration: July 2009—September 2009. A \$100 dollar deposit is required for issuance of project documents. Issue date of proposal will be the 22nd of April 2009, at 2 p.m. Mandatory preproposal conference and walk through will be held on the 29th of April at 10 a.m., convene in Room 630, Main Capitol. Proposal receipt date is the 27th of May 2009 at 2 p.m. prevailing time. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle (717) 783-6484.

RUTHANN HUBBERT-KEMPER,
Executive Director

[Pa.B. Doc. No. 09-571. Filed for public inspection March 27, 2009, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Tuberculosis Testing Requirements for Importation of Cattle, Bison, Goats or Camelids

Recitals

A. Tuberculosis is an infectious disease of animals. It can infect a variety of animal species, including cattle, water buffalo, bison, elk, deer, pigs, elephants, camelids, nonhuman primates, goats, sheep, dogs, cats, equines and humans.

B. The Domestic Animal Law (3 Pa.C.S.A. § 2321(38)) designates Tuberculosis a "dangerous transmissible disease."

C. The Department of Agriculture (Department) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases.

D. Tuberculosis has infected cattle and deer in four states including California, Michigan, Minnesota and New Mexico. These states have lost their "Accredited-Free" status that had been assigned them by the United States Department of Agriculture (USDA). States that lose this status are subject to more rigorous testing requirements; and the market for Tuberculosis-susceptible animals (and the products of these animals) originating from these states is limited.

E. Tuberculosis can be transmitted by exposure of infected animals to noninfected animals. The presence of Tuberculosis in wild animals threatens the domestic animal population.

F. Tuberculosis is of particular concern to this Commonwealth's animal industry, in that its presence would severely limit the market for Tuberculosis-susceptible animals originating from this Commonwealth, and for Pennsylvania-produced meat, milk and milk products. In addition, Tuberculosis has the potential to be transmitted to humans under some circumstances.

G. There is no economical treatment or vaccine for Tuberculosis. There are live animal tests available for Tuberculosis.

H. Although the Department has current regulations that impose adequate importation testing and documentation requirements on most Tuberculosis-susceptible species, cattle, bison, camelid and goat species are not addressed (or are not adequately addressed) in these requirements—making it necessary for the Department to establish these importation and documentation requirements by a Quarantine Order.

Order

The Department of Agriculture enters an Interstate Quarantine Order, incorporating the foregoing recitals. This order is entered under authority of the Domestic Animal Law and establishes the following restrictions and conditions:

1. No animal of the cattle or bison species shall be imported into this Commonwealth unless it:

a. originates from a state or zone that is designated "Accredited Free" with respect to Tuberculosis by the USDA in accordance with that agency's regulations and Uniform Methods and Rules; or

b. originates from a state or zone that is designated "Modified Accredited Advanced" with respect to Tuberculosis by USDA and—without regard to the age of the animal—it has been tested for Tuberculosis within 60 days preceding importation and been classified test-negative for Tuberculosis; or

c. originates from a state or zone that is designated "Modified Accredited" with respect to Tuberculosis by USDA and;

i. all animals in the herd that are 12 months of age and older have been tested for the presence of Tuberculosis within 12 months preceding importation and have been classified test-negative for Tuberculosis; and

ii. the animal (regardless of its age) has—within 60 days preceding importation and at least 60 days after the whole herd test was completed—been tested for the presence of Tuberculosis and been classified test-negative for Tuberculosis; or

d. is imported directly to a slaughter facility inspected by the United States Department of Agriculture Food Safety Inspection Service, for slaughter within 10 days of importation.

2. No animal of the goat species shall be imported into this Commonwealth unless it:

a. originates from a state that is designated "Accredited—Free" with respect to Tuberculosis by USDA; or

b. originates from a state or zone that is designated "Modified Accredited Advanced" with respect to Tuberculosis by USDA and—without regard to the age of the animal—it has been tested for the presence of Tuberculosis within 60 days preceding importation and been classified test-negative for Tuberculosis; or

c. originates from a state or zone that is designated "Modified Accredited" with respect to Tuberculosis by USDA and:

i. all animals in the herd that are 12 months of age and older have been tested for the presence of Tuberculosis within 12 months preceding importation and been classified test-negative for Tuberculosis; and

ii. the animal (regardless of its age) has within 60 days preceding importation and at least 60 days after the whole herd test was completed been tested for the presence of Tuberculosis and been classified test-negative for Tuberculosis; or

d. is imported directly to a slaughter facility inspected by the United States Department of Agriculture Food Safety Inspection Service, for slaughter within 10 days of importation.

3. No animal of the camelid species shall be imported into this Commonwealth unless it:

a. originates from a state that is designated Accredited-Free" with respect to tuberculosis by the USDA in accordance with that agency's regulations and Uniform Methods and Rules; or

b. originates from a state or zone that is designated "Modified Accredited Advanced" with respect to Tuberculosis by USDA and—without regard to the age of the animal—it has been tested for the presence of tuberculosis within 60 days preceding importation and been classified test-negative for Tuberculosis; or

c. originates from a state or zone that is designated "Modified Accredited" with respect to Tuberculosis by USDA and:

i. all animals in the herd that are 12 months of age and older have been tested for the presence of Tuberculosis within 12 months preceding importation and been classified test-negative for Tuberculosis; and

ii. the animal (regardless of its age) has within 60 days preceding importation and at least 60 days after the entire herd test was completed been tested for the presence of Tuberculosis and been classified test-negative for Tuberculosis; or

d. is imported directly to a slaughter facility inspected by the United States Department of Agriculture Food Safety Inspection Service, for slaughter within 10 days of importation.

4. No animal of the cattle, bison, goat or camelid species shall be imported into this Commonwealth if it has been exposed to Tuberculosis test-positive animals or animals that have clinical signs consistent with Tuberculosis.

5. The requirements of paragraphs (1)—(3) shall not apply to cattle, bison, goats or camelids that are being transported through this Commonwealth to a destination outside this Commonwealth, without being exposed to other Tuberculosis-susceptible animals.

6. This Order supplants any inconsistent regulation of the Department on the same subject matter to the extent of the inconsistency.

7. Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

8. This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements relating to Tuberculosis.

9. This Order is immediately effective on March 28, 2009, and shall remain in effect unless rescinded or modified by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 09-572. Filed for public inspection March 27, 2009, 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 17, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-13-2009	Tower Bancorp, Inc., Greencastle, to acquire 100% of Graystone Financial Corp., Lancaster	Greencastle	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-13-2009	Graystone Bank, Lancaster, and The First National Bank of Greencastle, Greencastle Surviving Institution: Graystone Bank, Lancaster, with the resulting institution continuing under the name "Graystone Tower Bank"	Lancaster	Approved
3-16-2009	NOVA Bank, Berwyn, and Pennsylvania Business Bank, Berwyn Surviving Institution: NOVA Bank, Berwyn	Berwyn	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-10-2009	Graystone Bank Lancaster Lancaster County	1001 Carlisle Street Hanover York County	Filed
3-11-2009	Somerset Trust Company Somerset Somerset County	1448 County Line Road Champion Westmoreland County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-12-2009	Peoples State Bank of Wyalusing Pa. Wyalusing Bradford County	<i>Into:</i> Route 6 Wysox Bradford County <i>From:</i> P & C Food Market Bradford Towne Centre Wysox Bradford County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-11-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	8400 Bustleton Avenue Suite 100 Philadelphia Philadelphia County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-11-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	12377 Academy Road Philadelphia Philadelphia County	Approved
3-11-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	414 Cooper Street Beverly Burlington County, NJ	Approved
3-11-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1 Rose Street and Beverly Rancocas Road Willingboro Burlington County, NJ	Approved
3-11-2009	Lafayette Ambassador Bank Easton Northampton County	215 Robinson Avenue Pen Argyl Northampton County	Approved
3-16-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1006 North Elmira Street Sayre Bradford County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-10-2009	Glatco Credit Union Spring Grove York County	Spring Grove High School 1490 Roth's Church Road Spring Grove York County	Opened

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-573. Filed for public inspection March 27, 2009, 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 Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063827	The Pines at West Penn, LLC 14 All Kings Drive New Ringgold, PA 17960	West Penn Township Schuylkill County	UNT to Lizard Creek CWF 2B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0259888 (CAFO Transfer)	Jonathon King Farm CAFO 252 Blanks Lane Ickesburg, PA 17037	Perry County Northeast Madison Township	UNT Bixler Run 7A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239453	Intech Metals, Inc., d/b/a Intech P/M Stainless P. O. Box 506 Ridgway, PA 15853-0506	Ridgway Borough Elk County	Elk Creek 17-A	Y
PA0103942	American Carpatho-Russian Orthodox Greek Catholic Diocese of America 312 Garfield Street Johnstown, PA 15906-2122	Delaware Township Mercer County	Shenango River 20-A	Y

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

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

Application No. PA 0261203, Concentrated Animal Feeding Operation (CAFO), **Lancaster Junction Farm**, 999 South Colebrook Road, Manheim, PA 17545. Shady Brae Farms, Inc. has submitted an NPDES permit application for the Lancaster Junction Farm, a poultry layer operation located in Penn and East Hempfield Townships, **Lancaster County**. The CAFO is situated near Chickies Creek (Watershed 7-G), which is classified as a WWF. Currently the CAFO has a target animal population of approximately 569 animal equivalent units (AEUs) consisting of 170,000 laying hens but has

proposed an expansion to 2,577 AEU's consisting of 770,000 laying hens. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

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

Application No. PA 0028720, Sewage, **Reading Regional Airport Authority**, 2501 Bernville Road, Reading, PA 19605. This facility is located in Bern Township, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 23 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.42 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20	XXX	40
Total Residual Chlorine	0.5	XXX	1.6
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)			
TDS	2,605	XXX	5,210
Oil and Grease	15	XXX	30

Schuylkill River TMDL Requirements

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
	Total PCBs	Report	XXX

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

The EPA waiver is not in effect.

Application No. PA 0026051, Sewage, **Chambersburg Borough**, 100 South Second Street, Chambersburg, PA 17201. This facility is located in Chambersburg Borough, **Franklin County**.

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

The receiving stream, Conococheague Creek, is in Watershed 13-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on the Potomac River, approximately 43 miles downstream. The discharge is not expected to affect the water supply.

The proposed permit revises the interim milestone dates in the schedule for complying with the Chesapeake Bay nutrient cap loads. The final date for complying with the nutrient cap loads has not been changed.

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

The EPA waiver is not in effect.

Application No. PA 0008303, Industrial Waste, SIC Code 3312, **Arcelor Mittal Steelton, LLC**, 215 Front Street, Steelton, PA 17113-2594. This facility is located in Steelton Borough, **Dauphin County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Columbia Water Company located on the Susquehanna River, approximately 25.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 002 based on a design flow of 19.7 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
pH (Standard Units)	From 6.0 to 9.0 inclusive				
Total Suspended Solids			30	60	
Oil and Grease			10	15	
Temperature				105° F	

The proposed effluent limits for IMP 102 based on a design flow of 6.7 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
pH (Standard Units)	From 6.0 to 9.0 inclusive				
Total Suspended Solids	1,116	2,989	15	40	50
Oil and Grease	254	675		10	12.5

The proposed effluent limits for IMP 112 based on a design flow of 0.17 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
pH (Standard Units)	Monitor and Report				
Total Suspended Solids	Monitor and Report				
Oil and Grease	Monitor and Report				
Total Lead	0.17	0.51	0.3	0.9	1.1
Total Zinc	0.25	0.76	0.45	1.35	1.68

The proposed effluent limits for IMP 122 based on a design flow of 0.05 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
pH (Standard Units)	Monitor and Report				
Total Suspended Solids	Monitor and Report				
Total Lead	0.16	0.49	0.3	0.9	1.1
Total Zinc	0.24	0.74	0.45	1.35	1.68

The proposed effluent limits for Stormwater Outfalls 001—006, 008 and 015 are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
COD			
Total Suspended Solids			Monitor and Report
Total Lead			Monitor and Report
Total Zinc			Monitor and Report
Total Iron			Monitor and Report
Oil and Grease			Monitor and Report
pH (Standard Units)			Monitor and Report

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

- Requirements applicable to stormwater.
- Controlling chemical additives usage rates.

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

The EPA waiver is not in effect.

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

PA0203807, Industrial Waste, SIC 4941, **Nanty Glo Water Authority**, 872 Chestnut Street, Nanty Glo, PA 15943. This application is for renewal of an NPDES permit to discharge treated process water and untreated Finished Water Basin overflow and stormwater from the Nanty Glo Water Treatment Plant in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Williams Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water Works Conemaugh River Intake, located at Saltsburg, over 60 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.006 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

Other Conditions: Residual solids control, floating solids control, total residual chlorine conditions, chemical additives and sample finished water basin overflow.

The EPA waiver is in effect.

PA0204161, Sewage, **Valley School of Ligonier**, P. O. Box 616, Ligonier, PA 15658. This application is for renewal of an NPDES permit to discharge treated sewage from Valley School of Ligonier Sewage Treatment Plant in Ligonier Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Linn Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Latrobe Municipal Water Authority on Loyalhanna Creek.

Outfall 001: existing discharge, design flow of 0.0031 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	10.0			20.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218235, Sewage, **Russell W. Smith**, 101 Spruce Hill Lane, Fombell, PA 16123. This application is for renewal of an NPDES permit to discharge treated sewage from Smith Single-Residence Sewage Treatment Plant in Marion Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Connoquenessing Creek through a Storm Sewer and Catch Basin, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority on the Beaver River.

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

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0000868, Industrial Waste, **Wheatland Tube Co.—Council Avenue Plant**, P. O. Box 608, Wheatland, PA 16161. This proposed facility is located in Wheatland Borough, **Mercer County**.

Description of Proposed Activity: an existing discharge of treated industrial waste, noncontact cooling water, stormwater and contaminated groundwater.

The receiving water is the Shenango River. The receiving stream is in State Water Plan 20-A and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Western PA Water Company intake, is located on the Shenango River and is approximately 19 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.0 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 Standard Units at all times				

The proposed effluent limits for Suboutfall 101 based on a design flow of 1.0 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
Total Suspended Solids	519	1,264	XX	XX	156
Oil and Grease	115	456	XX	XX	30
Lead, Total	1.2	3.4	XX	XX	0.4
Zinc, Total	1.8	4.9	XX	XX	0.6
Iron Total	72	143			15.4

The proposed effluent limits for Suboutfall 201 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				

The proposed effluent limits for Outfall 002 based on a design flow of n/a mgd.

The proposed effluent limits for Outfall 003 based on a design flow of n/a mgd.

The proposed effluent limits for Outfall 005 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		XX			
Total Iron		XX		XX	
Lead		XX		XX	

The proposed effluent limits for Suboutfall 104 based on a design flow of 0.001 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 Standard Units at all times				

The proposed effluent limits for Outfall 004 based on a design flow of 0.001 mgd.

<i>Parameter</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		XX			
Iron, Total		XX		XX	
Lead		XX		XX	

The proposed effluent limits for Outfall 006 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		XX			
Iron, Total		XX		XX	
Lead		XX		XX	

The proposed effluent limits for Outfall 007 based on a design flow of 0.35 mgd.

<i>Parameter</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		XX			
Iron, Total		XX		XX	
Lead		XX		XX	
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 Standard Units at all times				

XX—Monitor and report.

The EPA waiver is not in effect.

PA0002666, Industrial Waste, **Sonneborn, Inc.**, 575 Corporate Drive, Suite 415, Mahwah, NJ 07430-2330. This proposed facility is located in Fairview Township, **Butler County**.

Description of Proposed Activity: New NPDES Permit for an existing discharge of treated industrial waste, treated stormwater and untreated stormwater from a producer of surface active agents. This is a minor discharge.

The receiving water is South Bear Creek. The receiving stream is in State Water Plan 17-C and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, PA American Water Company, is located on the Allegheny River and is approximately 20.4 miles below the point of discharge.

The proposed effluent limits for Outfall 003 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 007 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
Barium			XX		
pH			XX		

The proposed effluent limits for Outfall 010 based on a design flow of 0.472 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD ₅					
(5-1 to 10-31)	46	91	13	26	32
(11-1 to 4-30)	91	182	26	52	65
TSS	175	350	50	150	150
Ammonia Nitrogen					
(5-1 to 10-31)	4.6	9.1	1.3	2.6	3.25
(11-1 to 4-30)	13.7	27.3	3.9	7.8	9.75
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a Geometric Mean		
(10-1 to 4-30)			2,000/100 ml as a Geometric Mean		
Dissolved Oxygen			Shall be greater than 5 mg/l at all times		
Oil and Grease	52	105	15	30	50
Aluminum	2.3	4.6	XX	XX	
Iron, Total	5.2	10.3	XX	XX	
Manganese	4.0	8.0	1.0	2.0	2.5
Barium	11.7	23.4	3.4	6.7	8.3
Bis(2-Ethylhexyl) Phthalate	0.030	0.060	0.0085	0.017	0.021
Cadmium	0.0022	0.0045	0.00064	0.0013	0.0016
Chromium VI	XX	XX	XX	XX	
Free Cyanide	XX	XX	XX	XX	
pH		Within limits of 6.0 to 9.0 Standard Units at all times			
Temperature			Average Daily		
January 1 to 31			56° F		
February 1 to 29			49° F		
March 1 to 31			66° F		
April 1 to 15			81° F		
April 16 to 30			110° F		
May 1 to 15			97° F		
May 16 to 31			110° F		
June 1 to 15			105° F		
June 16 to 30			100° F		
July 1 to 31			96° F		
August 1 to 31			93° F		
September 1 to 15			91° F		
September 16 to 30			85° F		
October 1 to 15			87° F		
October 16 to 31			77° F		
November 1 to 15			76° F		
November 16 to 30			68° F		
December 1 to 31			59° F		

The proposed effluent limits for Outfall 021 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 022 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 023 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 024 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			XX		
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 025 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			XX		
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The EPA waiver is not in effect.

PA0104019, Sewage, **Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. This proposed facility is located in Washington Township, **Jefferson County**.

Description of Proposed Activity: Renewal/transfer of an existing discharge of treated sewage and stormwater from industrial activities.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Hawthorn Area Water Authority located on Redbank Creek and is approximately 45 miles below point of discharge.

The receiving stream, a UNT to Wolf Run, is in Watershed 17-C and is classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0002 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			25		50
Total Suspended Solids			30		60
Fecal Coliform			200/100 ml		
Total Residual Chlorine			XX		
pH			6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfall 002 are based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
Total Suspended Solids			XX		
Fecal Coliform			XX		

XX—Monitor and Report on AMRs.

The EPA waiver is in effect.

PA0092819, Sewage, **Fair Winds Manor LP**, 126 Ironbridge Road, Sarver, PA 16055. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Activity: New permit replacing an expired minor permit.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the potable water supply is located on the Allegheny River (New Kensington Municipal Authority) at RMI 20.86 and is approximately 21 miles below point of discharge.

The receiving stream, the UNT to Buffalo Creek, is in Watershed 18-F and classified for: HQ-TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0175 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD ₅	10.0		20.0
Total Suspended Solids	10.0		20.0
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Nitrite-Nitrate Nitrogen	12.5		25
Phosphorus	1.0		2.0
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	
Total Residual Chlorine	0.3		0.6
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and Report on monthly DMRs.

The EPA waiver is in effect.

PA0100650, Sewage, **Forrest Brooke MHC, LLC**, Continental Communities, 2015 Spring Road, Suite 600, Oak Brook, IL 60523. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Activity: New NPDES Permit for a discharge of treated sewage from an existing facility. The previous permit expired due to ongoing compliance issues.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Sharpsville Municipal Authority intake located on the Shenango River, approximately 12 miles below the point of discharge.

The receiving stream, a UNT to Magargee Run, 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 0.072 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	1.5		3
(11-1 to 4-30)	4.5		9
Phosphorus as "P"	1		2
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	
Total Residual Chlorine	0.37		0.87
Dissolved Oxygen		minimum of 5 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and Report on monthly DMRs.

The EPA waiver is in effect.

PA0032531, Sewage, **The Department of Conservation and Natural Resources, Moraine State Park**, 225 Pleasant Valley Road, Portersville, PA 16051-9650. This proposed facility is located in Muddy Creek Township, **Butler County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Salvation Army/Camp Allegheny intake is located on the Slippery Rock Creek and is approximately 14 miles below point of discharge.

The receiving stream, Muddy Creek, is in Watershed 20-C and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.225 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD ₅					
(5-1 to 10-31)	28.1		15		30
(11-1 to 04-30)	47		25		50
Total Suspended Solids	56.3		30		60
NH ₃ -N					
(5-1 to 10-31)	7.5		4		8
(11-1 to 4-30)	22.5		12		24
Fecal Coliform *					
(5-1 to 9-30)				200/100 ml as a Geometric Average	
(10-1 to 4-30)				2,000/100 ml as a Geometric Average	
Total Residual Chlorine			0.5		1.6
pH			6.0 to 9.0 Standard Units at all times		

XX—Monitor and Report on monthly DMRs.

* —Average monthly report on DMRs.

The EPA waiver is in effect.

PA0101931, Sewage, **Jenks Township Municipal Authority**, Marienville STP, P. O. Box 436, Marienville, PA 16239. This proposed facility is located in Jenks Township, **Forest County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the PA American Water Company—Clarion located on the Clarion River and is approximately 36 miles below point of discharge.

The receiving stream, the West Branch Millstone Creek, is in Watershed 17-B and classified for: HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 002 are based on a design flow of 0.583 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
CBOD ₅					
(5-1 to 10-31)	48	72	10	15	20
(11-1 to 4-30)	96	144	20	30	40
Total Suspended Solids	78	156	16	24	32
NH ₃ -N					
(5-1 to 10-31)	9.7		2		4
(11-1 to 4-30)	29.1		6		12
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a Geometric Average		
(10-1 to 4-30)			2,000/100 ml as a Geometric Average		
Total Residual Chlorine			0.25		0.82
Dissolved Oxygen			minimum of 6 mg/l at all times		
pH			6.0 to 9.0 Standard Units at all times		

XX—Monitor and Report on monthly DMRs.

The EPA waiver is in effect.

PA0034215, Sewage, **Mary Ann Parish, d/b/a White Haven Campground**, 4007 Westford Road, Jamestown, PA 16134-6735. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Activity: New permit replacing expired permit.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Greenville Municipal Authority is located on the UNT to the Shenango River and is approximately 14 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Phosphorus as "P"	1		2
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and Report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 0909402, Sewerage, **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550. This proposed facility is located in Northampton Township, **Bucks County**.

Description of Action/Activity: Replacement of several pipe segments that have insufficient peak flow capacity with a larger diameter pipe.

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

WQM Permit No. 0672403, Amendment 09-1, Sewerage, **Oley Township Municipal Authority**, One Rose Virginia Road, P. O. Box 19, Oley, PA 19547. This proposed facility is located in Oley Township, **Berks County**.

Description of Proposed Action/Activity: Application for construction/modifications for a high flow management plan.

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

WQM Permit No. 6309403, Sewerage, **Cecil Township Municipal Authority**, 3599 Millers Run Road, Suite 104, Cecil Township, PA 15321. This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewer extension and pump station.

WQM Permit No. 3209401, Sewerage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701. This proposed facility is located in Center and Blacklick Townships, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewer extension.

WQM Permit No. 5672411-A3, Sewerage, **United Mobile Homes of PA, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for permit amendment to install new dechlorination system.

WQM Permit No. WQG026124, Sewerage, **Seven Springs Mountain Resort**, Champion, PA 15622 This proposed facility is located in Middlecreek Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewer extension.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909002	Trueblood Construction Company 1009 Penillyn Pike Spring House, PA 19477	Bucks	Buckingham Township	Paunacussing Creek HQ-CWF
PAS10- G531-R	Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Chester	East Coventry Township	UNT Schuylkill River and Pigeon Creek HQ
PAI01 1505008-1-R	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Chester	East Whiteland and Tredyffrin Townships	Valley Creek and Little Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509002	White Stone Health Care Center, LLC 401 Moltke Avenue Scranton, PA 28505	Monroe	Stroud Township	Tributary to Bushkill Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509003	Turkey Hill Minit Markets 257 Centerville Road Lancaster, PA 17063	Monroe	Middle Smithfield Township	Tributary to Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032109005	South Middleton Township Board of Supervisors 520 Park Drive Boiling Springs, PA 17007	Cumberland	South Middleton Township	Yellow Breeches Creek/ HQ-CWF
PAI032109004	44 Carlisle SM One Associates, LP Kiran Patel 44 Hersha Drive Harrisburg, PA 17102	Cumberland	South Middleton Township	Letort Spring Run/ HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PA1032108012	St. Patrick Catholic Church 140 East Pomfret Street Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run/ EV
PAS10C050-R	Quest Land Development LLP 711 Spring Street Wyomissing, PA 19610	Berks	Rockland Township	UNT to Bieber Creek/ EV

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409002	Randall Davidson Davidson Brothers, Inc. 450 Runville Road Bellefonte, PA	Centre	Boggs Township	Wallace Run HQ-CWF
PAI04149003	Charles Welch Centre County Airport Authority 2493 Fox Hill Road State College, PA 16803	Centre	Benner Township	UNT to Buffalo Run/Spring Creek HQ-CWF

Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, Ext. 3.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045909002	Gary R. Butters Beutertown Road Subdivision, Phase II 54 Railroad Street Mansfield, PA 16933	Tioga	Liberty Township	Zimmerman Creek HQ-CWF

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

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

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Mercer Vu & M Farms, Inc. 12275 Mt. Pleasant Mercersburg, PA 17236	Franklin	1,394	2,100	Dairy	NA	Renewal
Monte and Mary Edgin 10368 Chester Furance Road Shirleysburg, PA 17360	Huntingdon	221.9	615.8	Swine	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4809502, Public Water Supply.
 Applicant **East Allen Township Municipal Authority** (EATMN-Shady Lane Water SYSTEM)
 East Allen Township
Northampton County

Responsible Official Charles E. Wert
 East Allen Township Municipal Authority
 5340 Nor-Bath Boulevard
 Northampton, PA 18067

Type of Facility Public Water System

Consulting Engineer J. Bradley Youst, P. E.
 Hanover Engineering Associates, Inc.
 Allentown, PA

Application Received Date February 24, 2009

Description of Action Modifications to an existing water system. The well is retained, booster pumps and a storage tank added, and new treatment systems are installed for manganese removal and chlorination.

Application No. 3909502, Public Water Supply.
 Applicant **Nestle Waters North America, Inc.**
 (NPL East Plant)
 Upper Macungie Township
Lehigh County

Responsible Official David Thorpe, Plant Manager
 Nestle Waters North America
 405 Nestle Way
 Breinigsville, PA

Type of Facility Bottling Plant

Consulting Engineer Edward E. Davis, P. E.
 Forino Company, LP
 555 Mountain Home Road
 Sinking Spring, PA

Application Received Date February 25, 2009

Description of Action The addition of a new bottling line, No. 16.

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

Application No. 060814, Minor Amendment, Public Water Supply.
 Applicant **Borough of Boyerstown**
 Municipality Earl Township
 County **Berks**

Responsible Official Patricia A. Spaide, Manager
100 South Washington Street
Boyerstown, PA 19512

Type of Facility Public Water Supply

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

Application Received October 20, 2008

Description of Action Installation of two additional
booster pumps at the existing
water filtration plant.

Northcentral Region: Water Supply Management Program, 208 West Third Street, Suite 1, Williamsport, PA 17701.

Application No. 4909501, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
(Roaring Creek Division)
Coal Township
Northumberland County

Responsible Official Joshua P. Shoff
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility Public Water System

Consulting Engineer Andrew R. Glitzer, P. E.
CET Engineering Services
321 Washington Street
Huntingdon, PA

Application Received Date March 3, 2009

Description of Action Replace existing water storage
tank with a new water storage
tank, and replace a portion of
existing water distribution line
with approximately 2,000 LF of
new water distribution line.

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

Permit No. 0209502 (revised), Public Water Supply.

Applicant **Municipal Authority of the
Borough of West View**
210 Perry Highway
Pittsburgh, PA 15229

Township of Borough Neville Township

Responsible Official Joseph Dinkel, Executive
Director
Municipal Authority of the
Borough of West View
210 Perry Highway
Pittsburgh, PA 15229

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Application Received Date February 2, 2009

Description of Action Construction of an anhydrous
ammonia feed system
(chloramination) at the
Authority's existing water
treatment plant and relocation of
the existing fluoride injection
point.

Permit No. 6309501, Public Water Supply.

Applicant **Authority of the Borough of
Charleroi**
3 McKean Avenue
P. O. Box 211
Charleroi, PA 15022

Township or Borough Fallowfield Township

Responsible Official Edward Golanka, Authority
General Manager
Authority of the Borough of
Charleroi
3 McKean Avenue
P. O. Box 211
Charleroi, PA 15022

Type of Facility Water treatment plant

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Application Received Date February 17, 2009

Description of Action Construction of a finished water
booster station, transmission
main, elevated storage tank and
interconnection to the North
Charleroi service district.

MINOR AMENDMENT

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

Application No. 4509501MA, Minor Amendment,
Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
(Hamilton Water System)
Hamilton Township
Monroe County

Responsible Official Patrick R. Burke
Regional Manager
Aqua Pennsylvania, Inc.
50 East Woodhaven Drive
White Haven, PA

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 North Mountain Road
Harrisburg, PA

Application Received Date March 3, 2009

Description of Action Painting and repairs to a water
tank in the Hamilton Water
System.

Application No. 6609501MA, Minor Amendment,
Public Water Supply.

Applicant **Aqua Pennsylvania Inc.**
(Factoryville Water System)
Factoryville Borough
Wyoming County

Responsible Official Patrick R. Burke
Regional Manager
Aqua Pennsylvania, Inc.
50 East Woodhaven Drive
White Haven, PA

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 North Mountain Road
Harrisburg, PA

Application Received Date March 3, 2009

Description of Action Painting and repairs to a water tank in the Factoryville Water System.

Application No. 4809503MA, Minor Amendment,
Public Water Supply.

Applicant **Bath Borough Authority**
Bath Borough
Northampton County

Responsible Official David Stack
Bath Borough Authority
P. O. Box 87
Bath, PA

Type of Facility Public Water System

Consulting Engineer Barry Isett & Associates, Inc.
85 South Route 100 and Kressler Lane
P. O. Box 147
Trexlerstown, PA

Application Received Date February 25, 2009

Description of Action The replacement of a water storage tank.

Application No. 5209501MA, Minor Amendment,
Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
(Fawn Lake Forest Water System)
Lackawaxen Township
Pike County

Responsible Official Patrick R. Burke
Regional Manager
Aqua Pennsylvania, Inc.
50 East Woodhaven Drive
White Haven, PA

Type of Facility Public Water System

Consulting Engineer Entech Engineering, Inc.
4 South Street
P. O. Box 32
Reading, PA

Application Received Date March 5, 2009

Description of Action Painting a water tank in the Fawn Lake Forest water system.

Application No. 4009505MA, Minor Amendment,
Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
(White Haven Water System)
White Haven Borough
Luzerne County

Responsible Official Patrick R. Burke
Regional Manager
Aqua Pennsylvania, Inc.
50 East Woodhaven Drive
White Haven, PA

Type of Facility Public Water System

Consulting Engineer Entech Engineering, Inc.
4 South Street
P. O. Box 32
Reading, PA

Application Received Date March 5, 2009

Description of Action Painting a water tank in the White Haven Borough water system.

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

Application No. 0209507MA, Minor Amendment.

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

Township or Borough City of Pittsburgh

Responsible Official Michael Kenney
Executive Director
Pittsburgh Water & Sewer Authority
1200 Penn Avenue
2nd Floor
Pittsburgh, PA 15222-4204

Type of Facility Squirrel Hill Water storage tank

Consulting Engineer Chester Engineers
260 Airside Drive
Moon Township, PA 15108

Application Received Date March 11, 2009

Description of Action Painting and rehabilitation of the Squirrel Hill water storage tank.

Application No. 0209508MA, Minor Amendment.

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

Township or Borough City of Pittsburgh

Responsible Official Michael Kenney
Executive Director
Pittsburgh Water & Sewer Authority
1200 Penn Avenue
2nd Floor
Pittsburgh, PA 15222-4204

Type of Facility	Brashear water storage tanks.
Consulting Engineer	
Application Received Date	March 16, 2009
Description of Action	Painting and rehabilitation of the Brashear No. 1 and No. 2 water storage tanks.

Application received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition or rights to divert waters of the Commonwealth

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

WA 22-1028, Water Allocations. Elizabethtown Area Authority, Dauphin County. The applicant is requesting the right to withdraw a maximum of 125,000 gpd from the Spradley Run No. 1, Canoe Gap Run No. 2 and Stroups Spring No. 3, Consulting Engineer: N. Peter Fleszar, Glace Associates, Inc. Date Application received April 18, 2008.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of

the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania 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.

Wawa North Coventry Township, North Coventry Township, Chester County. Matt Brainard, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, Wawa, Inc., 260 West Baltimore Pole, Wawa, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The proposed future use of the site will be nonresidential. A Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on February 24, 2009.

Schroder Residence, Lower Oxford Township, Chester County. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18073, Jon Bernhardt, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Charles Schroder, 109 Hill Lane, Oxford, PA 1363 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The intended future use of the site is residential. A Notice of Intent to Remediate was reported to have been published in the *Chester County Press* on February 25, 2009.

Solitario Kennels Property, East Whiteland Township, Chester County. Thomas P. Schultz, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 on behalf of Andrew P. Lutz, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 3 fuel oil. The PTC intends to utilize this property for the construction of a new ramp onto the turnpike.

Fleet Fuel Site, East Pikeland Township, Chester County. Brain Olin, Action Environmental Group, 4301 Taggart Creek Road, Charlotte, NC 28208, Mike Faith, Lewis Environmental, 155 Railroad Plaza, Royersford, PA 19468 on behalf of Don Harner, 601 Wall Street, Spring City, PA 19475 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will be residential.

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

Chris Skimski Residence, West Manchester Township, York County. Mountain Research, LLC, 825 25th

Street, Altoona, PA 16601, on behalf of Chris Skimski, 1237 Taxville Road, York, PA 17403 and Shipley Energy, 415 Norway Street, York, PA 17403, submitted a Notice of Intent to Remediate site soils contaminated with home heating oil. The site will be remediated to the Residential Statewide Health Standard and will remain residential.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for determination of applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

General Permit Application No. WMGM025SE002. NDV Recycling, 3630 North 2nd Street, Philadelphia, PA 19140-4605, City of Philadelphia, **Philadelphia County**. The application for determination of applicability under General Permit No. WMGM025 to process for beneficial use of unpainted and untreated wood waste, gypsum board, brick, block and concrete waste from new residential and commercial construction. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on March 17, 2009.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northcentral Region: Regional Solid Waste Manager, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448.

Permit Application No. 101243. Northern Tier Solid Waste Authority, P. O. Box 10, Burlington, PA 1884. The permit renewal application for the Bradford County Landfill located in West Burlington Township, **Bradford County**, was deemed complete by the Williamsport Regional Office on March 9, 2009.

Comments concerning the application should be directed to Jim Miller, Program Manager, Waste Management Program, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

54-302-077: WPS Westwood Generation, LLC (1716 Lawrence Drive, DePere, WI 54115) for modification of a boiler at their facility in Frailey and Porter Townships,

Schuylkill County. This facility is a Title-V facility. The modification is for the replacement of 25 bank tubes due to erosion of the boiler. There are no emission increases related to this project (unchanged from the current Title V operating permit). The company is proposing to take additional Federally enforceable emission caps for NOx and VOCs. The boiler is subject to 40 CFR Part 60, Subpart Da, New Source Performance Standards for Stationary Sources—Electric Utility Steam Generating Units, and shall comply with all applicable requirements of this Subpart. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the boiler operating within all applicable air quality requirements.

48-309-131: ESSROC Cement Corp. (Route 248 and Easton Road, Nazareth, PA 18064) for reactivation of the existing railcar loading station No. 1 and associated air cleaning device (fabric collector) at their Nazareth Plant III in the Borough of Nazareth, **Northampton County.** The PM emissions from the fabric collector will not exceed the BAT standard of 0.02 gr/dscf and will result in a maximum PM emission rate of 1.8 tpy. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards, and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00007. 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.

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

01-05009B: United States Army, Ft. Detrick (201 Beasley Drive, Suite 100, Fort Detrick, MD 21702-9229) for modification of a set of internal combustion diesel generator sets at their Raven Rock Mountain Complex in Liberty Township, **Adams County.** The modification is not expected to change the facility's emissions. The diesel generator sets are subject to 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The plan approval shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

49-317-002B: Sensenig Milling Services, Inc., 10705 SR 44, Watsontown, PA 17777 for construction of a wood-fired rotary bakery waste dryer (Source ID P102) and installation of a cyclone separator (Control Device C102A) and a fabric collector (Control Device C102B) to be utilized in conjunction with an existing cyclone separator and fabric collector to control the PM emissions from the proposed rotary bakery waste dryer at their facility located in Lewis Township, **Northumberland County.**

The Department of Environmental Protection's (Department) review of the information submitted by Sensenig Milling Services, Inc. indicates that the proposed rotary bakery waste dryer and the control devices will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue plan

approval for the construction of the wood-fired rotary bakery waste dryer with the installation of cyclone separators and a fabric collector. Additionally, if the Department determines that the wood-fired rotary bakery waste dryer with cyclone separators and fabric collectors are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the concentration of PM in the effluent gas from either Control Device C101B or C102B associated with Source ID P102 shall not exceed 0.01 gr/dscf.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NOx, expressed as NO₂ emissions from Source ID P102 shall not exceed 7.50 pounds per hour at any time.

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from Source ID P102 shall not exceed 12.00 pounds per hour at any time.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from Source ID P102 shall not exceed 18.12 tons in any 12-consecutive month period.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not emit into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission from either Control Device C101B or C102B is equal to or greater than 10% at any time.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not process no more than 100 tons of unbaked, yeast-containing dough through Source ID P102 in any 7-day consecutive day period.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P102 shall only be fired on natural gas or virgin hardwood sawdust and wood chips consisting of green and kiln-dried wood only. No coated or treated wood, laminated wood, particleboard, flakeboard or materials other than kiln-dried wood shall be burned in Source ID P102.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not process any chlorinated plastic packaging through Source ID P102 at any time.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, any time that wood material is being fired in the combustion chamber of Source ID P102, the exhaust gas shall be processed through Control Devices C101A, C101B, C102A and C102B.

10. Upon Department request, the permittee shall provide analyses or samples of the wood burned in Source ID P102.

11. The permittee shall perform CO, NO and PM stack tests from the exhaust of Control Devices C101B and C102B associated with Source ID P102 within 120 days from the commencement of operation of Source ID P102 to demonstrate compliance with the CO, NO and PM emission limitations. The permittee shall perform opacity readings at the exhaust of Control Devices C101B and

C102B during the stack tests in accordance with EPA Method 9 to demonstrate compliance with the opacity limitation. All testing is to be done while Source ID P102 is operating at its normal rate and using reference method test procedures acceptable to the Department.

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Devices C101B and C102B shall be equipped with instrumentation to continuously monitor the differential pressure across each control device. Additionally, the system shall be equipped with an alarm should the differential pressure exceed the set point as determined by the manufacturer during commencement of Source ID P102.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Devices C101B and C102B shall be equipped with instrumentation to continuously monitor the inlet and outlet temperatures of the control devices. Additionally, the system shall be equipped with an alarm should the exhaust gas temperature approaches the dew point (approximately 126° F), the system shall signal the automatic temperature control system to increase the heat input to Source ID P102.

14. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the combustion chamber of Source ID P102 shall be equipped with instrumentation to monitor the outlet temperature on a continuous basis.

15. The permittee shall keep records of the amount of unbaked, yeast-containing dough processed through Source ID P102 on a weekly basis. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

16. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of filter bags for Control Devices C101B and C102B in order to replace any bag that needs replacement.

17. The handling and storage of the material collected in Control Devices C101B and C102B associated with Source ID P102 shall not at any time result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa. Code § 123.1.

18. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the Source ID P102 without the simultaneous operation of Control Devices, C101A, C101B, C102A and C102B.

19. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the compressors supplying the compressed air to Control Devices C101B and C102B shall be equipped with an air dryer and an oil trap.

20. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the combustion chamber temperature of Source ID P102 shall not be less than 1,350° F or greater than 1,600° F at any time.

21. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, only "Nomex" filter bags with a fluorocarbon impregnated membrane, or equivalent, shall only be used in Control Devices C101B and C102B.

22. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Devices C101A, C101B, C102A and C102B shall be installed and operated in a heated building.

23. Under BAT of 25 Pa. Code §§ 127.1 and 127.12, Control Devices C101A, C101B, C102A and C102B, as well as all associated ductwork from the outlet of Source ID P102 to the inlets of Control Devices C101A and

C102A and from the outlets of C101A and C102A to the inlets of C101B and C102B shall be insulated.

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

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

25-069M: BASF Catalysts, LLC (1729 East Avenue, Erie, PA 16503) for installation of a dust collector at their facility in the City of Erie, **Erie County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 25-069M to BASF Catalysts, LLC for the relocation installation of a dust collector at their facility at 1729 East Avenue, City of Erie, **Erie County**. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-069M is for the installation of a dust collector, which will be used to control emissions of PM associated with the loading and unloading of Reduction Vessel R5 (Source ID 205) and Screener R6 (Source ID 201). Based on the information provided by the applicant and Department's own analysis, the sources associated with the proposed control device will emit a total of 0.000023 ton of PM per year, all of which will be PM10.

The Plan Approval will contain additional recordkeeping and work practice requirements 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 are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown as follows. To make an appointment, contact Records Management at (814) 332-6340.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 25-069M.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by

publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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, William R. Weaver, New Source Review Chief, (717) 705-4702.

36-05015: Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) for operation of a foam products manufacturing facility in Upper Leacock Township, **Lancaster County**. This action is a renewal of the Title V operating permit that was issued in 2004.

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

42-00158: TIN, Inc., d/b/a Temple-Inland Mt. Jewett MDF Operations (303 South Temple Drive, Diboll, TX 75941-2419) The Title V Operating Permit is being modified to revise the compliance option for the MACT requirements of 40 CFR 63, Subpart DDDD pertaining to Plywood and Composite Wood Products in Sergeant Township, **McKean County**.

The MDF facility consist of chip storage and handling, refining, dryers, press, sawing, sanding, combustion sources for the dryer and press, and various wood handling air emission sources located in Sergeant Township, McKean County. The facility is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit is being modified to revise the compliance option for the MACT requirements of 40 CFR 63, Subpart DDDD pertaining to Plywood and Composite Wood Products. The facility will now use compliance option 2 from Table 1B of Subpart DDDD by limiting the emissions of total HAP, measured as THC (as carbon), to 20 ppmvd. Additionally, the CAM requirement for Source 122M (second stage dryer) will be removed from the permit because it is no longer applicable due to the fact that the source was modified to recirculate the emissions back to the primary dryer. The compliance milestones have been completed and will be removed from the permit.

61-00011: Merisol Antioxidants, LLC, 292 SR 8, Oil City, PA 16301, for re-issuance of a Title V Permit to operate an industrial organic chemicals manufacturing unit in Township of Cornplanter, **Venango County**. The facility's major emission sources include two gas/oil fired boiler and furnace, dryers, distillation columns, process vessels, storage tanks, chemical process equipments and two degreaser units. The facility is a Title V facility due to its potential to emit of VOC above the major source thresholds. This facility is also subject to the Compliance Assurance Monitoring Rule under 40 CFR Part 64.

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

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

46-00264: Caddick Construction Co., Inc. (P. O. Box 179, Ambler, PA 19002) for issuance of a State-only Operating Permit to operate a Nonmetallic Mineral Processing Plant powered by two diesel engines at 7147 Camp Hill Road, Fort Washington, PA 19034, Whitmarsh Township, **Montgomery County**. The facility is natural minor. Plan Approval, 46-0264 is being incorporated into this new State-only Operating Permit. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

46-00256: Horgan Recycling, Inc. (2188 Detwiler Road, Harleysville, PA 19348) for operation of a concrete and asphalt crushing plant in Upper Gwynedd Township, **Montgomery County**. PM emissions are controlled by a wet suppression system. This facility is a State-only facility. The Operating Permit will contain monitoring and recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-00174: Montgomery County SPCA (19 East Ridge Pike, Conshohocken, PA 19428-0222) for operation and maintenance of an animal crematorium in Whitmarsh Township, **Montgomery County**, and for renewal of the State-only (Natural Minor) Operating Permit. The Montgomery County SPCA from which the main pollutants emitted are NOx and PM. The actual emission rates of NOx and PM from the crematorium are each less than 1 ton per year. No changes have occurred at the facility since the permit was originally issued on September 12, 2003. The renewed permit will include the same monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00179: Tuscan Lehigh Dairies, LP (880 Allentown Road, Lansdale, PA 19946-5206), for a renewal of a State-only, Natural Minor Operating Permit in Upper Gwynedd Township, **Montgomery County**. The facility operates two, dual-fired, 12.6 mmBtu/hr boilers. The permit will include monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements.

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

06-03069: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) for operation of their Temple Quarry in Alsace Township, **Berks County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a permit renewal of their existing operating permit.

38-03042: American LaFrance, LLC (64 Cocalico Creek Road, Ephrata, PA 17522) for operation of their spray booths in West Lebanon Township, **Lebanon County**. Actual VOC emissions are expected to be less than 5 tons per year. This is a renewal of the State-only operating permit issued in 2004.

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

49-00005: Hoeganaes Corp. (4330 Paradise Road, Watertown, PA 17777) for their powdered metal manufacturing facility in Delaware Township, **Northumberland County**. The facility's main sources include two boilers, one furnace, multiple space heaters, metal blending and bonding process, metal powder manufacturing operation, specialty blended metals process, AGM delivery system operation, Distaloy screen system operation, product sample manufacturing operation. The facility has the potential to emit PM, NOx, CO, VOCs, combined and individual HAP and SOx emissions below the major thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00052: Hanson Aggregates, Inc. (7660 Imperial Way, Suite 103, Allentown, PA 18195-1040) for their Pine Creek quarry in Limestone Township, **Lycoming County**. The facility's main sources include six crushers and associated various material sizing and conveying equipment. These sources have the potential to emit PM10 below the major emission thresholds. The proposed Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

08-313-050B: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) for installation of a new C.P.E. Filters Model 36-MS-30-SS fabric collector to control the PM emissions from an existing Calciner A in the Molybdenum Reduction department (083) in building 41 at their facility in North Towanda Township, **Bradford County**. This is a State-only facility.

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

Based upon this finding, the Department proposes to issue a plan approval for the installation of the fabric collector to control PM emissions from the calciner. The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Source ID P161 is a 24" Harper, model RFQ7181, Calciner A, fired on natural gas (1.8 mmBtu/hr). The air contaminant emissions from Source ID P161 during operation shall be controlled by a CPE Filters, model 36-MS-30-SS, fabric collector (ID C161A) and a company manufactured packed bed ammonia scrubber (ID C161B).

2. No person may permit the emission into the outdoor atmosphere of PM from the exhaust of ID C161B associated with Source ID P161 in a manner that the concentration in the effluent gas exceeds 0.04 gpd standard cubic foot.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, cleaning (initiated by the shaker) of the CPE Filters, model 36-MS-30-SS, fabric collector (ID C161A) shall only occur when the associated Calciner A (Source ID P161) is between lots.

4. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the ammonia scrubber (ID C161B) associated with Calciner A (Source ID P161) shall only utilize water on a once through basis as a scrubbing medium and shall use it as a flow rate of at least 50 gph.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CPE Filters, model 36-MS-30-SS, fabric collector (ID C161A) shall be equipped with monitors or gauges that will accurately monitor the pressure drop across the respective air cleaning devices. The company shall record the readings from these monitors at least once per shift during anytime the respective sources are being operated during the respective shift.

The pressure drop across the collector and absolute filter records shall be retained on site for a minimum of 5 years.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the scrubbing solution, scrubber cooling water and heat exchanger water flow rates from the ammonia scrubber (ID C161B) and heat exchanger associated with Calciner A (Source ID P161) shall be monitored using a monitor or gauge that will accurately monitor the respective flow rates. The company shall record the readings from these monitors at least once per shift during any time the respective sources are operating during the respective shift.

7. The company shall keep on hand sufficient quantity of spare fabric collector bags and filters for the fabric collector (ID C161A) with Source ID P161 to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of the source and fabric collector.

8. The Department reserves the right to establish a pressure drop range for the CPE Filters, model 36-MS-30-SS, fabric collector (ID C161A) upon the issuance of an operating permit.

9. Conditions contained in operating permit 08-399-050A remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition and requirement contained in this plan approval and a condition contained in operating permit 08-399-050A, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in operating permit 08-399-050A.

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

18-00001B: Columbia Gas Transmission, Corp. (1700 MacCorkle Avenue SE, Charleston, WV 25314-1518), for construction and operation of a new Caterpillar G3512LE engine (Source ID P109, Engine No. 6) at their Renovo Compressor Station facility in Chapman Township, **Clinton County**.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by Columbia indicates that the engine will

comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the construction of the new Caterpillar G3512LE engine (Source ID P109, Engine No. 6). Additionally, if the Department determines that the respective engine is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 18-00001 by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of ID C109 associated with Source ID P109 in excess of the limitations as follows:

i. NO_x, expressed as NO₂—1.5 (gphp/hr) and 12.5 tons in any 12-consecutive month period,

ii. CO—0.15 gphp/hr and 1.2 tons in any 12-consecutive month period,

iii. VOC—0.15 gphp/hr and 1.2 tons in any 12-consecutive month period,

iv. SO_x, expressed as SO₂—0.005 pound per hour and 0.02 ton in any 12-consecutive month period,

v. The formaldehyde—0.02 gphp/hr and 0.15 ton in any 12-consecutive month period.

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission of PM into the outdoor atmosphere of PM from Source ID P109 in a manner that the concentration in the effluent gas exceeds 0.01 gr/dscf.

3. Under 25 Pa. Code § 123.21, no person may permit the emission of the SO_x expressed as SO₂, into the outdoor atmosphere from Source ID P109 in a manner that the concentration in the effluent gas exceeds 500 ppm, by volume, dry basis.

4. No person may permit the emission into the outdoor atmosphere of visible air contaminants from ID C109 associated with Source ID P109 in such a manner that the opacity of the emission is equal to or greater than 10% at any time.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the oxidation catalyst control device (ID C109) associated with Source ID P109 shall be capable of reducing the CO by 93%.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall use only pipeline quality natural gas as fuel for Source ID P109.

7. Within 120 days of the start of operation of the engine (Source ID P109), the permittee shall perform EPA reference method stack testing upon Source ID P109 for CO, NO_x, expressed as NO₂, VOCs and formaldehyde to verify compliance with emission limitations and to determine the destruction efficiency for CO, NO_x, VOC, formaldehyde emissions from ID C109 associated with Source ID P109.

i. The performance test shall consist of three separate test runs and each run shall last at least 1 hour in duration.

ii. The testing of the inlet and outlet of ID C109 shall be running simultaneously.

iii. The inlet gas temperature of ID C109 and the pressure drop across ID C109 shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop across ID C109 will be established based upon the recorded data and stack test report.

iv. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source ID P109 is operating at +/- 10% of full load.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip ID C109 with instrumentation to monitor pressure drop across ID C109 and the inlet gas temperature of ID C109. The permittee shall monitor these parameters on a continuous basis.

9. The permittee shall monitor the visible emissions and malodors on a weekly basis and maintain records of any occurrences of visible emissions or malodors. These records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

10. (a) The permittee shall maintain comprehensive and accurate records of the following information for Source ID P109:

(1) The number of hours that Source ID P109 is operated on a monthly basis and a rolling 12-consecutive month basis.

(2) The supporting calculations used to verify compliance with the PM and SO emission limitations.

(3) The test reports and supporting calculations used to verify compliance with the CO, NO_x, VOC and formaldehyde emission limitations in any 12-consecutive month period and destruction efficiency limitation.

(4) The pressure drop across ID C114 once per day and the inlet gas temperature of ID C114 on a continuous basis.

(5) The date and the total hours of operation of Source ID P114 at the time of the catalyst replacement.

(6) Any breakdowns, repairs, maintenance and deviations from operating at design parameters and dates of occurrences.

(b) These records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

11. (a) The permittee shall submit to the Department on a semi-annual basis records of the supporting calculations used to verify compliance with the CO, NO_x and VOC and formaldehyde emissions limitations in any 12-consecutive month period.

(b) The semi-annual reports shall be submitted to the Department by no later than September 1 (July 1 of the previous year through June 30 of the concurrent year) and March 1 (January 1 through December 31 of the previous year) for the 12-consecutive month period.

12. The permittee shall maintain and operate Source ID P109 and ID C109 in a manner consistent with the manufacturer's recommendations (as provided in the application) and with good air pollution control practices for minimizing emissions.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P109 is an 860 brake horsepower, natural gas-fired, four stroke lean burn, reciprocating

internal combustion engine. Additionally, the CO, VOCs, and formaldehyde emissions from Source ID P109 shall be controlled by an oxidation catalyst (ID C109). The permittee shall not operate Source ID P109 without the simultaneous operation of ID C109 at any time.

14. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for HAPs for Source ID P109 specified in 40 CFR 63.6580—63.6675.

15. Conditions contained in Title V operating permit (TVOP) 18-00001 remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition and requirement contained in this plan approval and a condition contained in TVOP 18-00001, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in TVOP 18-00001.

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

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

11-00102: Forest Hills School District (P. O. Box 158, 547 Locust Street, Sidman, PA 15955-0158) for operation of four boilers and two emergency generators at the Elementary and High School in Adams Township, **Cambria County**.

11-00511: Forest Hills School District (P. O. Box 158, 547 Locust Street, Sidman, PA 15955-0158) for operation of two boilers and one emergency generator at the Middle School in Croyle Township, **Cambria County**.

11-00523: Jigging Technologies, LLC, d/b/a Atoll (1008 Club Drive, Johnstown, PA 15905-1912), for operation of a slag processing plant at the Riders Area, in Johnstown City and East Taylor Township, **Cambria County**.

04-00673: Lacock Cremation Services, Inc. (2 Chester Way, P. O. Box 589, East Rochester, PA 15074) for operation of crematory in East Rochester Borough, **Beaver County**.

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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated above each 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 the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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 address of the district mining office indicated above each 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.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; 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, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the 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 desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in

Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must 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 or petitions for a public hearing on NPDES permit applications, as

provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and 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.

30080701 and NPDES Permit No. PA0235806, Consol Pennsylvania Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15243), to operate the Bailey Central Mine Complex Coal Refuse Disposal Area No. 5 in Richhill Township, **Greene County** a new coal refuse disposal area and related NPDES permit for sediment pond development. Coal Refuse Disposal Support Acres Proposed 91.5. Receiving stream: UNT to Owens Run, classified for the following use: WWF. Application received September 9, 2008.

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

32830113 and NPDES No. PA0605778. Beilchick Brothers, P. O. Box 7, Heilwood, PA 15745, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Buffington Township, **Indiana County**, affecting 410.5 acres. Receiving streams: UNT to/and Mardis Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 6, 2009.

32930107 and NPDES No. PA0212687. TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface mine in Grant Township, **Indiana County**, af-

fecting 93.3 acres. Receiving stream: UNTs to/and East Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 9, 2009.

56090104 and NPDES No. PA0262749. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552 commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 60.0 acres. Receiving streams: UNT to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 4, 2009.

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

65030101 and NPDES Permit No. PA0250368. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Renewal application for reclamation only of a bituminous surface mine, located in Ligonier Township, **Westmoreland County**, affecting 239.6 acres. Receiving streams: UNTs to Loyahanna Creek, classified for the following use: CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. Renewal application received March 6, 2009.

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

17743165 and NPDES No. PA0127574. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine, with an Insignificant Permit Boundary Correction, from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Boggs Township, **Clearfield County**, affecting 164.4 acres. Receiving streams: Clearfield Creek to West Branch Susquehanna, classified for the following

uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 29, 2009.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 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.

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

03070801. William L. Traister (4393 St. Charles Road, New Bethlehem, PA 16242). Application for commencement, operation and reclamation of a small noncoal surface mine has been resubmitted, located in Madison Township, **Armstrong County**, affecting 5 acres. Receiving stream: Redbank Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 5, 2009.

26092801. Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425). Application for commencement, operation and reclamation of a small noncoal surface mine, located in Dunbar Township, **Fayette County**, affecting 6.4 acres. Receiving stream: Dunbar Creek, classified for the follow use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 4, 2009.

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.

E36-846: Victoria and Gregory Wilson, 861 Balltown Road, Lititz, PA 17543, Strasburg Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain an open bottom concrete arch culvert having a length of 24.0 feet, a width of 16.0 feet and a rise of 6.2 feet in a UNT to Little Beaver Creek (TSF) (Quarryville, PA Quadrangle N: 15.20"; W: 4.60", Latitude: 39° 57' 31"; Longitude: 76° 09' 54") for the purpose of a driveway crossing for 169 Sides Mill Road, Strasburg Township, Lancaster County.

E67-865: Texas Eastern Transmission, LP, 890 Winter Street, Suite 300, Waltham, MA 02451, TEMAX and TIME III Projects, Chanceford, Hellam, Lower Chanceford, Lower Windsor and Windsor Townships, **York County**, United States Army Corps of Engineers, Baltimore District.

To install and maintain 26.5 miles of 30-inch gas transmission line from existing piping in Hellam Township to where it will interconnect with existing pipeline facilities in Lower Chanceford Township. The project

begins with the northern most crossing of Wildcat Run (WWF) (Columbia West, PA Quadrangle N: 8.48 inches; W: 1.54 inches, Latitude: 40° 02' 47.652"; Longitude: 76° 36' 48.995") and terminates at the southern most crossing of an UNT to Muddy Creek (TSF) (Holtwood, PA Quadrangle N: 9.55 inches; W: 5.13 inches, Latitude: 39° 48' 8.676"; Longitude: 76° 20' 16.835"). The project also crosses a UNT to Wildcat Run (WWF), UNTs to Kreutz Creek (WWF), Kreutz Creek (WWF), UNTs to Cabin Creek (WWF), Cabin Creek (WWF), Fishing Creek (TSF), UNTs to Fishing Creek (TSF), Beaver Creek (CWF), UNTs to Beaver Creek (CWF), Otter Creek (CWF), UNTs to Otter Creek (CWF), Mill Branch (WWF), UNTs to Mill Branch (WWF), South Fork Otter Creek (WWF), UNTs to Furnace Run (CWF), Furnace Run (CWF), UNTs to Oakland Run (CWF), Wallace Run (CWF), UNTs to Wallace Run (CWF), UNTs to Susquehanna River (WWF), Anderson Run (WWF) and UNTs to Anderson Run (WWF). The project will cross wetlands associated with Wildcat Run, Kreutz Creek, Fishing Creek, Beaver Creek, Otter Creek, Mill Branch, Furnace Run and the Susquehanna River. The project will impact a total of 692.0 linear feet of stream and 2.97 acres of wetland for the purpose of accessing new supplies of natural gas.

E36-844: Charles Lefever, East Lampeter Sewer Authority, 2250 Old Philadelphia Pike, Lancaster, PA, East Lampeter Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To: (1) construct and maintain a 12.0-foot by 18.0-foot building addition, and a 9.0-foot by 12.0-foot concrete pad addition to an existing 28.0-foot by 30.0-foot pump station building in the floodway of a UNT to Mill Creek (WWF); (2) construct and maintain a temporary aerial utility line crossing of three 12.0-inch diameter HPDE sanitary sewer lines, and a 1.5-inch diameter water utility line crossing in an existing 4.0-inch conduit crossing in a UNT to Mill Creek (WWF); (3) remove 275.0 linear feet of chain link fence, and an existing 3.0-foot by 5.0-foot fuel tank shed; (4) construct and maintain 57.0 linear feet of vinyl privacy fence in the floodway of a UNT to Mill Creek (WWF); and (5) replace and maintain an existing 3.0-foot by 3.0-foot grate and sewage grinder access area in the floodway of a UNT Mill creek (WWF), all for the purpose of improving the Fertility Pump Station at a point just northeast of the intersection of Mill Creek and Strasburg Pike (Leola, PA Quadrangle N: 1.56 inches; W: 5.08 inches, Latitude: 40° 1' 45.1"; Longitude: 76° 14' 36.2") in East Lampeter Township, Lancaster County.

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

E14-516. College Township, 1481 East College Avenue, State College, PA 16801. Spring Creek Pedestrian Bridge, in College Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (State College, PA Quadrangle Latitude: 40° 49' 7"; Longitude: 77° 49' 19").

To construct and maintain a 4-foot wide by 38.5 foot long steel beam and wood deck bank-to-bank pedestrian bridge, borne on existing abutments, with a maximum underclearance of 7 feet over Spring Creek located 280 feet southwest of the intersection of Spring Lea Drive and Houserville Road. This project should have no direct impact to Spring Creek, which is classified as a HQ-CWF.

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

E56-347. Shaffer Mountain Wind, LLC, One South Broad Street, Philadelphia, PA 19107. To erect an electric generating facility of 30 wind turbines in Shade and Ogle Townships, **Somerset County** and Napier Township, **Bedford County**, United States Army Corps of Engineers, Pittsburgh District (Northeastern extreme of the project: (Ogletown, PA Quadrangle N: 8.6"; W: 13.43", Latitude: 40° 10' 21"; Longitude: 78° 43' 16") to the Southwestern Extreme of the project: (Central City, PA Quadrangle N: 19.8"; W: 11.3", Latitude: 40° 6' 33"; Longitude: 78° 49' 53") portions of the project are also located on the Schellsburg and Windber Quadrangles). The applicant proposes to:

To: construct and maintain a temporary road crossings, a permanent road crossing and an aerial utility line crossing in the Little Dark Shade Creek (CWF) Watershed (0.301 acre of wetland impact, 7 linear feet of stream impact).

To: construct and maintain 14 temporary road crossings and 18 aerial utility line crossings in the Dark Shade Creek (CWF) Watershed (approximately 0.531 acre of wetland impacts, 73 linear feet of stream impacts).

To: construct and maintain one temporary road crossing and three aerial utility line crossings in the Piney Run (EV-CWF) Watershed (Approximately 0.18 acre of wetland impacts and 7 feet of permanent stream impacts).

To: construct and maintain two aerial utility line stream crossings in the Beaverdam Run (EV-CWF) Watershed. (Approximately 0.001 acre of wetland impacts and 7.0 feet of stream impacts).

Total Impacts requested are approximately 94 feet of stream and 1.013 acre of wetland. All for the purpose of erecting and maintaining an electric generating facility consisting of up to 30 wind turbines and appurtenant works.

E65-928. James Shorkey, Courtesy Suzuki, Courtesy Holdings, 13339 Route 30 West, North Huntingdon, PA 15642. To construct culverts and place fill in wetlands in Rostraver Township, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Donora, PA Quadrangle N: 12.5"; W: 10.5", Latitude: 40° 11' 33"; Longitude: 79° 49' 26"). The applicant proposes to construct and maintain a 370' 4' by 5' concrete box culvert, to relocate and maintain approximately 1,040' of stream channel; to construct and maintain an approximately 65 foot long, 60" CMP culvert to replace an existing 24" CMP culvert; to place and maintain fill in approximately 0.072 acre of wetland, to place and maintain fill in approximately 20' of intermittent stream channel, all on UNTs to Pollock Run (WWF). To mitigate for these impacts, the applicant proposes to contribute to the wetland replacement fund and to place riparian plantings along the relocated channel. The project is located between the northbound and southbound lanes and to the west of SR 51.

ENVIRONMENTAL ASSESSMENTS

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

EA36-021: Elizabethtown College, Joe Metro, One Alpha Drive, Elizabethtown, PA 17022, Elizabethtown Borough, Mount Joy Townships, United States Army Corps of Engineers, Baltimore District.

To remove 230 linear feet of an existing 36.0-inch CMP culvert, restore and maintain 230 linear feet of open stream channel in a UNT Conoy Creek (TSF), construct a 16.0-foot wide by 16.0-foot long ford crossing at a point just west of the intersection of Kiwanis Road and College

Avenue for the purpose of improving the stream corridor and increasing the available of "green space" on campus (Elizabethtown, PA Quadrangle Latitude: 40° 9' 9.9" N; Longitude: 76° 35' 26.3" W) in Elizabethtown Borough and Mount Joy Township, **Lancaster County**.

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

EA 250901, Girard Borough, Erie County; 34 Main Street West, Girard, PA 16417, Old Ridge Road Bridge Removal Project, in Girard Borough, Erie County, United States Army Corps of Engineers, Pittsburgh District (Albion, PA Quadrangle N: 41° 59' 38"; W: 80° 19' 34").

The applicant proposes to remove the existing bridge located on Old Ridge Road spanning Elk Creek. The bridge site is located in the southwest portion of Girard Borough approximately 0.1 mile south of US Route 20. The existing bridge consists of a three span concrete arch bridge. Each span is approximately 60 feet with an overall span of 180 feet. The project will destroy and completely remove the bridge deck, the west abutment and the west bridge pier. The east bridge pier shall be

partially removed until it is flush with the shale stream bottom and the east abutment shall be partially removed. A portion of the east abutment stem will be designed to remain in place in order to stabilize the east embankment.

1. Elk Creek is a perennial stream classified as a CWF; MF.

E27-083, Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA. SR 1003, Section B01 Lynch Bridge, in Howe Township, **Forest County**, United States Army Corps of Engineers, Pittsburgh District (Lynch, PA Quadrangle N: 41° 36' 06.3"; W: 79° 02' 58.6").

To remove the existing steel through truss bridge and to construct and maintain a steel girder bridge having two clear, normal spans of 97.5 feet and 96.2 feet and an underclearance of 12 feet across Tionesta Creek approximately 75 feet upstream of the existing bridge on SR 1003, Section B01, Segment 0110, Offset 2852 at its intersection with SR 0666.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following application has been received for 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 Water Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09001	Sealmaster 6853 Ruppsville Road Allentown, PA 18106 Attn: Darrel Stein	Dauphin	Swatara Township	3 ASTs storing pavement sealer	32,000 gallons total

ACTIONS

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0013218 (Industrial Waste)	Tredegar Film Products P. O. Box 160 30 Maple Avenue Marlin, PA 17951-0160	Schuylkill County Norwegian Township	West Branch Schuylkill River 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0009423 (IW)	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537-1177	Bedford County West Providence Township	UNT Johns Branch 11-D	Y
PA0087998 (SEW)	Urban Acres Mobile Home Park 35 Ridge Drive Fleetwood, PA 19522	Berks County Alsace Township	Bernhart Creek 3-C	Y
PA0052396 (IW)	OZ/Gedney Foundry— Shoemakersville 150 Birch Hill Road Shoemakersville, PA 19555	Berks County Perry Township	UNT Schuylkill River 3-B	Y
PA0087912 Amendment #1	Arnold Fuel Oil Company— Mechanicsburg Petroleum Terminal	Cumberland County Silver Spring Township	Drainage swales to Trindle Spring and Hogestown Runs 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0098060 Sewage	Eugene J. Smith, Jr. 106 Chrissy's Crossing Fombell, PA 16123	Beaver County Franklin Township	UNT of Slippery Rock Creek	Y
PA0217921 Sewage	Indiana Investments, Inc. R. D. 2 Box 305 Shelocta, PA 15774	Indiana County Armstrong Township	Walker Run	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217999 Sewage	Jack's Independent Service, Inc. 1121 Wallace Run Road Darlington, PA 16115	Beaver County South Beaver Township	UNT of North Fork Little Beaver Creek	Y
PA0094382 Sewage	Greensburg Salem School District 1 Academy Hill Place Greensburg, PA 15601	Westmoreland County Salem Township	Loyalhanna Lake	Y
PA0090981 Sewage	German Township R. D. 1 Box 287 McClellandtown, PA 15458-0287	Fayette County German Township	UNT of Dunlap Creek	Y
PA0095974 Sewage	Gary McClain P. O. Box 477 Yukon, PA 15698	Westmoreland County Sewickley Township	UNT of Sewickley Creek	Y
PA0042234 Sewage	Kittanning Borough Municipal Authority 300 South McKean Street Kittanning, PA 16201	Armstrong County Kittanning Borough	Allegheny River	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210358	Patricia C. and Robert G. Gabreski 842 Quaker Hill Road Warren, PA 16365	Glade Township Warren County	UNT to Conewango Creek 16-B	Y
PA0239381	Wayne E. Lawson P. O. Box 79 Pittsfield, PA 16340-0079	Deerfield Township Warren County	UNT to Tidioute Creek 16-F	Y
PA0033006	Pymatuning State Park— Jamestown STP 2660 Williamsfield Road Jamestown, PA 16134	West Shenango Township Crawford County	Pymatuning Reservoir (Shenango River) 20-A	Y

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

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

NPDES Permit No. PA0051934, SEW, **Limerick Township**, 529 King Road, P. O. Box 29, Royersford, PA 19468, Limerick Township, **Montgomery County**. The following notice reflects changes to the notice published in the 39 Pa.B. 593 (January 31, 2009): *Pennsylvania Bulletin*.

The permit tee's name shown in the notice is corrected to Limerick Township. The King Road STP was upgraded to include ultraviolet disinfection unit; therefore, the effluent parameter, total residual chlorine, is removed from the permit.

NPDES Permit No. PA0054305, Industrial Waste, **Sunoco Partners Marketing and Terminals, LP**, 525 Fritztown Road, Sinking Spring, PA 19608. This proposed facility is located in West Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater runoff from the terminal to a UNT to Valley Creek in Watershed 3H.

NPDES Permit No. PA0058653, Industrial Waste, **Wyeth Pharmaceuticals**, P. O. Box 8299, Philadelphia, PA 19101-8299. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the discharge of industrial wastewater which consists of noncontact cooling tower blow down into to the Perkiomen Creek in Watershed 3E.

NPDES Permit No. PA0021741, Sewage, **Dublin Borough**, 119 Maple Avenue, P. O. Box 52, Dublin, PA 18917-0052. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Deep Run 2D—Tohicken.

NPDES Permit No. PA0012891, Sewage, **The Upper Hanover Authority**, 1704 Pillsbury Road, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated wastewater from the WWTP into the Perkiomen Creek in Watershed 3E.

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

NPDES Permit No. PA-0046388-A1, Sewage, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: Amendment of NPDES Permit for increased discharge of treated sewage from 0.60 mgd to 2.2 mgd to Nescopeck Creek with nutrient trading language.

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

NPDES Permit No. PA0044521, Amendment No. 1, Sewage, **Franklin County General Authority**, 5121A Coffey Avenue, Chambersburg, PA 17201. This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 13-C.

NPDES Permit No. PA0080314, Amendment No. 1, Sewage, **Hampden Township**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050-3097. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 7-B.

NPDES Permit No. PA0260118, Sewage, **Chesapeake Estates of New Oxford, LLLP**, 585 Martin Road, Gettysburg, PA 17325. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to South Branch Conewago Creek in Watershed 7-F.

NPDES Permit No. PA0010502, Industrial Waste, **Letterkenny Army Depot**, One Overcash Avenue, Building 14, Chambersburg, PA 17201-4150. This proposed facility is located in Green Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 7-B.

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

NPDES Permit No. PA0026824-A1, Sewage, **Clairton Municipal Authority**, One North State Street, Clairton, PA 15025. This existing facility is located in the City of Clairton, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance to amend Part C, page 14f of NPDES permit.

NPDES Permit No. PA0253936, Sewage, **Ferndale Borough**, 109 Station Street, Johnstown, PA 15905. This existing facility is located in Ferndale Borough, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the discharge of combined sewage from combined sewer outfalls.

NPDES Permit No. PA0253812, Sewage, **Glendale Valley Municipal Authority**, 743 Ridge Road, Fallentimber, PA 16639. This proposed facility is located in White Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance authorizing discharge from the sewage treatment plant to receiving waters named Clearfield Creek.

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. 3508402, Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519-9068. This proposed facility is located in Throop Borough, **Lackawanna 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. 0508403, Sewage, **Everett Borough Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537-1177. This proposed facility is located in Everett Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of: one 10' by 20' grit drying bed and four 60' by 50' reed beds and three 60' by 45' reed beds.

WQM Permit No. 0108406, Sewage, **Chesapeake Estates of New Oxford, LLLP**, 585 Martin Road, Gettysburg, PA 17325. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of facilities consisting of: A Biologically Engineered Single Sludge Treatment sewage treatment plant with UV disinfection and a discharge to South Branch Conewago Creek.

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

WQM Permit No. 466S91-A1, Sewerage, **Garrett Borough**, 307 Municipal Road, P. O. Box 218, Garrett, PA 15542. This existing facility is located in Garrett Borough, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewer, pump station and sewage treatment plant.

WQM Permit No. 5608406, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622. This proposed facility is located in Middle Creek Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, pump station and force main.

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

WQM Permit No. WQG018678, Sewerage, **Bradley E. and Donna M. Boleratz**, 13249 Old Route 19, Waterford, PA 16441. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

WQM Permit No. WQG018682, Sewerage, **Matthew J. Gatenby**, 9680 Fry Road, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

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

WQM Permit No. 1508201, Industrial, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Action/Activity: Construction and operation of sludge thickening and mechanical dewatering facility. Reactivation of a terminated outfall structure.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010908012	Solteck Equities, Inc. 703 West Market Street Perkasie, PA 18944	Bucks	Springfield Township	Cooks and Dimple Creeks EV-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808017	Abraham R. Atiyeh 1177 6th Street Whitehall, PA 18052	Northampton	City of Bethlehem	Monocacy 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030608018	John McCloskey 15899 East Kutztown Road Maxatawny, PA 19538	Berks	Maxatawny Township	Schaffer Run HQ-CWF
PAI033608007	Brian M. Landis 364 Fulton View Road Quarryville, PA 17566	Lancaster	Fulton and East Drumore Townships	UNT to Conowingo Creek HQ-CWF
PAI033606007	Leslie and Carol Landis 1225 May Post Office Road Quarryville, PA 17566	Lancaster	Eden Township	Bowery Run HQ-CWF Big Beaver Creek TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408013	Zion Manor Torrion Group, LP 2601 Gateway Drive Suite 175 State College, PA 16801	Centre	Walker Township	UNT to Little Fishing Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041808004	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	Clinton	Lamar Township	UNT to Fishing Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of 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-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Thornbury Township Delaware County	PAG200 2309001	Gerlad B. Baldino 3 Country Run Thornton, PA 19373	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG200 0909012 0909013 0909014 0909015	Township of Falls 188 Lincoln Highway Suite 100 Fairless Hills, PA 19030	UNTs to Martins and Mills Creeks	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG200 0908026	DeLuca Enterprises, Inc. 107 Floral Vale Boulevard Yardley, PA 19067	Curls Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG00 0908059	Sharon VanBastelaar 159 Washington Street Doylestown, PA 18901	Mills Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG200 0908089	SD Real Estate Developers 1835 Sheri Road Bensalem, PA 19020-2427	UNT Neshaminy Creek MF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County	PAG200 0908082	McDonald's USA, LLC 3025 Chemical Road Suite 100 Plymouth Meeting, PA 19462	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG200 4608169	GDL Farms Corporation 3445 Davisville Road Hatboro, PA 19040	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Frederick Township Montgomery County	PAG200 4603016-R	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063	Swamp Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG200 4608179	Traynor Holdings, LLC 578 North Krocks Road Allentown, PA 18106	Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG200 4608093	Western Center for Technical Studies 77 Graterford Road Limerick, PA 19448	Lodal Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Nanticoke Luzerne County	PAG2004008032	City of Nanticoke Attn: Kenneth Johnson 15 East Ridge Street Nanticoke, PA 18634	Nanticoke Creek CWF	Luzerne County Conservation District (570) 674-7991
Washington Township Lehigh County	PAG2003908021	John Sadowski 4267 East Wyndemere Schnecksville, PA 18078	Trout Creek CWF Bertsch Creek CWF	Lehigh County Conservation District (610) 391-9583
Upper Saucon Township Lehigh County	PAG2003904005 (R)	Robert Calabro Lennar Corporation 800 West Main Street Freehold, NJ 07728	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Saville Township Northeast Madison Township Perry County	PAG2035008011	Elite Developers Scott A. Reisinger P. O. Box 11 Loysville, PA 17047	UNT to Bixler Run CWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Bedford Township Bedford County	PAG2000509003	Bedford Township Municipal Authority P. O. Box 371 Bedford, PA 15522	Dunning Creek—UNT to Dunning Creek Imlertown Run—UNT to Imlertown Run Pleasant Valley Run WWF-TSF-CWF	Bedford County Conservation District 702 West Pitt Street Fairlawn Court Suite 4 Bedford, PA 15522 (814) 623-7900
Caernarvon Township Berks County	PAG2000608010	Thomas Hornberger Twin Valley Fire Department P. O. Box 181 25 Hall Street Elverson, PA 19520	Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Upper Bern Township Berks County	PAG2000609009	Gareth Mitchell Kenworth of PA P. O. Box 1922 Carlisle, PA 17013	Wolf Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bethel Township Berks County	PAG2000609004	Robert Wolf 861 Bloody Spring Road Bethel, PA 19507	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Lower Heidelberg Township Berks County	PAG2000608062	Warren Angstadt 661 Church Road Wernersville, PA 19565	Tulpehocken Creek—Little Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Clearfield County Decatur Township	PAG2001708014	Grandview Terrace One, LP P. O. Box 163 Curwensville, PA 16833	UNT to Laurel Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County City of DuBois	PAG2001708015	Robert L. Marshall Stoneridge Properties, LLC 10 Lakeside Avenue DuBois, PA 15801	Juniata Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County Lawrence Township	PAG2001709002	Lawrence Township Board of Supervisors P. O. Box 508 Clearfield, PA 16830	West Branch of Susquehanna River WWF Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clinton County Wayne Township	PAG2001809001	Big Woods Land Company Little Pond and Fryer Tract Development P. O. Box 400 McElhattan, PA 17745	UNT to Susquehanna River CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Beaver County Chippewa Township	PAG2000404007-R	Julian E. Gray PennKo Properties, LLC 2710 20th Street Extension Beaver Falls, PA 15010	Brady's Run TSF	Beaver County Conservation District (724) 378-1701
Indiana County Center Township	PAG2003209001	William A. Waugh Public Safety Academy 85 Haven Drive Indiana, PA 15701	Tearing Run and Two Lick Creek WWF	Indiana County Conservation District (724) 463-8547
Washington County California Borough	PAG2006309009	California Area School District 750 Orchard Street California, PA 15419	UNT to Pike Run TSF Pike Run TSF	Washington County Conservation District (724) 228-6774

*General Permit Type—PAG-3**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clifford Township Susquehanna County	PAR212227	Kochmer Quarries Inc. P. O. Box 4 4 Main Street Clifford, PA 18413-0004	UNT to Dundaff Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*Facility Location:
Municipality &
County*York County
Spring Garden
Township*Permit No.*

PAR233531

*Applicant Name &
Address*Graham Packaging
Company, LP
2401 Pleasant Valley
Road
York, PA 17403*Receiving
Water/Use*Codorus Creek
WWF
7H*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Rayburn Township
Armstrong County

PAR606144

Rupp's Auto Wrecking
247 Clearfield Pike
Kittanning, PA 16201

UNT to Allegheny River

Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Doylestown
Township
Bucks County*Permit No.*

PAG040106

*Applicant Name &
Address*Elizabeth D. Nover
970 Almshouse Road
Warrington, PA 18976*Receiving
Water/Use*UNT to Neshaminy
Creek
Watershed
2F*Contact Office &
Phone No.*Southeast Regional Office
2 East Main Street
Norristown, PA 19401LeBoeuf Township
Erie County

PAG049498

Bradley E. and
Donna M. Boleratz
13249 Old Route 19
Waterford, PA 16441UNT to LeBoeuf Creek
16ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Liberty Township
Mercer County

PAG048840

Jolan L. Smith
497 Liberty Road
Grove City, PA 16127UNT to Black Run
20-CDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942McKean Township
Erie County

PAG049502

Matthew J. Gatenby
9680 Fry Road
McKean, PA 16426UNT to Elk Creek
15DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-7**Facility Location:
Municipality &
County*Fannett Township
Franklin County*Permit No.*PAG070003
PAG070005
PAG073508*Applicant Name &
Address*Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*Jay Hammond Farm
Fannett Township
Franklin County*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Fannett Township
Franklin CountyPAG080002
PAG080003
PAG080004
PAG080006
PAG080008
PAG080018
PAG082201
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083573
PAG083596
PAG083597
PAG083600
PAG083825
PAG089903
PAG089904
PAG089905
PABIG9903Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

Jay Hammond Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Antis Township
Blair CountyPAG083511
PAG083512Altoona City Authority
3172 Route 764
Duncansville, PA
16635-7800

Daniel Hegarty Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-12**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Berks County
Tulpehocken
Township

PAG123608

Irvin Weaver
Wintersville Road Farm
6 Witman Road
Womelsdorf, PA 19567UNT Little Swatara
Creek
CWF
7-DDEP—SCRO
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4802Berks County
Marion Township

PAG123607

Irvin Weaver
Irvin Weaver Home
Farm
6 Witman Road
Womelsdorf, PA 19567UNT Tulpehocken Creek
TSF
3-CDEP—SCRO
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4802Fulton County
Bethel Township

PAG123555

Mark Mosemann
843 Spring Road
Warfordsburg, PA 17267Barnetts Run
CWF
13-BDEP—SCRO
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4802

**STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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 pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
M & M Farms Monte and Mary Edgin 10368 Chester Furnace Road Shirleysburg, PA 17260	Huntingdon	170.6	585.6	Swine	NA	Approved

**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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit 0908503, Public Water Supply.

Applicant	Perkasie Borough Authority 301 North Fifth Street Perkasie, PA 18944
Township	East Rockhill
County	Bucks
Type of Facility	PWS
Consulting Engineer	Anderson Engineering Associates, Inc. 306 North Fifth Street 2nd Floor Perkasie, PA 18944

Permit to Construct Issued January 23, 2008

Permit No. 0908513, Public Water Supply.
 Applicant **Warminster Municipal Authority**
 415 Gibson Avenue
 Warminster, PA 18974
 Township Warminster
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer CKS Engineering, Inc.
 88 South Main Street
 Doylestown, PA 18901

Permit to Construct Issued October 17, 2008

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

Permit No. 3480050, Operations Permit, Public Water Supply.

Applicant **Easton Suburban Water Authority**
 3700 Hartley Avenue
 Easton, PA 18045
 City of Easton
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer Dennis W. Silbaugh, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106

Permit to Operate Issued March 5, 2009

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

Operations Permit issued to **Wernersville Municipal Authority**, 3060076, South Heidelberg Township, **Berks County** on March 12, 2009, for the operation of facilities approved under Construction Permit No. 0608508.

Operations Permit issued to **United States Army Carlisle Barracks**, 7210010, Carlisle Borough, **Cumberland County** on March 12, 2009, for the operation of facilities approved under Construction Permit No. 2108507 MA.

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

Permit No. MA-4496231(A7), Public Water Supply.

Applicant **Dutch Valley Food Company, Inc.**
 Municipality City of Sunbury
 County **Northumberland**
 Type of Facility Bottled water increase in supply
 Consulting Engineer Ralph Lambert, LAR Enterprises
 363 West High Street
 Gettysburg, PA 17325-2694

Permit to Construct Issued March 17, 2009

Operations Permit issued to **Dutch Valley Food Company, Inc.**, P. O. Box 471, Sunbury, PA 17801-0471, (PWSID No. 4496231) City of Sunbury, **Northumberland County** on March 17, 2009, to increase production flow from 60 gpm to 90 gpm from the Sunbury Municipal Authority under Construction Permit No. MA-4496231(A7).

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

Permit No. 6107501, Public Water Supply.

Applicant **Country Acres Personal Care Home, Inc.**
 Township or Borough Cherrytree Township
 County **Venango County**
 Type of Facility Public Water Supply
 Consulting Engineer Steven R. Halmi, P. E.
 Permit to Construct Issued March 5, 2009

Permit No. 2589507-MA1, Public Water Supply.

Applicant **Lovett's Mobile Home Park**
 Township or Borough Washington Township
 County **Erie County**
 Type of Facility Public Water Supply
 Consulting Engineer Steven R. Halmi, P. E.
 Permit to Construct Issued March 11, 2009

Operations Permit issued to **Camp Eriez on the Lake, Inc.**, PWSID No. 6250899, Girard Township, **Erie County**, March 12, 2009. Permit issued for operation of a Culligan ion-exchange nitrate treatment system, as approved under construction permit 2507506, issued April 15, 2008.

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 Pennsylvania 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.

Umbria Street Property, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site groundwater and soil contaminated with inorganic, PAH, PCE, chlorinated solvents and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Vassiliou Residence Tredyffrin Township, **Chester County**. Robert Kleinschmidt, Miller Environmental, Inc., 514 Hartman Run Road, Morgantown, WV 26505 on behalf of Vassiliou Residence, 225 Vassar Circle, Wayne, PA 19087 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

120 Butcher Drive Suite, Lower Providence Township, **Montgomery County**. Michael Welsh, Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355, Robin Gardner, US Environmental, 409 Boot Road, Downingtown, PA 19335 on behalf of Joseph Carbone Newbury Management, 31200 Northwestern Highway, Farmington Hills, MI 48334 has submitted a 90 day Final Report concerning remediation of site soil contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Schroder Residence, Lower Oxford Township, **Chester County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains, Pennsburg, PA 18073, Jon Bernhardt, State Farm, P. O. Box 11, Coatesville, PA 19331 on behalf of Charles Schroder, 109 Hill Lane, Oxford, PA 19363 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Turnpike Valley Forge Service Plaza, Tredyffrin Township, **Chester County**. James Mulry, Mulry and

Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 on behalf of Martin Liebhart, Sunoco, Inc. (R&M), 350 Eagleview Boulevard, Suite 300, Exton, PA 19341 has submitted a 90 day Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

120 Turtle Center, Bensalem Township, **Bucks County**. James Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Milus Property, 400 Ben Titus Road, Rush Township, **Schuylkill County**. The property owner, Eugene A. Milus, 6615 Huntsville Road, Fayetteville, AR 72701 has submitted a Final Report, concerning the remediation of soil found to have been impacted by home heating oil as a result of an accidental release from an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Stackpole Center Southwest Area (Stackpole Center Industrial Subdivision—Southwest Area), City of St. Marys, **Elk County**. Hydrosystems Management, Inc., 331 South Main Street, Suite 109, Washington, PA 45301-6367 on behalf of EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Remedial Investigation Report concerning remediation of site soil and site groundwater contaminated with arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, SVOCs, PCBs, arochlors and VOCs. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Stackpole Center Southwest (Stackpole Center Industrial Subdivision—Southwest Area), City of St. Marys, **Elk County**. RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 on behalf of EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland ME 04101 has submitted a Risk Assessment Report concerning remediation of site soil and site groundwater contaminated with arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, SOVs, PCB, arochlors and VOCs. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Deer Head Inn, Spring Creek Township, **Warren County**. AECOM Environment, Four Gateway Center, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222-1220, on behalf of XL Insurance, 505 Eagleview Boulevard, Exton, PA 19341 has submitted a Final Report concerning remediation of site soil contaminated with benzene, cumene, ethyl benzene, methyl tert-butyl ether (MTBE), naphthalene, toluene, xylenes (total) and site groundwater contaminated with benzene, cumene, ethyl benzene, MTBE, naphthalene, toluene, xylenes (total). The Report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania 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.

Sunoco Products Downingtown, East Caln Township, **Chester County**. Gerald Kirkpatrick, 1140 Valley Forge Road, Valley Forge, PA 19482, Peter D. Uhlman,

River Station, LP, 3217 Phoenixville Pike, Malvern, PA 19355 on behalf of E. Ragland Coxe, Sonoco Products Company, 1 North Second Street, Hartsville, SC 29550 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with solvents. The Remedial Investigation Report was approved by the Department of Environmental Protection on March 11, 2009.

Keystone Discount Tire, Rockledge Borough, **Montgomery County**. John Forsyth, Mid Atlantic Associates, Inc., 271 Bethlehem Pike, Colmar, PA 18915 on behalf of Lee Gottsman, Lee Rob, LLC, 120 Pocasset Road, Philadelphia, PA 19115 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil and chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 10, 2009

Warren J. Thomas Estate, Upper Moreland Township, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Valerie Thomas, Estate of Warren J. Thomas, 11511 113th Street, Unit 36A, Largo, FL 33778 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 11, 2009.

401 Monastery Avenue, City of Philadelphia, **Philadelphia County**. Brenda MacPhail, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Laura Boylan, 410 Monastery Avenue, Philadelphia, PA 19128 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 7, 2009.

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

Goulds Pumps Ashland Foundry, Ashland and Butler Townships, **Schuylkill County**. ENSR, Corp., 2 Technology Park Drive, Westford, MA 01886 submitted a Remedial Investigation Report / Final Report (on behalf of their client, ITT Goulds Pumps, 500 East Centre Street, Ashland, PA 17921), concerning the remediation of soils and groundwater found to have been impacted by petroleum constituents and metals. The report documented attainment of the Site-Specific Standard for soils and groundwater with regard to metals and the Nonresidential Statewide Health Standard for soils and groundwater with regard to the remaining petroleum related constituents. The report was approved on March 5, 2009.

Reedy Property, 43 King Fisher Drive, Barry Township, **Schuylkill County**. David Crowther, BlackRock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064 submitted a Final Report for Soil (on behalf of his client, Lawrence Reedy, 43 King Fisher Drive, Ashland, PA 17921), concerning the remediation of soils found to have been impacted by kerosene as a result of an accidental release from a 275-gallon aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on March 12, 2009.

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

Brookwood Street Property, City of Harrisburg, **Dauphin County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Brookwood Ventures, LP, 17480 Dallas Parkway, Suite 100, Dallas, TX 75287 and Harrisburg Builders, Inc., 112 Nagle Street, Harrisburg, PA 17104, submitted a Remedial Investigation Report and Final Report concerning site soils and groundwater contaminated by petroleum products, metals and VOCs from historical industrial activities. These reports demonstrated attainment of a combination of the Nonresidential Statewide Health and Site-Specific Standards and were approved by the Department of Environmental Protection on March 9, 2009.

Lewis's Cleaners, Manchester Township and North York Borough, **York County**. BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Northgate Associates, 146 Pine Grove Circle, Suite 100, York, PA 17403, submitted a remedial investigation report concerning site groundwater contaminated with chlorinated solvents. The report was disapproved by the Department of Environmental Protection on March 16, 2009. The applicant intends to remediate the site to a combination of the Site-Specific and Statewide Health Standards.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

WSI Sandy Run Landfill, Broad Top Township, **Bedford County**, Permit No. 101538. This is a permit renewal to Solid Waste Permit No. 101538 for the operation of Sandy Run Landfill, issued in accordance with Article V of the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003). The Department of Environmental Protection approves a permit renewal for Sandy Run Landfill.

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 101695. Ag-Lime Processing, LLC, 7146 Furnace Road, Mifflinburg, PA 17844. The application for the proposed Ag Lime Biosolids Processing Facility, located in Buffalo Township, **Union County**, was denied on March 3, 2009, by the Williamsport Regional Office.

Comments concerning the denial should be directed to James Miller, Environmental Program Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit denial may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300720. Cheswick Ash Disposal Site, 121 Champion Way, Suite 200, Canonsburg, PA 15317. Operation of a residual waste landfill in Indiana Township, **Allegheny County**. Permit modification issued in the Regional Office on March 16, 2009.

General Permit ID No. WMGM019SW001. Wood Waste Recycling, LLC, 111 Bridge Street, Burgettstown, PA 15021. Wood Waste Recycling Center, 111 Kelso Road, McDonald, PA 15057. Processing of concrete and asphalt waste, leaf and yard waste, wood waste and soil for beneficial use as: (1) construction material and (2) topsoil and mulch for commercial purposes. Permit issued in the Regional Office on March 16, 2009.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP14-23-0122. Pagano Funeral Home, Inc. (3711 Foulk Road, Garnet Valley, PA 19061) on March 17, 2009, to construct a human crematory under GP-14 for their funeral home in Bethel Township, **Delaware County**.

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

GP9-67-03157: United Natural Foods, Inc. (225 Cross Farm Lane, York, PA 17406) on March 11, 2009, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Conewago Township, **York County**.

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

GP11-59-01: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on March 12, 2009, to operate a 425 brake horsepower diesel-fired engine under the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) in Lawrence and Tioga Townships, **Tioga County**.

GP3-59-04: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on March 12, 2009, to construct and operate a portable nonmetallic mineral processing plant and associated water spray dust suppression system under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the EWR mining site (Plant No. 20) in Lawrence and Tioga Townships, **Tioga County**.

GP14-19-01: Columbia Montour Crematory (745 Market Street, Bloomsburg, PA 17815) on March 13,

2009, to operate a human crematory under the General Plan Approval and General Operating Permit for Human Crematories (BAQ-GPA/GP-14) in the Town of Bloomsburg, **Columbia County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

06-05002H: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522-8541) on March 9, 2009, to install Selective Non-Catalytic Reduction control system on each of the Portland cement kilns at their Evansville Plant in Maiden creek Township, **Berks County**.

06-05069K: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on March 10, 2009, to construct a lead-acid storage battery manufacturing plant including six lead oxide mills in Richmond Township, **Berks County**. This plan approval is extended.

06-05069P: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on March 13, 2009, to construct two heat sealing operations controlled by fiberglass mist eliminators in Richmond Township, **Berks County**.

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

25-326A: Foamex, LP (466 South Shady Avenue, Corry, PA 16407) on March 11, 2009, to install a polyurethane foam dip coating line at their facility in the City of Corry, **Erie County**. This is a Title V facility.

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.

09-0107: Oldcastle Retail Inc., d/b/a Bonsal American (1214 Hayes Boulevard, Bristol, PA 19007) on March 10, 2009, to operate a baghouse in Bristol Township, **Bucks County**.

09-0196: Abington Reldan Metal, LLC (4924 Wellington Street, Philadelphia, PA 19135) on March 10, 2009, to operate several thermal destructors in Falls Township, **Bucks County**.

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

36-05142A: Mars Snackfood US (295 Brown Street, Elizabethtown, PA 17022-2127) on January 26, 2009, to install a new roasting system at their candy manufacturing facility in Elizabethtown Borough, **Lancaster County**. This plan approval was extended.

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

53-399-088: PA Pellets, LLC (705 South Main Street, Coudersport, PA 16915) on March 17, 2009, to operate a wood-fired rotary wood chip dryer and associated air cleaning device (a multiclone collector), two pellet mills, a hammermill and associated air cleaning device (a fabric collector), a pellet cooler and associated air cleaning device (a cyclone collector), two dried wood chip storage bins and one wood pellet storage bin on a temporary basis until September 13, 2009, in Ulysses Borough, **Potter County**. The plan approval has been extended.

Title V Operating Permits Issued 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, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05029: Reading Truck Body, Inc. (P. O. Box 650, Reading, PA 19607-0650) on March 10, 2009, to operate a heavy duty truck manufacturing facility in the City of Reading, **Berks County**. This is a renewal of the Title V Operating Permit.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

35-00045: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on March 16, 2009, to reissue a State-only (Synthetic Minor) Operating Permit for operation of a rock crushing operation and batch asphalt plant with associated air cleaning devices at their Daleville Quarry in Covington Township, **Lackawanna County**.

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

06-03087: Arkema, Inc. (1112 Lincoln Road, Birdsboro, PA 19508) on March 10, 2009, to operate their nylon polymer manufacturing facility in Exeter Township, **Berks County**. This is a renewal of the State-only operating permit.

06-05047: Bradley Specialties Corp. (P. O. Box 436, Shartlesville Industrial Park, Shartlesville, PA 19554-0436) on March 12, 2009, to operate a fiberglass fabrication facility in Upper Bern Township, **Berks 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.

25-00591: Seaway Manufacturing Corp.—Erie (2250 East 33rd Street, Erie, PA 16510-2556) on March 10, 2009, the Department re-issued the referenced permit for this manufacturer of windows, doors, and enclosures, in the City of Erie, **Erie County**. This facility is subject to permitting because of their surface coating operations.

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.

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

14-00034: Jostens, Inc. (401 North Science Park Road, State College, PA 16803) on March 12, 2009, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to revise a permit to include the construction and operation of a new printing press and the use of associated materials. A permit condition will also be revised to incorporate the use of new inks and to increase the allowable throughput for roller cleaner in an existing printing press in Ferguson Township, **Centre County**.

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

32-00230: Texas Eastern Transmission, LP (2601 Market Place, Suite 400, Harrisburg, PA 17110) on March 12, 2009, the State-only operating permit was administratively amended to change permit contact information and correct a typographical error made by the Department of Environmental Protection for the Armagh Compressor Station in West Wheatfield Township, **Indiana County**.

32-00385: CQ Hardwood Finishers, LLC (28 Kendall Road, Blairsville, PA 15717) on March 12, 2009, the State-only operating permit was administratively amended to change responsible official and permit contact information for the CQ Hardwood Finishers Plant located in West Wheatfield Township, **Indiana County**.

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

20-00268: Tedes Co. (614 Baldwin Street, Meadville, PA 16335) on March 12, 2009, a minor modification of the State-only Operating Permit for their crematory in the City of Meadville, **Crawford County**. The facility is a Natural Minor. The facility proposed to add pet cremation to the existing human crematory. The modification will not result in any increase of emissions. The facility will continue to operate in accordance with the current restrictions for the human crematory.

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

V06-005: Exelon Generation Co.—Richmond Generating Station (3901 North Delaware Avenue, Philadelphia, PA 19137) administratively amended on March 17, 2009, to change contact information. The Title V Operating Permit was originally issued on August 1, 2006.

V05-001: Exelon Generation Co.—Southwark Generating Station (2501 South Delaware Avenue, Philadelphia, PA 19148) administratively amended on March 17, 2009, to change contact information in the City of Philadelphia, **Philadelphia County**. The Title V Operating Permit was originally issued on December 16, 2005.

V06-013: Exelon Generating Co.—Delaware Station (1325 North Beach Street, Philadelphia, PA 19125) administratively amended on March 17, 2009, to change contact information in the City of Philadelphia, **Philadelphia County**. The Title V Operating Permit was originally issued on July 11, 2007.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00087: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on March 17, 2009, to revoke a State-only operating permit issued December 2006 for their chemical plant in Falls Township, **Bucks County**.

09-0087E: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on March 17, 2009, to revoke a plan approval issued June 2006 for the production of silicon tetrafluoride in Falls Township, **Bucks County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson and Gilmore Townships, **Greene County** to add acreage for longwall mining and perform stream restoration as may be necessary to alleviate subsidence pooling impacts to Blockhouse Run and UNT 41821 to Blockhouse Run in seven areas bound by the following points on the Holbrook USGS Quad, N: 3 inches; W: 11.5 inches; to N: 5 inches; W: 14.7 inches to N: 6.0 inches; W: 13.7 inches and to Roberts Run in four areas bound by the following points on the same USGS Quad, N: 3.2 inches; W: 15.0 inches to N: 1.3 inches; W: 11.9 inches. Underground Acres Proposed 3852.17, Subsidence Control Plan Acres Proposed 3171.55. No additional discharges. Application received August 24, 2007. Permit issued March 16, 2009

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

33070101. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Revision to add a stream encroachment to mine within 100 feet of UNT No. 1 to Hadden Run in Oliver Township, **Jefferson County**.

Receiving streams: UNT to Hadden Run. Application received November 17, 2008. Permit issued March 11, 2009.

10930111 and NPDES Permit No. PA0211834. JMW Enterprises, Inc. (P. O. Box 312, Bridgeville, PA 15017) Renewal of an existing bituminous strip and auger operation in Washington Township, **Butler County** affecting 115.5 acres. Receiving streams: UNT to South Branch Slippery Rock Creek. Application received September 24, 2008. Permit issued March 11, 2009.

Noncoal Permits Actions

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

3076SM13. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) Renewal of NPDES Permit No. PA0212083 in New Vernon and Lake Townships, **Mercer County**. Receiving streams: Little Shenango River. Application received January 20, 2009. Permit issued March 9, 2009.

4379306. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) Renewal of NPDES Permit No. PA0118699 in Lake Township, **Mercer County**. Receiving streams: UNT to Little Shenango River. Application received: January 20, 2009. Permit issued March 9, 2009.

20082804. Larry G. Temple (228 Georgetown Road, Hadley, PA 16130) Commencement, operation and restoration of a small sand and gravel operation in East Mead Township, **Crawford County** affecting 5.0 acres. Receiving streams: UNT to Little Sugar Creek. Application received October 23, 2008. Permit issued March 11, 2009.

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

58080831. Peter Hart, Inc., (R. R. 2, Box 66 C, Wyalusing, PA 18853), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 2.5 acres, receiving stream: none. Application received May 2, 2008. Permit issued March 12, 2009.

58080843. Arthur Trecoske, (R. R. 3, Box 344, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received July 3, 2008. Permit issued March 12, 2009.

6275SM2C10 and NPDES Permit No. PA0594539. Hanson Aggregates Pennsylvania, Inc., (7660 Imperial Way, Suite A103, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Limestone and Liberty Townships, **Montour County**, receiving streams: UNT to Chillisquaque Creek and Chillisquaque Creek. Application received January 23, 2009. Renewal issued March 13, 2009.

58082813. Edward Greene, III, (R. R. 3, Box 217 A3, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 1, 2008. Permit issued March 16, 2009.

58082814. Edward Greene, III, (R. R. 3, Box 217 A3, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 1, 2008. Permit issued March 16, 2009.

64080301 and NPDES Permit No. PA0224693. Reading Materials, Inc., (P. O. Box 1467, Skippack, PA 19474), commencement, operation and restoration of a quarry operation in Palmyra Township, **Wayne County** affecting 79.2 acres, receiving stream: tributary to Lake Wallenpaupack. Application received April 21, 2008. Permit issued March 16, 2009.

35082801. Joseph G. Virbitsky, (P. O. Box 223, Jermyn, PA 18433), commencement, operation and restoration of a quarry operation in Mayfield Township, **Lackawanna County** affecting 5.0 acres, receiving stream: none. Application received November 5, 2008. Permit issued March 16, 2009.

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.

28094013. Geological Tech, Inc., P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is February 27, 2010. Permit issued March 2, 2009.

21094107. J. Roys, Inc., P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for utility development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is February 5, 2010. Permit issued March 3, 2009.

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

30094001. Dominic Bell (6428 North Saltillo Bono Road, Campbellsburg, IN 47108). Blasting activity permit for construction of a water intake pipeline to Dunkard Creek, located in Dunkard Township, **Greene County**. The expected duration of blasting is 90 days. Permit issued: March 12, 2009.

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

38094102. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Beckley's Corner Estates in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2010. Permit issued March 9, 2009.

39094103. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cedar Hill Cemetery in Hanover Township, **Lehigh County** with an expiration date of April 30, 2010. Permit issued March 9, 2009.

46094106. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for utilities on Allentown Road in Franconia Township, **Montgomery County** with an expiration date of March 3, 2010. Permit issued March 9, 2009.

64094001. John Brainard, (2978 SR 2073, Kingsley, PA 18826), construction blasting for the Joe Torch Quarry

(SMP No. 64020809) Reclamation in Scott Township, **Wayne County** with an expiration date of March 31, 2009. Permit issued March 11, 2009.

36094108. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Leacock Township, **Lancaster County** with an expiration date of April 30, 2009. Permit issued March 11, 2009.

36094109. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a manure storage pit in Salisbury Township, **Lancaster County** with an expiration date of June 30, 2009. Permit issued March 11, 2009.

22094103. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Hummelstown Cemetery in Hummelstown Borough, **Dauphin County** with an expiration date of March 11, 2011. Permit issued March 13, 2009.

22094104. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Brickyard of Edgewater in Londonderry Township and Royalton Borough, **Dauphin County** with an expiration date of March 30, 2010. Permit issued March 13, 2009.

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office: Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E58-282. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Jessup Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing temporary structure and to construct and maintain a single-span prestressed concrete spread box beam bridge, having a clear normal span of 108 feet and a maximum underclearance of 12.3 feet, across East Branch Wyalusing Creek (CWF). The previous flood damage structure was removed and a temporary MAYBE bridge was constructed in November 2006 under Emergency Permit EP58064168. The project is located along SR 3027 (Fairdale Road), Section 571, Segment 0060, just southeast of the intersection of SR 3027 and SR 706 (Montrose West, PA Quadrangle Latitude: 41° 47' 57"; Longitude: 75° 58' 41").

E40-691. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Luzerne and Pringle Boroughs, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span prestressed concrete box beam bridge, having a clear span of 59 feet and a minimum underclearance of 10 feet, across Toby Creek (TSF). The project is located on SR 1054 (Evans Street), Section 370, Segment 0010 (Kingston, PA Quadrangle Latitude: 41° 16' 51"; Longitude: 75° 53' 44").

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

E67-860: Catholic Diocese of Harrisburg, Manchester Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To install and maintain: 1) a 10.0-inch sanitary sewer line crossing in a UNT to Little Conewago Creek (TSF) and associate PEM/PFO wetlands; and 2) a 10.0-inch sanitary sewer line crossing in a UNT to Little Conewago Creek for the purpose of constructing a 65-unit residential subdivision. The project will temporarily impact 0.04 acre of PEM/PFO wetlands and approximately 36.0 linear feet of stream channel. The project is located between the existing Holy Savior Cemetery and the south side of Raintree Road (Dover, PA Quadrangle N: 6.2 inches; W: 0.75 inch, Latitude: 40° 1' 57.9" N; Longitude: 76° 45' 21.1" W) in Manchester Township, York County.

E05-348: Bedford Borough Municipal Authority, 244 West Penn Street, Bedford, PA 15522, Waste Water Treatment Plant along Shobers Run, Bedford Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To rehabilitate the existing sewage treatment plant by removing the existing aeration tanks, chlorine tanks, sequencing batch reactor (SBR) tanks, and related pipings and then to construct and maintain 4 units of 60-foot diameter SBR tanks, 25-foot by 40-foot headworks building, 50-foot by 50-foot biofilter building, 28-foot by 40-foot SBR control building, 36-foot by 40-foot UV building, and related pipings in order to upgrade the condition located along the floodplain of Shobers Run (HQ-CWF-TSF) at the east end of John Street (Everett West, PA Quadrangle N: 3.0 inches; W: 16.40 inches, Latitude: 40° 00' 59"; Longitude: 78° 29' 32") in Bedford Township, Bedford County.

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

E63-613. Washington County Bridge Department, Courthouse Square, 100 West Beau Street, Suite 701, Washington, PA 15301. To remove and construct a box beam bridge in Canton Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Washington West, PA Quadrangle N: 8.4 inches; W: 3.7 inches, Latitude 40° 10' 15"; Longitude 80° 6' 36"). To remove the existing T-390, two lane, two span, each span 24.4 ft long, 28.6 ft width, steel girder bridge having an average underclearance of 7.8 ft over Chartiers Creek (WWF); and to construct and maintain a two lane, single 53.7 ft span, 33.4 ft width, replacement concrete box beam bridge, with a underclearance of 8.2 ft.

E65-918. DeCesare Corporation, 4241 William Penn Highway, Suite 300, Murrysville, PA 15668. To maintain existing fill in a floodway in Murrysville, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Murrysville, PA Quadrangle N: 11.5 inches; W: 1.5 inches, Latitude: 40° 26' 14.9"; Longitude: 79° 38' 12").

To maintain the existing fill in approximately 500 linear feet of stream channel, place fill in approximately 100 feet of stream channel, maintain existing rip-rap in approximately 40 linear feet of stream bank, to remove rip-rap from approximately 40 linear feet of stream bed, and to install and maintain various outfall structures for the discharge of storm water all along Steels Run (HQ-CWF) for the purpose of constructing a housing development.

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

E33-233. Department of Transportation, District 10-0, SR 0119, Section 551, in Punxsutawney Borough, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Punxsutawney, PA Quadrangle N: 40° 56' 24.7"; W: 78° 58' 51.4").

To fill a total of 0.41 acre of wetland (PEM) associated with the removal of the existing bridge over the abandoned rail line and construction of earth fill embankment as part of the reconstruction and widening for a truck climbing lane on the hill on SR 0119, Section 551

extending south from the bridge across Mahoning Creek approximately 1,600 feet. Project proposes to deduct 0.41 acre from Department of Transportation's Jefferson County Advance Wetland Mitigation Bank

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D53-057A. Potter County Commissioners (c/o Chief Clerk, One East Second Street, Room 22, Coudersport, PA 16915-1690) To modify, operate and maintain North Fork Dam (NRCS Dam No. PA-406) across White Branch North Fork (WWF), impacting 0 acres of wetlands and 200 feet of stream, and providing 0 acres of wetland mitigation, for the purpose of meeting current dam safety standards (Harrison Valley, PA-NY Quadrangle N: 21.8 inches; W: 13.8 inches) in Harrison Township, **Potter County**. The proposed modifications and improvements include: (1) raising the top of dam by approximately 6.5 feet; (2) constructing an auxiliary spillway lined with roller-compacted concrete; (3) flattening the downstream embankment slope; and (4) improving the primary outlet by extending the existing pipe, adding filter drains, and constructing a reinforced-concrete impact basin. North Fork Dam is an existing structure that was constructed in 1960 for the purpose of flood prevention.

D52-004A. Westcolang Lake Dam, Westcolang Lake Association, c/o Rolf Naumann, 113 Bay Center Circle, Hawley, PA 18428. To modify, operate and maintain the Westcolang Lake Dam across Westcolang Creek (HQ-CWF), with no proposed impacts to wetlands or the stream channel, for the purpose of rehabilitating the existing dam and increasing spillway capacity to ensure compliance with Commonwealth Regulations (Narrowsburg, PA Quadrangle N: 2.0 inches; W: 5.3 inches) in Lackawaxen Township, **Pike County**.

D45-291. Pleasant Valley Estates Dam, Pleasant Valley Estates Civic Association, Inc., c/o Thomas Milewski, R. R. 4, Box 4336, Kunkletown, PA 18058. To reconstruct, operate and maintain the Pleasant Valley Estates Dam across a tributary to Jonas Creek (EV), impacting 0.01 acre of wetlands (PEM) with no proposed impacts to the stream channel, for the purpose of reconstructing the previously breached dam in order to restore the approximate 6-acre recreational lake (Pohopoco Mountain, PA Quadrangle N: 15.2 inches; W: 1.7 inches) in Polk Township, **Monroe County**.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control (ESCP) Permits have been issued.

Any person aggrieved by these actions may appeal, UNDER section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T 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 to

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 decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, they may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

ESCP 0809809	Chief Oil and Gas, LLC Jason deWolfe 6051 Wallace Road Ext. Suite 210 Wexford, PA 15090	Bradford	West Burlington Township	UNT to North Branch Towanda Creek CWF
ESCP 0808803	Rex Energy Corp. 476 Rolling Ridge Drive Suite 300 State College, PA 16801	Clearfield	Girard and Goshen Townships	Little Trout Run HQ-CWF Surveyor Run CWF Little Deer Creek CWF

SPECIAL NOTICES

CATEGORICAL EXCLUSION

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

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Greater Hazleton Joint Sewer Authority	P. O. Box 651 Hazleton, PA 18201	Borough of West Hazleton	Luzerne

Description: The Pennsylvania Infrastructure Investment Authority (Authority), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Greater Hazleton Joint Sewer Authority proposes to upgrade its 8.92 mgd wastewater treatment facility to comply with the biological nutrient reduction (BNR) requirements imposed on the Authority as a result of the implementation of the Chesapeake Bay Tributary Strategy. The facility's existing treatment process will be converted to a tertiary treatment process to meet the more stringent total nitrogen and total phosphorus effluent discharge and loading limits. The proposed project will not increase the NPDES permitted discharge flow from the Authority's wastewater treatment facility. The proposed project also includes the rehabilitation of the Authority's four existing pumping stations, commonly known as the Gashouse, Locust Street, Diamond Avenue and Cranberry Pumping Stations. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Mountaintop Area Joint Sanitary Authority	290 Morio Drive Mountain Top, PA 18703	Dorrance Township	Luzerne

Description: The Pennsylvania Infrastructure Investment Authority (Authority), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Mountaintop Area Joint Sanitary Authority proposes to construct a three million gallon above-grade, metal framed, glass lined equalization tank at its existing wastewater treatment facility located in Dorrance Township, Luzerne County. The tank, along with wastewater piping utilized in the treatment process, is being constructed to address an identified design issue in the Authority's previously completed biological nutrient reduction project at its wastewater treatment facility. The proposed project will enable the wastewater treatment facility to better manage wastewater flows received at the facility during peak, wet-weather flow periods. The proposed project will not increase the NPDES permitted discharge flow from the Authority's wastewater treatment facility. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 09-574. Filed for public inspection March 27, 2009, 9:00 a.m.]

Bid Opportunity

AMD 26(0429)102.1, Acid Mine Drainage Abatement Project, Melcroft, Saltlick Township, Fayette County. The principal items of work and approximate quantities include 675 linear feet of subsurface underdrain, 2,420 square yards rock lining with filter material, dewatering and cleaning existing collection pond, 360 linear feet of 12 inch smooth interior corrugated polyethylene pipe, 40 linear feet 18 inch smooth interior corrugated polyethylene pipe, 50 linear feet of 36 inch smooth interior corrugated polyethylene pipe, 21,080 cubic yards of grading, 16,255 square yards of EDPM impervious lining, 4,300 ton of AASHTO No. 1, 450 ton of AASHTO No. 57, 480 ton of r-3 rock, 3,500 linear feet of 6 inch pvc pipe including fittings, 3,100 linear feet of 12 inch pvc pipe including fittings, 14 each of 12 inch gate valve and access box, 3 each of in-line level control structures, 1 each of inlet level control structures, 1 each of pressure treated timber structure, r-3 stone, 60 linear feet of corrugated polyethylene pipe, 3,350 cubic yards of spent mushroom substrate, wetland plant material, 125 linear feet of wetland distribution pipe, 700 linear feet of settling pond baffles, 120 linear feet of single faced concrete barrier, 2 each of fabricated stop log system, 1,800 linear feet of split rail fence, 3,460 linear feet of walking path, 8 acres of seeding, 2,150 tree seedlings and 1 each of flow meter and storage box. This project issues on March 27, 2009, and bids will be opened on April 23, 2009, 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 for more information on this bid.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-575. Filed for public inspection March 27, 2009, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program

The Department of Environmental Protection (Department) provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken in relation to the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID No. 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through March 13, 2009.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed. First, the credit or offset proposal must be approved, second, it must be verified and third, it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. All of the proposals, certifications and registrations described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified, and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 66 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 44 have been approved, two are in review, one has been withdrawn and the remaining need additional clarification prior to certification.

Proposals under Review

The following proposals are being reviewed by the Department. Comments will be received on these projects for 30 days.

Proposal Applicant

1. Lancaster County Conservation District

Proposal Description

Nitrogen and Phosphorus credits to be generated by exporting poultry manure from Lancaster to a location outside of the watershed.

Certifications:

<i>Applicant and proposal description</i>	<i>Nitrogen Credits</i>	<i>Phosphorus Credits</i>
1. Chesapeake Nutrient Management LLC: credits to be generated by exporting poultry manure from Lancaster to a location outside of the watershed.	502,350	62,850

Verifications and Registrations:

To date, there are no verifications and registrations.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-576. Filed for public inspection March 27, 2009, 9:00 a.m.]

State Water Plan Notice of Approval and Adoption

In accordance with 27 Pa.C.S. Chapter 31 (relating to water resources planning), the Acting Secretary of the Department of Environmental Protection (Department), John Hanger, provides notice of approval and adoption of the Pennsylvania State Water Plan.

A draft of the State Water Plan (plan), including its regional plan components, was made available to the public in August of 2008. Six public meetings and hearings were held across this Commonwealth to collect input on the Plan. Public comments were accepted through September 30, 2008.

The six Water Resource Regional Committees formally approved the regional plan components at their public meetings in November 2008. The Statewide Water Resources Committee incorporated the regional components and approved and recommended the Plan to the Acting Secretary of the Department on December 18, 2008.

The Pennsylvania State Water Plan is available on the Department's web site at www.dep.state.pa.us, Keyword "Water Resources."

Questions concerning this announcement should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785 or laumohr@state.pa.us.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-577. Filed for public inspection March 27, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH**Application of Blue Bell Ambulatory Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Blue Bell Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

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.

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 Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-578. Filed for public inspection March 27, 2009, 9:00 a.m.]

Application of Carlisle Outpatient Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Outpatient Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 551.21(d)(2) and 569.35 (relating to criteria for ambulatory surgery; and 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.

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 Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-579. Filed for public inspection March 27, 2009, 9:00 a.m.]

Application of Carlisle Outpatient Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Outpatient Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 559.1 and 563.2(b) (relating to nursing department; and organization and staffing).

This facility has also requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.7-5.2.2.2 (relating to ceiling finishes).

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.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-580. Filed for public inspection March 27, 2009, 9:00 a.m.]

Application of Elk Regional Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-2.1.7.5 (relating to soiled holding room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-581. Filed for public inspection March 27, 2009, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Chambersburg Hospital
Jennersville Regional Hospital
Memorial Hospital
Roxborough Memorial Hospital
Saint Vincent Health Center
The Washington Hospital
Waynesboro Hospital
York Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-582. Filed for public inspection March 27, 2009, 9:00 a.m.]

Application of Main Line Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Surgery Center has requested an exception to the requirements of 28 Pa. Code § 153.1

(relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.4.2 (relating to stepdown recovery room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-583. Filed for public inspection March 27, 2009, 9:00 a.m.]

Application of Northwood Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Northwood Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

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.

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 Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-584. Filed for public inspection March 27, 2009, 9:00 a.m.]

Application of UPMC Mercy South Side Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy South Side Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 555.2 and 555.3 (relating to principle; medical staff membership; and requirements for membership and privileges).

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.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-585. Filed for public inspection March 27, 2009, 9:00 a.m.]

Health Policy Board Annual Meeting Schedule for 2009

The Health Policy Board has set its calendar for the year 2009. The meeting dates are scheduled as follows:

June 17, 2009
September 16, 2009
December 16, 2009

Meetings will begin at 10 a.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

These meetings are subject to cancellation without notice.

For additional information or for persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Linda Pavlesich at (717) 772-5298 V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-586. Filed for public inspection March 27, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Disproportionate Share Payments for Critical Access Hospitals and Qualifying Rural Hospitals

The Department of Public Welfare (Department) is announcing its intent to establish an additional class of disproportionate share hospital (DSH) payments for qualifying hospitals based on the designation as a Critical Access Hospital (CAH) or as a qualifying rural hospital.

The Commonwealth is dedicated to ensuring the availability of quality care to recipients in rural areas across this Commonwealth. To maintain the system for rural health services, the Department will establish this additional class of DSH payments for CAHs and qualifying rural hospitals.

The Department will consider hospitals that have been designated as a CAH to be eligible for this additional class of DSH payments. CAHs are defined as any hospital that has qualified under section 1861(mm)(1) of the Social Security Act (42 U.S.C. § 1395x(mm)(1)) (relating to definitions) as a "critical access hospital" under Medicare. The Department will distribute payments to CAHs to reimburse at 101% of the allowable inpatient and outpatient Medical Assistance (MA) costs for services provided to eligible MA recipients, after deducting all other MA payments, including payments for services rendered, DSH payments or other supplemental payments.

The Department will distribute any remaining program funds to rural hospitals that are an acute care general hospital that is licensed as a hospital under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), and meets all of the following:

- (a) Located in a county of the 6th, 7th or 8th class that has no more than two MA-enrolled acute care general hospitals.
- (b) Located in a county that has greater than 17% of its population that are eligible for MA or has greater than 10,000 persons eligible for MA.
- (c) Has no more than 200 licensed and staffed beds.
- (d) Does not qualify as a CAH under section 1861(mm)(1) of the Social Security Act (42 U.S.C. § 1395x(mm)(1)).

The Department will distribute any remaining funds to qualifying rural hospitals as follows:

- (a) 50% will be shared equally among the eligible hospitals.
- (b) 50% will be distributed based on each hospital's percent of total MA Fee-for-Service discharges compared to all eligible hospitals total MA Fee-for-Service discharges.

Fiscal Impact

The Fiscal Year 2008-2009 fiscal impact, as a result of this additional class of DSH payments is \$10.748 million (\$4.888 million in State General Funds and \$5.860 million in Federal Funds upon approval by the Centers for Medicare and Medicaid Services).

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 Building, 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 Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-589. (1) General Fund; (2) Implementing Year 2008-09 is \$4.888 M; (3) 1st Succeeding Year 2009-10 is \$0.000 M; 2nd Succeeding Year 2010-11 is \$0.00 M; 3rd Succeeding Year 2011-12 is \$0.000 M; 4th Succeeding Year 2012-13 is \$0.000 M; 5th Succeeding Year 2013-14 is \$ 0.000; (4) 2007-08 Program—\$0 M; 2006-07 Program— \$0 M; 2005-06 Program—\$0 M; (7) MA—Critical Access Hospitals; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-587. Filed for public inspection March 27, 2009, 9:00 a.m.]

Payment for State Veterans' Homes; Notice of Change in Methods and Standards of Setting Payment Rates

The purpose of this notice is to announce that the Department of Public Welfare (Department) is proposing to amend the Commonwealth's Title XIX State Plan provisions to change the methods and standards for payments to State veterans' homes for Medical Assistance (MA) nursing facility services beginning April 1, 2009.

Currently, the Department determines the MA allowable costs and MA payment rates for State veterans' homes in accordance with the same provisions in the Commonwealth's approved State Plan that apply to State aftercare facilities operated by the Department. The Department receives Federal matching funds to cover a portion of the MA payments made to State veterans' homes.

The Department intends to establish a separate payment methodology for State veterans' homes effective April 1, 2009. This methodology will recognize the costs incurred by State veterans' homes to provide nursing facility services to MA eligible residents as MA Program expenditures, so long as the costs are allowable under the Department's approved State Plan and the costs are reported and certified by the State veterans' home in a form and manner specified by the Department.

To identify allowable costs, State veterans' homes will use the Medicare Provider Reimbursement Manual (CMS Pub. 15-1). The Department may specify additional allowable costs for state veterans' homes that are not allowable under the CMS Pub. 15-1, but are allowable in Attachment 4.19D, Part Ia, of the Commonwealth's State Plan.

After the close of the State veterans' home cost report period, each State veterans' home will submit a Pennsylvania specific cost report in accordance with cost reporting instructions. The State veterans' home's Pennsylvania specific cost report will be audited and the facility's audited MA allowable costs will be certified by the Department as MA allowable expenditures to the Federal

Centers for Medicare & Medicaid Services (CMS) as qualifying for Federal matching funds. The Department will compare each State veterans' home's total audited allowable MA rate year costs with each State veterans' home's interim MA payments for the rate year and reconcile the costs and payments based on the method agreed upon by the Department and the State veterans' homes.

To authorize this payment methodology for State veterans' homes the Department will submit a State Plan Amendment (SPA) to the CMS. Implementation of the proposed changes is contingent upon approval of the SPA by CMS.

Fiscal Impact

No fiscal impact will result from the establishment of the revised payment methodology for State veterans' homes.

Public Comment

Interested persons are invited to submit written comments regarding the contents of this notice to Gail Weidman, Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-593. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-588. Filed for public inspection March 27, 2009, 9:00 a.m.]

Payments to County Nursing Facilities; Final Rates for State Fiscal Year 2008-2009

The purpose of this notice is to announce the Department of Public Welfare's (Department) final annual rates for State Fiscal Year (FY) 2008-2009, for county nursing facilities that participate in the Medical Assistance (MA) Program.

The rates are calculated in accordance with 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting). As stated at 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem rate multiplied by a budget adjustment factor (BAF).

As required by § 1189.91(d), the Department followed the formula set forth in the Commonwealth's approved State Plan to determine that the BAF for FY 2008-2009 for county nursing facilities is 1.00. The Federal Centers for Medicare and Medicaid Services (CMS) approved State Plan Amendment 08-008 on December 12, 2008.

SPA 08-008 states that for rate setting year 2008-2009, the BAF shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the aggregate percentage rate of increase for the period that begins July 1, 2005, and ends on June 30, 2009, is limited to the amount permitted by the funds

appropriated by the General Appropriations Act of 2008 (Act 38A). The formula for this BAF as it applies to county nursing facilities is $BAF=1.00+0.01$.

The final FY 2008-2009 annual per diem rates are available on the web site for the Department of Public Welfare at: www.dpw.state.pa.us/PartnersProviders/LongTermLiving/ and at local county assistance offices throughout the Commonwealth or by contacting Gail Weidman, Office of Long-Term Living at (717) 705-3705.

Public Process

The Department published a notice in the *Pennsylvania Bulletin* announcing its proposed county per diem payment rates for FY 2008-2009 at 38 Pa.B. 6342 (November 15, 2008) and invited interested persons to submit comments. No comments were received by the Department in response to the proposed rate notice.

Appeals

Following publication of this notice, the Department will send rate letters to each county MA nursing facility to notify the facilities of their final rates for FY 2008-2009. The rate letter will also advise the facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2008-2009. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to medical assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

Fiscal Impact

These changes will result in an estimated cost of \$7.775 million (\$3.545 million in State funds) for county nursing facilities in 2008-2009 compared to the final April 1, 2008 rates. Funding for these changes has been included in the MA Long-Term Care appropriation.

Public Comment

Interested persons are invited to submit written comments regarding the final rates for FY 2008-2009 to the Department at the following address: Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-591. (1) General Fund; (2) Implementing Year 2008-09 is \$3.545 M; (3) 1st Succeeding Year 2009-10 is \$3.867 M; 2nd Succeeding Year 2010-11 is \$3.867 M; 3rd Succeeding Year 2011-12 is \$3.867 M; 4th Succeeding Year 2012-13 is \$ 3.867 M; 5th Succeeding Year 2013-14 is \$3.867 M; (4) 2007-08 Program—\$692.585

M; 2006-07 Program—\$695.279 M; 2005-06 Program—\$817.890 M; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-589. Filed for public inspection March 27, 2009, 9:00 a.m.]

Payments to Nonpublic Nursing Facilities; Final Rates for State Fiscal Year 2008-2009

The purpose of this notice is to announce the Department of Public Welfare's (Department) final annual case-mix per diem payment rates for State Fiscal Year (FY) 2008-2009 for nonpublic nursing facilities that participate in the Medical Assistance (MA) Program.

As required by the case-mix payment methodology set forth in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department annually sets a new MA per diem rate for each nonpublic nursing facility. Each facility's annual per diem rate is comprised of four components: resident care; other resident related; administrative; and capital.

The act of July 4, 2008 (P. L. 31, No. 44) (Act 44), among other things, directed the Department for FY 2008-2009 to apply a budget adjustment factor (BAF) to nonpublic nursing facility payment rates and continue to include the costs incurred by county nursing facilities in the rate-setting database used for the purpose of calculating nonpublic nursing facility payment rates.

The Federal Centers for Medicare and Medicaid Services (CMS) approved State Plan Amendment (SPA) 08-007 on December 12, 2008. SPA 08-007 states that the BAF for rate setting year 2008-2009 shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the aggregate percentage rate of increase for the period that begins July 1, 2005, and ends on June 30, 2009, is limited to the amount permitted by the funds appropriated by the General Appropriations Act of 2008 (Act 38A). For the rate setting year beginning July 1, 2008, and ending June 30, 2009, the BAF for nonpublic nursing facilities is equal to .90891.

CMS approved SPA 08-015 on October 30, 2008. SPA 08-015 authorizes the Department to continue the inclusion of county nursing facility costs in the process of computing the peer group prices used to set per diem rates for nonpublic nursing facilities for FY 2008-2009.

The final FY 2008-2009 annual per diem rates are available on the web site for the Department of Public Welfare at www.dpw.state.pa.us/PartnersProviders/LongTermLiving/. As they become available, the adjusted quarterly rates for the October, January and April quarters of FY 2008-2009 will be accessible on the Department's web site, at local county assistance offices throughout this Commonwealth or by contacting Gail Weidman, Office of Long-Term Living at (717) 705-3705.

Public Process

The Department published a notice in the *Pennsylvania Bulletin* announcing its proposed case-mix per diem payment rates for FY 2008-2009 at 38 Pa.B. 6343 (November 15, 2008) and invited interested persons to submit comments. No comments were received by the Department in response to the proposed rate notice.

Appeals

Following publication of this notice, the Department will send rate letters to each MA nursing facility to notify the facilities of their final rates for FY 2008-2009. The rate letter will also advise each facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2008-2009. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to medical assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

Fiscal Impact

The change in payment rates, effective July 1, 2008, will result in an estimated cost of \$32.302 million (\$14.726 million in State funds) for nonpublic nursing facilities in 2008-2009 compared to the final April 1, 2008 rates. Funding for these changes has been included in the MA Long-Term Care appropriation.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Attention Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-590. (1) General Fund; (2) Implementing Year 2008-09 is \$14.726 M; (3) 1st Succeeding Year 2009-10 is \$16.065 M; 2nd Succeeding Year 2010-11 is \$16.065 M; 3rd Succeeding Year 2011-12 is \$16.065 M; 4th Succeeding Year 2012-13 is \$16.065 M; 5th Succeeding Year 2013-14 is \$16.065 M; (4) 2007-08 Program—\$692.585 M; 2006-07 Program—\$695.279 M; 2005-06 Program—\$817.890; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-590. Filed for public inspection March 27, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Meeting

The Transportation Medical Advisory Board (Board) will meet on Friday, April 17, 2009, at 10 a.m. and is open to the public at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Janet L. Dolan will preside.

Members of the public interested in addressing the Board with a concern relating to medical regulations

must contact Chris Miller at (717) 783-4534 by Friday, April 10, 2009. These concerns will be discussed during "Items from the Floor" on the Agenda, which will open at 2 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Chris Miller at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-591. Filed for public inspection March 27, 2009, 9:00 a.m.]

Sale of Land No Longer Needed For Transportation Purposes

The Department of Transportation (Department), District 9-0, under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)) intends to sell certain land owned by the Department.

The following is available for sale by the Department.

Parcel No. 1 (Reliance Savings Bank) located in Logan Township, Blair County. This parcel contains 27,041 square feet of land at the intersection of SR 0036 and Pine Street, T-612, Lakemont, also known as SR 6000, also known as SR 1021, Section PAI. Estimated Fair Market Value is \$190,000.

Interested public entities are invited to express their interest in purchasing the sites within 30 calendar days from the date of publication of this notice to Sherry Peck, Property Manager, Department of Transportation, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-592. Filed for public inspection March 27, 2009, 9:00 a.m.]

**INDEPENDENT
REGULATORY REVIEW
COMMISSION**

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, 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 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.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-255	Pennsylvania Public Utility Commission Retail Electricity Choice Activity Reports	3/12/09	4/23/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-593. Filed for public inspection March 27, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Children's Health Insurance Program Advisory Council Meeting

The Insurance Department (Department) has scheduled a meeting of the Children's Health Advisory Council (Council) on Thursday, April 16, 2009, at 1:30 p.m. at the Rachel Carson State Office Building, Room 105, located at 400 Market Street, Harrisburg, PA 17101. 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,
Insurance Commissioner

[Pa.B. Doc. No. 09-594. Filed for public inspection March 27, 2009, 9:00 a.m.]

Senior Health Insurance Company of Pennsylvania; 40% Rate Increase Filing for Several LTC Forms; Rate Filing

Senior Health Insurance Company of Pennsylvania is requesting a 40% increase on the following forms which were originally issued by American Travelers Life Insurance Company: ATL-HHC-1, ATL-HHC-2, ATL-HHC-3, ATL-HHC-4 and ATL-HHC-87. A total of 1,722 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to June 4, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, jlaverty@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-595. Filed for public inspection March 27, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission; Law Bureau Prosecutory Staff v. Airnex Communications, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036566; A-310794

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Airnex Communications Inc. (the Respondent), a reseller of interexchange toll services carrier certificated at A-310794. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal return receipt, the March 26, 2008, Complaint was served on the company and signed indicating receipt but did not indicate a date. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Airnex Communications Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It is Ordered that:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Airnex Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Airnex Communications, Inc. at A-310794 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-596. Filed for public inspection March 27, 2009, 9:00 a.m.]

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission; Law Bureau Prosecutory Staff v. Buehner-Fry, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036567; A-310504

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Buehner-Fry, Inc. (the Respondent), a reseller of interexchange toll services carrier certificated at A-310504. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on April 28, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regula-

tions and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Buehner-Fry, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It is Ordered that:

1. That the allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. That the Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. That Buehner-Fry, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Buehner-Fry, Inc. at A-310504 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission

JAMES, J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-597. Filed for public inspection March 27, 2009, 9:00 a.m.]

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission; Law Bureau Prosecutory Staff v. Nationsline North, Inc. (2006 TRS & Annual Rpts); Doc. No. C-2008-2036559; A-311362

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Nationsline North, Inc. (the Respondent), a competitive local exchange carrier certificated at A-311362. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to

66 Pa.C.S. § 504 its 2006 Annual Report, Telecommunications Relay Service ("TRS") Annual Access Line Summary Report and Telecommunications Relay Service Annual Tracking Report (hereinafter collectively referred to as "Annual Report" and "TRS Reports") were due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report and TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report and TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on May 5, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report and TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report and TRS Reports, we conclude that revocation of Nationsline North, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It is Ordered that:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. The Nationsline North, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Nationsline North, Inc. at A-311362 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section and the TRS Reports Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-598. Filed for public inspection March 27, 2009, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 13, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2009-2094747. Murray Paul Schrottenboer, t/a Grousel and Tours (467 Robinsonville Road, Clearville, Bedford County, PA 15535)—persons, in paratransit service, between points in the Counties of Bedford, Somerset, Fayette, Westmoreland and Allegheny.

Application 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-2009-2094687. Zane Fenster (19961 Airport Road, Conneautville, Crawford County, PA 16406), persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Crawford, to points in Pennsylvania, and return.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Young, Jerome D. t/a J S Services; Doc. No. A-00120557C0701

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Young, Jerome D. t/a J S Services (respondent) is under suspension effective October 10, 2007, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P.O. Box 131, Bethlehem, PA 18016.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 17, 2004, at Application Docket No. A-00120557.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which; (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00120557 for failure to maintain evidence of current insurance on file with the Commission; (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration; and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date 11-8-07

Wendy J. Keezel Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed.

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-599. Filed for public inspection March 27, 2009, 9:00 a.m.]

Telecommunications

A-2009-2094987. Verizon North, Inc. and Broadview NP Acquisition Corp. Joint petition of Verizon North, Inc. and Broadview NP Acquisition Corp. for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Broadview NP Acquisition Corp., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Broadview NP Acquisition Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-600. Filed for public inspection March 27, 2009, 9:00 a.m.]

Telecommunications

A-2009-2095393. Verizon North, Inc. and Broadview Networks, Inc. Joint petition of Verizon North, Inc. and Broadview Networks, Inc. for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Broadview Networks, Inc., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission, a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Broadview Networks, 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. 09-601. Filed for public inspection March 27, 2009, 9:00 a.m.]

Telecommunications

A-2009-2095353. Verizon North, Inc. and Eureka Telecom, Inc. Joint petition of Verizon North, Inc. and Eureka Telecom, Inc., for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Eureka Telecom, Inc., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Eureka Telecom, 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. 09-602. Filed for public inspection March 27, 2009, 9:00 a.m.]

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-604. Filed for public inspection March 27, 2009, 9:00 a.m.]

Telecommunications

A-2009-2095383. Verizon Pennsylvania, Inc. and A.R.C. Networks, Inc. Joint petition of Verizon Pennsylvania, Inc. and A.R.C. Networks, Inc. for approval of amendment No. 5 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and A.R.C. Networks, Inc., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 5 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 A.R.C. Networks, 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. 09-603. Filed for public inspection March 27, 2009, 9:00 a.m.]

Telecommunications

A-2009-2095416. Verizon Pennsylvania, Inc. and ATX Licensing, Inc. Joint petition of Verizon Pennsylvania, Inc. and ATX Licensing, Inc. for approval of amendment No. 6 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and ATX Licensing, Inc., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 6 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and ATX Licensing, Inc. joint petition are on file with the Commission and are available for public inspection.

Telecommunications

A-2009-2095327. Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp. Joint petition of Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp. for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp. joint petition are on file with 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. 09-605. Filed for public inspection March 27, 2009, 9:00 a.m.]

Telecommunications

A-2009-2095401. Verizon Pennsylvania, Inc. and Broadview Networks, Inc. Joint petition of Verizon Pennsylvania, Inc. and Broadview Networks, Inc. for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Broadview Networks, Inc., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Broadview Networks, 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. 09-606. Filed for public inspection March 27, 2009, 9:00 a.m.]

Telecommunications

A-2009-2095422. Verizon Pennsylvania, Inc. and Eureka Telecom, Inc. Joint petition of Verizon Pennsylvania, Inc. and Eureka Telecom, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Eureka Telecom, Inc., by its counsel, filed on March 11, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Eureka Telecom, 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. 09-607. Filed for public inspection March 27, 2009, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Proposal for Project

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project No. 09-038.B Demolition and Removal of Superstructure—Pier 124 South, until 2 p.m. on Thursday, May 7, 2009. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 7, 2009. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations. A site visit is scheduled for 10 a.m. on Tuesday, April 14, 2009. Meet at PRPA, 3460 North Delaware Avenue, 2nd Floor large conference room.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-608. Filed for public inspection March 27, 2009, 9:00 a.m.]

Proposal for Project

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project No. 09-039.B Development and Operation of TMT Layberth, until 2 p.m. on Thursday, April 30, 2009. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 31, 2009. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations. A site visit is scheduled for 10 a.m. on Tuesday, April 7, 2009. Meet at PRPA, 3460 North Delaware Avenue, 2nd Floor large conference room.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-609. Filed for public inspection March 27, 2009, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project No. 08-0007 for the equipment and parts needed to install three mini split Sanyo AC systems. Installation will not be included in the bid. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787 or e-mail froeschle@stevenscollege.edu until April 7, 2009.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 09-610. Filed for public inspection March 27, 2009, 9:00 a.m.]

