



---

Volume 37 (2007)

Pennsylvania Bulletin  
Repository

---

5-5-2007

**May 5, 2007 (Pages 2083-2168)**

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/pabulletin\\_2007](https://digitalcommons.law.villanova.edu/pabulletin_2007)

---

### **Recommended Citation**

Pennsylvania Legislative Reference Bureau, "May 5, 2007 (Pages 2083-2168)" (2007). *Volume 37 (2007)*. 18.

[https://digitalcommons.law.villanova.edu/pabulletin\\_2007/18](https://digitalcommons.law.villanova.edu/pabulletin_2007/18)

This May is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 37 (2007) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

# PENNSYLVANIA BULLETIN

Volume 37

Number 18

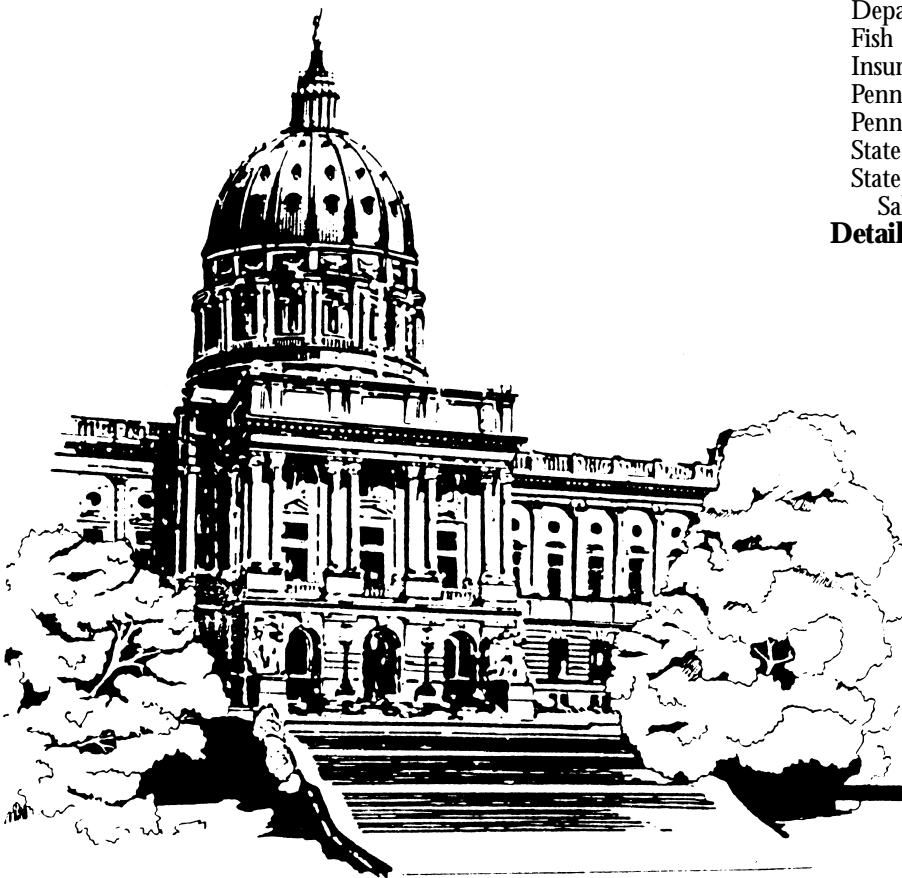
Saturday, May 5, 2007 • Harrisburg, PA

Pages 2083—2168

## Agencies in this issue

The Courts  
Bureau of Professional and Occupational Affairs  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Department of Transportation  
Fish and Boat Commission  
Insurance Department  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers and  
Salespersons

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 390, May 2007**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

Copyright © 2007 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE COURTS

### MINOR COURT CIVIL RULES

- Order amending rule 112 of the rules of conduct, office standards and civil procedure for magisterial district judges; no. 236 magisterial doc. no. 1..... 2092

### LOCAL COURT RULES

#### Jefferson County

- Adoption of local rule of criminal procedure; no. 10-2007 O.C. .... 2094

#### Pike County

- Amendment to civil local rule 1915; no. 613-2007-civil..... 2094  
 Promulgation of criminal local rule 590; no. civil-627-2007; MD-58-2007 ..... 2095  
 Promulgation of criminal local rule 700; no. 615-2007-civil; no. 55-2007-M. D..... 2095  
 Promulgation of criminal local rule 702; no. 616-2007-civil; 54-2007-M. D. .... 2096  
 Promulgation of criminal local rule 703; no. 614-2007-civil; No. 56-2007-M. D. .... 2096

## EXECUTIVE AGENCIES

### BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### Proposed Rulemaking

- Schedule of civil penalties—nurses (correction)..... 2098

### DEPARTMENT OF AGRICULTURE

#### Notices

- Apple Marketing Program referendum ..... 2100

### DEPARTMENT OF BANKING

#### Notices

- Action on applications..... 2100

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

- Applications, actions and special notices..... 2102  
 Availability of technical guidance ..... 2142  
 Beneficial use of alternative fuels for CFBs; proposed general permit WMGR116..... 2143  
 Beneficial use of waste foundry sand; renewal of general permit WWGR019..... 2143  
 Cleanup Standards Scientific Advisory Board; Applicability and Attainment Subcommittee meeting ..... 2144  
 Earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities; indent to issue general permit (ESCGP-1)..... 2144  
 Proposed revision to the State implementation plan for the Clearfield/Indiana 8-hour ozone nonattainment area; public hearing ..... 2145  
 Proposed revision to the State implementation plan for the York/Adams 8-hour ozone nonattainment area; public hearing..... 2145

Request for comment and notice of public meeting for proposed total maximum daily loads (TMDLs) for:

- Bernhart Creek Watershed located in Berks County (correction)..... 2142

### DEPARTMENT OF HEALTH

#### Notices

Application for exception:

- ACMH Hospital ..... 2146  
 Carlisle Regional Surgery Center ..... 2146  
 Carlisle Regional Surgery Center; correction..... 2146  
 Central Penn GI Endoscopy Center, LLC..... 2146  
 Children's Hospital of Pittsburgh of UPMC..... 2147  
 Kingston Ophthalmology ASC, LLC, d/b/a Kingston Surgery Center..... 2147  
 Laurel Laser & Surgery Center, LP ..... 2147  
 Pinnacle Health @ Harrisburg Hospital ..... 2148  
 Surgery Center of Pottsville ..... 2148  
 Applications for exception to 28 Pa. Code § 123.25(2)..... 2148  
 Applications for exception to 28 Pa. Code § 569.35 .. 2149  
 Laboratories approved to determine blood alcohol content..... 2149  
 Long-term care nursing facilities request for exception..... 2157

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

- Federal Poverty Income Guidelines for 2007 ..... 2158  
 Medical Assistance Program fee schedule revision... 2159  
 2006 group two exception requests; Medical Assistance long-term care participation review..... 2160

### DEPARTMENT OF TRANSPORTATION

#### Notices

- Bid opportunities ..... 2161  
 Contemplated sale of land no longer needed for transportation purposes ..... 2161

### FISH AND BOAT COMMISSION

#### Notices

- 2007 addition to list of class A wild trout waters ... 2161  
 2007 classification of wild trout streams; additions, deletions and adjustments..... 2161

### INSURANCE DEPARTMENT

#### Notices

- Application and request for a certificate of authority ..... 2162  
 Cynthia Frock; hearing..... 2162  
 Graduate Hospital; prehearing..... 2162  
 Highmark Blue Cross Blue Shield; CompleteCare Program (western region)—filing no. 1A-CCP-07-HBCBS; rate filing..... 2162  
 Highmark Blue Cross Blue Shield; medically underwritten direct pay PPO plan (western region)—filing no. 1A-MUPPO-07-HBCBS; rate filing..... 2163

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

Highmark Blue Shield; medically underwritten direct pay PPO plan (central region)—filing no. 1A-BSMUPPO-07-HBS; rate filing ..... 2163

Keystone Health Plan West medically underwritten individual HMO; rate filing..... 2163

Lancaster Regional Medical Center; prehearing (2 documents) ..... 2164

Lancaster Regional Medical Center (Estate of Barbara Henry); prehearing ..... 2164

Physicians' Alliance, Ltd.; prehearing ..... 2164

Review procedure hearings; cancellation or refusal of insurance ..... 2165

Review procedure hearings under the Unfair Insurance Practices Act ..... 2165

7 Eleven 56164; hearing ..... 2166

Willowcrest Bamberger; prehearing ..... 2166

**PENNSYLVANIA GAMING CONTROL BOARD**

**Statements of Policy**

Renumbering of statements of policy ..... 2099

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Proposed Rulemaking**

Advance notice of proposed rulemaking regarding implementation of the Public Utility Confidential Security Information Disclosure Protection Act; doc. no. L-00070185; M-00072014 ..... 2098

**Notices**

Service of notice of motor carrier applications..... 2166

Telecommunications (2 documents)..... 2167

Telecommunications services (2 documents)..... 2167

**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v. Renee Dancy, LPN; doc. no. 0107-51-07..... 2168

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**Notices**

Bureau of Professional and Occupational Affairs v. Philip A. Simonetta; doc. no. 0215-60-2006 ..... 2168

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### 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.

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

# List of Pa. Code Chapters Affected

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

## 1 Pa. Code (General Provisions)

### Proposed Rules

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

## 4 Pa. Code (Administration)

### Statements of Policy

9	27, 953, 1870
---	---------------

## 7 Pa. Code (Agriculture)

### Adopted Rules

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

### Proposed Rules

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

## 12 Pa. Code (Commerce, Trade and Local Government)

### Adopted Rules

145	1840
-----	------

## 22 Pa. Code (Education)

### Adopted Rules

49	209
----	-----

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

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

### Proposed Rules

121	2063
127	1317
129	2063
145	2063
901	785

## 28 Pa. Code (Health and Safety)

### Statements of Policy

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

## 31 Pa. Code (Insurance)

### Adopted Rules

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

### Proposed Rules

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

## 34 Pa. Code (Labor and Industry)

### Statements of Policy

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

## 37 Pa. Code (Law)

### Proposed Rules

97	786
----	-----

### Statements of Policy

200	1651
411	1651

## 40 Pa. Code (Liquor)

### Adopted Rules

5	16
11	16
13	16
17	16

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

7	20
16	1644
18	1644

### Proposed Rules

13	1867, 1868
21	1035, 1980
27	1036
31	1038
35	1499
39	1494
43b (correction)	2098

## 52 Pa. Code (Public Utilities)

### Proposed Rules

64	1032
Unclassified	1126, 2098

### Statements of Policy

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

## 55 Pa. Code (Public Welfare)

### Proposed Rules

1150	1865
1243	1865

### Statements of Policy

178	1043, 1046
1101	1880



**58 Pa. Code (Recreation)**

**Adopted Rules**

135 ..... 1309  
 137 ..... 1310  
 147 ..... 1310, 1311, 1312

**Proposed Rules**

65 ..... 1218  
 69 ..... 1218  
 111 ..... 1220  
 131 ..... 1325  
 135 ..... 315  
 137 ..... 1333  
 139 ..... 1327  
 141 ..... 1320, 1324  
 147 ..... 211, 1333  
 501a ..... 416  
 503a ..... 416  
 511a ..... 1490  
 513a ..... 1490

**Statements of Policy**

436a ..... 2099  
 436b ..... 2099

**Temporary Rules**

401 ..... 21, 1841, 1968  
 405 ..... 1313, 1968  
 421 ..... 1970  
 423 ..... 1968, 1970  
 425 ..... 21  
 427 ..... 1970  
 429 ..... 1862  
 431 ..... 1970  
 433 ..... 1841  
 435 ..... 1841  
 437 ..... 1841  
 441 ..... 1841  
 443 ..... 1841  
 461 ..... 1968  
 465 ..... 1978  
 491a ..... 23  
 511 ..... 1314

**61 Pa. Code (Revenue)**

**Proposed Rules**

1001 ..... 1028

**Statements of Policy**

60 ..... 1048

**67 Pa. Code (Transportation)**

**Adopted Rules**

75 ..... 1487  
 457 ..... 1650

**201 Pa. Code (Judicial Administration)**

**Adopted Rules**

19 ..... 929

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

71 ..... 311  
 83 ..... 1959

**Proposed Rules**

81 ..... 394  
 83 ..... 394, 520

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

1 ..... 752  
 3 ..... 752  
 117 ..... 1025, 1839

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

1 ..... 521  
 3 ..... 521  
 9 ..... 521

**225 Pa. Code (Rules of Evidence)**

**Proposed Rules**

VIII ..... 669

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 312  
 400 ..... 1480  
 1000 ..... 1411, 1480  
 1700 ..... 1480  
 1900 ..... 929  
 1910 ..... 522  
 1920 ..... 1959  
 2200 ..... 1480  
 3000 ..... 939, 1411  
 Part II ..... 1759

**Proposed Rules**

200 ..... 1640  
 1300 ..... 1641  
 1910 ..... 1120  
 3000 ..... 1641  
 4000 ..... 7

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

4 ..... 523, 752  
 7 ..... 523  
 8 ..... 1960  
 10 ..... 312

**Proposed Rules**

2 ..... 1302  
 5 ..... 1025, 1303

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 1123, 1483  
 2 ..... 1483  
 3 ..... 1123  
 6 ..... 1123  
 8 ..... 1123, 1483  
 11 ..... 1123

**Proposed Rules**

1 ..... 527, 1306  
 3 ..... 527  
 5 ..... 527  
 11 ..... 943  
 12 ..... 943  
 13 ..... 943  
 14 ..... 943  
 15 ..... 943  
 16 ..... 943  
 17 ..... 943  
 18 ..... 943

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

100 ..... 2092

**255 Pa. Code (Local Court Rules)**

Unclassified . . . . . 255, 400, 401, 404, 530, 670, 671, 761,  
768, 770, 772, 773, 949, 950, 1026, 1124, 1215, 1216,  
1414, 1642, 1962, 2094, 2095, 2096

# THE COURTS

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[246 PA. CODE CH. 100]

Order Amending Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 236 Magisterial Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 18th day of April, 2007, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at Volume 35, *Pennsylvania Bulletin*, page 4306 (August 6, 2005), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be, and hereby is, amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 18, 2007.

Mr. Justice Fitzgerald did not participate in the consideration or decision of this matter.

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES

Rule 112. **Availability and Temporary Assignments of Magisterial District Judges.**

[A. The president judge of the court of common pleas of a judicial district, or in his or her absence the available judge of that court longest in continuous service, may assign temporarily the magisterial district judge of any magisterial district to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia whenever such an assignment is required for the efficient administration of justice.] (A) The president judge of each judicial district shall be responsible for ensuring the availability during regular business hours within the judicial district of at least one magisterial district judge to handle matters requiring attention in civil and possessory actions.

(B)(1) The president judge or his or her designee may assign temporarily the magisterial district judge of any magisterial district to serve another magisterial district whenever such assignment is needed:

(a) To satisfy the requirements of paragraph (A).

(b) When a magisterial district judge has disqualified himself or herself either at the request of a party or *sua sponte*.

(c) To otherwise provide for the efficient administration of justice.

(2) Whenever a temporary assignment is made under this rule, notice of such assignment shall be conspicuously posted in all magisterial district courts affected by the temporary assignment.

[B.] (3) A magisterial district judge temporarily assigned under [subdivision A of] this rule shall have the jurisdiction and authority of the office the duties of which he or she is temporarily performing and may continue to exercise jurisdiction and authority [to] in his or her own magisterial district.

*Official Note:* This rule was amended in 2007 to further provide for availability and temporary assignment of magisterial district judges in civil and possessory actions similar to that provided for in criminal matters. See Pa.R.Crim.P. 117. Nothing in this rule is intended to affect or conflict with the temporary assignment or coverage requirements for criminal matters as specified in the Rules of Criminal Procedure. Unlike the criminal coverage rules, paragraph (A) of this rule is intended to provide for availability only during regular business hours. None of the matters contemplated under paragraph (A) would require after-hours coverage.

This rule is not intended to affect the availability requirements for emergency relief under the Protection From Abuse Act. See Pa. R.C.P.M.D.J. Nos. 1201—1211. In addition, the court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge “is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under” the Older Adult Protective Services Act. 35 P.S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

Examples of matters contemplated under paragraph (A) that may require the attention of a magisterial district judge include the issuance of orders of execution under Pa. R.C.P.M.D.J. No. 403, stays of execution under Pa. R.C.P.M.D.J. Nos. 410 and 413, and orders for possession under Pa. R.C.P.M.D.J. No. 516, so that such matters are handled in a timely manner even in the absence of the magisterial district judge to whom the case would ordinarily be assigned. Litigants may be required to wait a reasonable period of time for a magisterial district judge to complete an arraignment, hearing, or trial. It is expected that the president judge will continue the established procedures in the judicial district or establish new procedures to ensure sufficient availability of magisterial district judges consistent with paragraph (A).

Under paragraph (B), one or more magisterial district judges may be temporarily assigned to serve one or more magisterial districts.

**Paragraph (B)(1)(b) makes explicit the authority of the president judge to temporarily assign a magisterial district judge when another magisterial district judge has disqualified himself or herself from hearing a matter. Disqualification may occur upon the request of a party or sua sponte. See Rule 8 of the Standards of Conduct of Magisterial District Judges, 207 Pa. Code Ch. 51, R. 8. As with all judicial officers, a request for disqualification must be made directly to the magisterial district judge.**

See Pa. Const. art. V, § 10(a). This rule does not provide for temporary assignments of senior magisterial district judges by president judges. See also [ Pa.Rs.Crim.P. 132 and 133 ] Rule 17 of the Standards of Conduct of Magisterial District Judges, 207 Pa. Code Ch. 51, R. 17. Nothing in this rule is intended to conflict with Rule 17.

### FINAL REPORT<sup>1</sup>

#### *Amendment to Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges*

#### **Availability and Temporary Assignment of Magisterial District Judges in Civil and Possessory Actions**

On April 18, 2007, effective May 18, 2007, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania amended Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.<sup>3</sup>

#### **I. Background**

The Minor Court Rules Committee (the Committee) undertook a review of Rule 112 (Temporary Assignments of Magisterial District Judges) at the direction of the Supreme Court of Pennsylvania and in response to a recommendation of the Special Courts Administration Subcommittee of the Supreme Court's Intergovernmental Task Force to Study the District Justice System (the Task Force Subcommittee).<sup>4</sup> In its report to the Supreme Court, the Task Force Subcommittee recommended that the rules of civil procedure for magisterial district courts provide for the "continuous availability, during regular business hours, of at least one [magisterial] district [judge] in the judicial district to handle routine civil matters, such as the issuance of orders of execution or orders for possession, so that such matters are handled in a timely manner even in the absence of the proper issuing authority."<sup>5</sup> In response to this recommendation, the Supreme Court referred the matter to the Committee for its consideration, and the Committee recommended that Rule 112 be amended as explained below.

#### **II. Discussion and Rule Changes**

In its report to the Supreme Court, the Task Force Subcommittee noted that "while the continuous availability of at least one [magisterial] district [judge] in each

judicial district is required by Pa.R.Crim.P. 132,<sup>6</sup> no similar rule existed requiring availability of a [magisterial] district [judge] to handle routine civil matters in the absence of the [judge] who would normally be required to handle the matters. The [Task Force] Subcommittee was informed that parties in civil and landlord/tenant actions, particularly judgment holders, are often frustrated by delays in the issuance of judgments, orders of execution, or orders for possession when the proper issuing authority is unavailable because of vacation, illness, attendance at mandatory continuing education classes, etc."<sup>7</sup> The Committee generally agreed with the recommendation of the Task Force Subcommittee, noting that the rights of parties can be adversely affected when a magisterial district judge is not available to sign and issue time sensitive documents in civil and possessory matters.<sup>8</sup>

#### *A. Availability*

A new paragraph (A) addresses the availability issue raised in the Task Force Report. Paragraph (A) requires that the president judge of each judicial district ensure the availability during regular business hours of at least one magisterial district judge to handle routine matters in civil and possessory matters that may require the attention of a judge. The expanded Official Note to the rule provides extensive explanation of new paragraph (A). The note compares these availability provisions with the coverage provisions in the Rules of Criminal Procedure, stressing that the civil availability provisions in Rule 112 are intended to apply only during regular business hours. The note also makes clear that the civil availability provisions are not intended to affect the criminal coverage requirements or the coverage requirements for the issuance of emergency relief under the Protection From Abuse Act.<sup>9</sup> In addition, the note cross-references the Older Adult Protective Services Act<sup>10</sup> to put president judges and magisterial district judges on notice of the after-hours availability requirements of that Act.<sup>11</sup>

The note provides three examples of matters contemplated under paragraph (A) that may require the attention of a judge—the issuance of orders of execution under Pa. R.C.P.M.D.J. No. 403, stays of execution under Pa. R.C.P.M.D.J. Nos. 410 and 413, and orders for possession under Pa. R.C.P.M.D.J. No. 516—so that such matters are handled in a timely manner even in the absence of the magisterial district judge to whom the case would ordinarily be assigned. In addition, the note adds that litigants may be required to wait "a reasonable period of time" in order for a magisterial district judge to finish up a court proceeding in progress. Finally, recognizing that many judicial districts may already have in place sufficient systems to provide the coverage required by this paragraph, the note provides that the president judge may continue the established procedures in the judicial district or establish new procedures as needed.

#### *B. Temporary Assignment*

A new paragraph (B) provides for and expands upon the provisions of existing paragraph A. New paragraph (B)(1)

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Report.

<sup>2</sup> Recommendation No. 3 Minor Court Rules 2006.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 236, Magisterial Docket No. 1 (April 18, 2007).

<sup>4</sup> The Intergovernmental Task Force to Study the District Justice System was convened on May 30, 2001 "to examine the current state of the district justice court system" and to "propose clear standards for the decennial magisterial district reestablishment, identify immediate and long-term system problems and needs, and formulate solutions to ensure the prudent and effective administration of the district justice courts." Report of the Intergovernmental Task Force to Study the District Justice System vii (October 2001) (available online at <http://www.courts.state.pa.us/>) (hereinafter Task Force Report).

<sup>5</sup> Id. at 49.

<sup>6</sup> The after-hours coverage provisions of Pa.R.Crim.P. 132 were removed and such matters are now governed by Pa.R.Crim.P. 117, effective August 1, 2006. See 35 Pa.B. 3901 (July 16, 2005).

<sup>7</sup> Task Force Report at 49-50.

<sup>8</sup> The Committee noted that there are many legitimate reasons why a magisterial district judge may be unavailable to sign and issue time sensitive documents. The Task Force Report lists three reasons—"vacation, illness, attendance at mandatory continuing education classes." Others may include official court-related meetings and absences due to after-hours coverage duty.

<sup>9</sup> 23 Pa.C.S. §§ 6101-6118. See *supra*, note 3 and Pa. R.C.P.M.D.J. Nos. 1201-1211.

<sup>10</sup> Act of Nov. 6, 1987, P.L. 381, No. 79 as amended (35 P.S. §§ 10225.101-10225.5102).

<sup>11</sup> See Recommendation 1 Minor Court Rules 2006 (May 8, 2006) and its accompanying explanatory Report, n.8.

provides that the president judge or his or her designee may temporarily assign a magisterial district judge to satisfy the requirements of new paragraph (A), when a magisterial district judge disqualifies himself or herself from hearing a matter, or to otherwise provide for the efficient administration of justice. The references in the existing rule to temporary assignments to the Pittsburgh Magistrates Court and the Traffic Court of Philadelphia have been deleted.<sup>12</sup> New paragraph (B)(2) requires that notice of temporary assignments of magisterial district judges be posted in all magisterial district courts affected by the temporary assignment.

New paragraph (B)(3) contains the provisions of existing paragraph B with only minor editorial changes.

The expanded Official Note to the rule also provides explanation of paragraph (B). Among other things, the note makes clear that a magisterial district judge may disqualify himself or herself from a matter at the request of a party or sua sponte, as is often the case in these matters. The note also makes clear that, as with all judicial officers, a request for disqualification must be made directly to the magisterial district judge.

#### C. Minor Technical Amendments

In addition to the substantive amendments discussed above, a cross reference to Rule 17 of the Standards of Conduct of Magisterial District Judges is included in the Official Note, along with a statement clarifying that nothing in Rule 112 is intended to conflict with Rule 17. Rule 17 sets forth the president judges' general supervisory authority of the magisterial district courts in the judicial district. Finally, in order to properly describe the expanded content of the rule, the title of the rule has been changed to "Availability and Temporary Assignments of Magisterial District Judges."

[Pa.B. Doc. No. 07-774. Filed for public inspection May 4, 2007, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### JEFFERSON COUNTY

#### Adoption of Local Rule of Criminal Procedure; No. 10-2007 O.C.

##### Order

*And Now*, this 16th day of April 2007, pursuant to Pa.R.Crim.P. 105, governing the establishment of local rules of criminal procedure, it is hereby *Ordered and Decreed* that the following rule, designated Jefferson County Rule of Criminal Procedure (Jeff. Co. R.Crim.P.) 513.1, is adopted as a rule of this Court. The same shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

<sup>12</sup> The former Pittsburgh Magistrates Court has been transitioned into the magisterial district court system, and the president judge of the Fifth Judicial District (Allegheny County) has authority to assign magisterial district judges to hear cases that would formerly be heard in the Pittsburgh Magistrates Court and the Pittsburgh Housing Court. Supreme Court of Pennsylvania Order No. 212, Magisterial Docket No. 1 (November 29, 2004) (34 Pa.B. 6507) and Supreme Court of Pennsylvania Order No. 215, Magisterial Docket No. 1 (February 25, 2005) (35 Pa.B. 1662). Temporary assignments of magisterial district judges to the Traffic Court of Philadelphia are accomplished by order of the Supreme Court of Pennsylvania and coordinated by the Administrative Office of Pennsylvania Courts. Accordingly, Rule 112 need not specifically refer to either court.

### LOCAL RULES of the COURT OF COMMON PLEAS OF JEFFERSON COUNTY

#### Supplementing the PENNSYLVANIA RULES OF CRIMINAL PROCEDURE

#### Jeff. Co. R.Crim.P. 513.1 Costs for Miscellaneous Issuances: Arrest Warrants

Pursuant to 42 Pa.C.S.A. 1725.1(c)(5) and retroactive to January 1, 2004, the magisterial district judges of Jefferson County are authorized to impose a miscellaneous issuance (C17) cost on all arrest warrants issued. Said cost shall be in compliance with the fee schedule published by the Administrative Office of Pennsylvania Courts.

*By the Court*

JOHN HENRY FORADORA,  
*President Judge*

[Pa.B. Doc. No. 07-775. Filed for public inspection May 4, 2007, 9:00 a.m.]

### PIKE COUNTY

#### Amendment to Civil Local Rule 1915; No. 613-2007-Civil

##### Order

*And Now*, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Civil Procedure 1951 is hereby amended effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Rules Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintains an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

JOSEPH F. KAMEEN,  
*President Judge*

#### LOCAL RULE L.195—CIVIL CUSTODY, PARTIAL CUSTODY and VISITATION

F. In the event no agreement is reached at the mediation, the Court shall appoint a Hearing Officer to conduct a hearing, which shall be recorded. The Hearing Officer shall file a Report and Recommendation and proposed Order with fifteen (15) days upon which the trial is concluded, unless extended by Court Order, for good cause

shown. The Hearing Officer shall send a copy of the Report and Recommendation and proposed Order to each party or their counsel. If no Exceptions are filed within **twenty (20) days** of the **mailing** of the report, the Prothonotary shall transmit the file for Court approval.

G. Exceptions to the Hearing Officer's Report and Recommendation, and proposed Order, shall be in writing, and shall be filed with the Prothonotary, within **twenty (20) days of the date of the mailing** of the Hearing Officer's Report. Upon the filing of Exceptions, the Prothonotary shall schedule the matter for argument on the next available argument date. A copy of the Exceptions shall be delivered to the Hearing Officer, and opposing counsel. All costs associated with the filing of Exceptions, including transcription costs, shall be borne by the party filing same.

[Pa.B. Doc. No. 07-776. Filed for public inspection May 4, 2007, 9:00 a.m.]

### PIKE COUNTY

#### Promulgation of Criminal Local Rule 590; No. Civil-627-2007; MD-58-2007

##### Order

*And Now*, this 17th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 590 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

JOSEPH F. KAMEEN,  
*President Judge*

#### Local Rule 590—Pleas and Plea Agreements

##### A. Generally

1. A plea shall be taken in open court.

2. A defendant may plea, guilty, not guilty, or, with the consent of the Judge, nolo contendere. If the defendant refuses to plea, the Judge shall enter a plea of not guilty on the defendant's behalf.

3. The Judge may refuse to accept a plea of guilty or nolo contendere, and shall not accept it unless the judge determines, after inquiry of the defendant, that the plea is voluntary, and understandingly tendered. Such inquiry shall appear on the record.

a. During the course of counseling a defendant relative to any plea of guilty or nolo contendere in the Court of Common Pleas, counsel shall review with the defendant a Pike County guilty plea colloquy form available from the Office of the District Attorney, and shall explain to the defendant the contents of that form.

b. Such forms shall be initialed and signed where appropriate and counsel's signature thereon shall constitute a certification by the attorney that he has read, discussed and explained the plea form with the client, and that to the best of his knowledge, information and belief, his client understands the guilty plea colloquy and accepts the terms of the plea agreement if any.

c. Guilty plea colloquy forms shall be filed in open Court at the time of entry of any plea of guilty or nolo contendere.

d. For pleas to a summary offense, the plea form need only consist of the disposition page, and need only state the offenses to which the defendant is pleading and any terms of a plea agreement.

##### B. Plea Agreements

1. When counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement, unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and attorney for the commonwealth, that specific conditions in the agreement be placed on the record in camera and the record be sealed.

a. All plea agreements are to be in writing, on Pike County guilty plea colloquy forms. The colloquy forms are to be signed by the defendant, defense counsel, and the attorney representing the Commonwealth.

b. The attorney representing the Commonwealth at the time the plea is entered shall be familiar with the case, and, if requested, shall advise the court of any prior convictions of the defendant for felonies and misdemeanors of which Counsel has knowledge.

3. The Judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or the plea of nolo contendere is based.

##### C. Murder Cases

1. In cases in which the imposition of a sentence of death is not authorized, when a defendant enters a plea of guilty or nolo contendere to a charge of murder generally, the judge before whom the guilty plea was entered shall alone determine the degree of guilt.

[Pa.B. Doc. No. 07-777. Filed for public inspection May 4, 2007, 9:00 a.m.]

### PIKE COUNTY

#### Promulgation of Criminal Local Rule 700; No. 615-2007-Civil; No. 55-2007-M. D.

##### Order

*And Now*, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 700 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

JOSEPH F. KAMEEN,  
*President Judge*

### **Local Rule 700—Sentencing Judge**

A. A sentence on a plea of guilty or nolo contendere may be imposed by a Judge other than the Judge who received the plea of guilty or nolo contendere, provided the Defendant has been so notified at the time of entering the plea.

[Pa.B. Doc. No. 07-778. Filed for public inspection May 4, 2007, 9:00 a.m.]

### **PIKE COUNTY**

### **Promulgation of Criminal Local Rule 702; No. 616-2007-Civil; 54-2007-M. D.**

#### **Order**

*And Now*, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 702 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

JOSEPH F. KAMEEN,  
*President Judge*

### **Local Rule 702—Aids in Imposing Sentence**

#### **A. Pre-Sentence Investigation Reports:**

1. The sentencing judge may, at the judge's discretion, order a pre-sentence report in any case.

a. The pre-sentence investigation report shall be prepared immediately and be no more than ninety (90) days and no less than forty-five (45) days from the date of the finding of guilt.

b. If a pre-sentence report is ordered, defendant is to report to the probation office within twenty-four (24) hours of the finding of guilt to schedule a meeting with the probation officer preparing the report.

2. The sentencing judge shall place on the record the reasons for dispensing with the pre-sentence investigation report if the judge fails to order a pre-sentence report in any of the following instances:

a. When incarceration for one year or more is a possible disposition under the applicable sentencing statutes;

b. When the defendant is less than 21 years old at the time of conviction or entry of a plea of guilty; or

c. When a defendant is a first offender in that he or she has not heretofore been sentenced as an adult.

3. The pre-sentence investigation report shall include information regarding the circumstances of the offense and the character of the defendant sufficient to assist the judge in determining sentence.

4. The pre-sentence investigation report shall also include a victim impact statement as provided by law.

#### **B. Psychiatric or Psychological Examination**

1. After a finding of guilt and before the imposition of sentence, after notice to counsel for both parties, the sentencing judge may, as provided by law, order the defendant to undergo a psychiatric or psychological examination. For this purpose the defendant may be remanded to any available clinic, hospital, institution, or state correctional diagnostic and classification center for a period not exceeding 60 days.

[Pa.B. Doc. No. 07-779. Filed for public inspection May 4, 2007, 9:00 a.m.]

### **PIKE COUNTY**

### **Promulgation of Criminal Local Rule 703; No. 614-2007-Civil; No. 56-2007-M. D.**

#### **Order**

*And Now*, this 16th day of April, 2007, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 703 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

JOSEPH F. KAMEEN,  
*President Judge*

**Local Rule 703. Disclosure of Pre-sentence Reports**

A. All pre-sentence reports and related psychiatric and psychological reports shall be confidential, and not of public record. They shall be available to the sentencing judge, and to:

1. The attorney for the Commonwealth and counsel for the defendant, for inspection only.

B. If the defendant or the Commonwealth alleges any factual inaccuracy in a report under this rule, the sentencing judge shall, as to each inaccuracy found, order that the report be corrected accordingly.

C. After sentencing, unless the sentencing judge otherwise orders, and subject to the provisions of paragraph (B), psychiatric, psychological, and pre-sentence reports shall also be available to:

1. Correctional institutions housing the defendant; and  
2. Departments of probation or parole supervising the defendant; and

3. Departments of probation or parole preparing a pre-sentence investigation report regarding the defendant.

The reports shall continue to be confidential and not of public record.

D. On the order of the sentencing judge, a psychiatric, psychological, or pre-sentence investigation report may be made available to any other person or agency having a legitimate professional interest in the disposition of the case.

E. The sentencing judge may at any time impose further conditions of confidentiality on a person or agency receiving a report under paragraphs (C) or (D) of this rule.

[Pa.B. Doc. No. 07-780. Filed for public inspection May 4, 2007, 9:00 a.m.]



# PROPOSED RULEMAKING

## BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

[Correction]

### Schedule of Civil Penalties—Nurses

The document which appeared at 37 Pa.B. 1986 (April 28, 2007) was inadvertently placed in the Statement of Policy section of the *Pennsylvania Bulletin*. It is a proposed rulemaking which is proposing a new rule in § 43b.18a to replace an existing statement of policy in § 43b.18. It should have appeared in the Proposed Rulemaking section of the *Bulletin*.

[Pa.B. Doc. No. 07-744. Filed for public inspection April 27, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Advance Notice of Proposed Rulemaking Regarding Implementation of the Public Utility Confidential Security Information Disclosure Protection Act; Doc. No. L-00070185; M-00072014

The Pennsylvania Public Utility Commission (Commission) is required to implement H.B. 854, Act 156 of 2006 (Act 156) (P. L. No. 1435, No. 156). The purpose of Act 156, which is called the Public Utility Confidential Security Information Disclosure Protection Act, is to create mechanisms for the safeguarding of confidential security information of public utilities that is provided to various State agencies such as the Commission from disclosure that may compromise security against sabotage or criminal or terrorist acts.

In creating this mandate of nondisclosure of confidential security information, Act 156 directs the Commission to develop, among other things: (1) filing protocols and procedures for public utilities to follow when submitting records containing confidential security information; and

(2) protocols and procedures to address challenges to the designations or requests to examine records containing confidential security information (P. L. 1435, No. 156, § 3(b) and (c)).

The Commission seeks comments on any and all issues relevant to developing appropriate filing requirements for confidential security information and procedures to address challenges to or requests to review confidentiality designations. We are particularly interested in seeking comments on: (1) the factors that should be used to determine whether a public utility's designation of a record or portion thereof as "confidential security information" should be upheld by the Commission in the face of a challenge; (2) when InfoMAP is implemented by the Commission, whether electronic filing of documents containing confidential security information should be allowed (or should only hard copies be filed), and if the answer is yes, whether any special rules need to be implemented for electronic filings; and (3) the procedures that should be followed, if the confidential security information designation is upheld by the Commission in a specific case, for the statutory advocates to obtain access to the confidential security information if they have a legitimate need to such access. Additionally, the commenting parties are requested to submit draft regulatory provisions, including any supporting justification, as they deem appropriate for consideration.

Interested persons wishing to submit comments must file an original and 15 copies with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 45 days of publication in the *Pennsylvania Bulletin* and reply comments within 30 days thereafter. Further, any public utility interested in remaining on the active service list in this matter must either file comments or provide written notification to the Secretary's Bureau at this docket that they wish to remain on the active service list. Other utilities not on the active service list on a going-forward basis may receive notice of any future orders entered in this proceeding through postings of orders on the Commission's website or through publication in the *Pennsylvania Bulletin*.

The contact person at the Commission is Carl S. Hisiro, Assistant Counsel, Law Bureau, (717) 783-2812.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 07-781. Filed for public inspection May 4, 2007, 9:00 a.m.]

# STATEMENTS OF POLICY

## PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 436a AND 436b]

### Renumbering of Statements of Policy

The Pennsylvania Gaming Control Board (Board), has adopted the following statements of policy:

Chapter 436a. Use of funds allocated to horsemen's organizations.

Chapter 461a. Technical standards.

Chapter 466a. Technical standards.

As the Board adopts permanent regulations to replace its temporary regulations, the permanent regulations will be numbered using the format "###a."

To avoid confusion between the permanent regulations and the current statements of policy, the statement of policy chapters will be renumbered as shown in the following table:

<i>Current Numbering</i>	<i>New Number</i>
Chapter 436a.	Chapter 436b.
§ 436a.1.	§ 436b.1.
§ 436a.2.	§ 436b.2.
§ 436a.3.	§ 436b.3.
§ 436a.4.	§ 436b.4.
§ 436a.5.	§ 436b.5.
§ 436a.6.	§ 436b.6.
Chapter 461a.	Chapter 461b.
§ 461a.1.	§ 461b.1.
§ 461a.2.	§ 461b.2.
§ 461a.3.	§ 461b.3.
§ 461a.4.	§ 461b.4.
§ 461a.5.	§ 461b.5.
Chapter 466a.	Chapter 466b.
§ 466a.1.	§ 466b.1.

THOMAS A. DECKER,  
*Chairperson*

[Pa.B. Doc. No. 07-782. Filed for public inspection May 4, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Apple Marketing Program Referendum

Under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a review referendum was held from March 21, 2007, until 4 p.m. on April 4, 2007, to determine if the producers affected by the Pennsylvania Apple Marketing Program desired to continue the program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the program's continuation. An impartial Teller Com-

mittee met on April 12, 2007, to count the ballots. The following results were submitted by the Teller Committee: Of the 142 votes counted, 83 were in favor of continuing the program. This number represented 58% of the votes. Those voting "no" were 59 representing 42% of votes. Because a majority of the votes were cast in favor of the program, the Pennsylvania Apple Marketing Program shall continue for 5 years, effective immediately.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-783. Filed for public inspection May 4, 2007, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 24, 2007.

### BANKING INSTITUTIONS Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-3-07	Sussex Bancorp, Franklin, NJ, to Acquire 100% of Sussex Interim Bank, Westfall Township, Pennsylvania, Which Will be Merged With and Into Sussex Bank, Franklin, NJ, the Wholly-Owned Subsidiary of Sussex Bancorp	Franklin, NJ	Effective

### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-07	Abington Savings Bank Jenkintown Montgomery County	4000 Fox Hound Drive Lafayette Hill Montgomery County (Limited Service Facility)	Approved
4-16-07	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	1241 Blakeslee Boulevard Lehighton Carbon County	Opened
4-16-07	Pennsylvania State Bank Camp Hill Cumberland County	114 North Second Street Harrisburg Dauphin County	Opened
4-18-07	Huntingdon Valley Bank Huntingdon Valley Montgomery County	Lafayette Redeemer Retirement Community 8580 Verree Road Philadelphia Philadelphia County (Limited Service Facility)	Approved
4-19-07	Susquehanna Bank PA Lititz Lancaster County	100 Sterling Parkway Suite 100 Mechanicsburg Cumberland County (Limited Service Facility)	Approved
4-20-07	Marquette Savings Bank Erie Erie County	1073 Park Avenue Meadville Crawford County	Filed

## NOTICES

2101

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-24-07	Abington Savings Bank Jenkintown Montgomery County	Ann's Choice Retirement Community 30000 Ann's Choice Way Warminster Bucks County (Limited Service Facility)	Approved
4-24-07	United-American Savings Bank Pittsburgh Allegheny County	3353 State Route 130 Harrison City Westmoreland County	Approved
4-24-07	Parkvale Savings Bank Monroeville Allegheny County	681 Clairton Boulevard Pittsburgh Allegheny County	Approved

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-07	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	<i>Into:</i> 1241 Blakeslee Boulevard Lehigh Mahoning Township Carbon County  <i>From:</i> 111 North Front Street Lehigh Mahoning Township Carbon County	Effective
4-24-07	Republic First Bank Philadelphia Philadelphia County	<i>To:</i> 333 City Avenue Bala Cynwyd Montgomery County  <i>From:</i> 4190 City Avenue Philadelphia Philadelphia County	Approved
4-24-07	Somerset Trust Company Somerset Somerset County	<i>To:</i> Wal-Mart Store 2028 North Center Avenue Somerset Somerset County  <i>From:</i> 316 Georgian Place Somerset Somerset County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-19-07	Susquehanna Bank PA Lititz Lancaster County	Ridgecrest Court and Commons, Room 107 (Formerly know as 1 Maplewood Drive) Lewisburg Union County (Limited Service Facility)	Approved

**SAVINGS INSTITUTIONS**

No Activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-24-07	TruMark Financial Credit Union Treose Bucks County	2747 W. Main Street Lower Providence Township Montgomery County	Approved

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

VICTORIA A. REIDER,  
Acting Secretary

[Pa.B. Doc. No. 07-784. Filed for public inspection May 4, 2007, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061875 (Minor Sewage)	Foster Township Hickory Hills 1000 Wyoming Avenue P. O. Box 465 Freeland, PA 18224	Foster Township Luzerne County	Pond Creek 02A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023051	Borough of Palmerton 443 Delaware Avenue Palmerton, PA 18071	Palmerton Borough Carbon County	Aquashicola Creek 2B TSF, MF	Y
PA0062588	Pennsylvania American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701-1347	Jackson Township Luzerne County	Pikes Creek HQ-CWF 5E	Y
PA0062715	Sunoco Partners Marketing and Terminals, LP Kingston Terminal 60 South Wyoming Avenue Edwardsville, PA 18704-3102	Edwardsville Borough Luzerne County	UNT to Toby Creek WWF 5B	Y
PA0070246	Parkland School District Kernsville Elementary School 2219 North Cedar Crest Boulevard Allentown, PA 18104	Lehigh County North Whitehall Township	Jordan Creek 02C	Y
PA0062499	Southern Lehigh School District Lower Milford Elementary School 7350 Elementary Road Coopersburg, PA 18036	Lower Milford Township Lehigh County	Hosensack Creek Watershed 3E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051748 (SEW)	Tulphocken Area School District—High School 428 New Schaefferstown Road Bernville, PA 19506-8939	Berks County Jefferson Township	UNT Northkill Creek 3-C	Y
PA0021776 (SEW)	Fairfield Municipal Authority P. O. Box 705 Fairfield, PA 17320	Adams County Hamiltonban Township	Spring Run 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0111414 Sewerage	McEwensville Municipal Authority P. O. Box 50 McEwensville, PA 17749-0050	Delaware Township Northumberland County	Warrior Run 10-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210471	Bessemer Municipal Authority P. O. Box 642 Bessemer, PA 16112	Bessemer Borough Lawrence County	Hickory Run 20-B	Y

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

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

**PA0011622, Industrial Waste, Exelon Generation Company, LLC**, 3901 North Delaware Avenue, Philadelphia, PA 19137. This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge stormwater from Delaware Generating station located on Beach Street in the City of Philadelphia, Philadelphia County. This is an existing discharge to Delaware River—Zone 3.

The receiving stream, the Delaware River Estuary Zone 3, is in the State Water Plan Watershed 3J and is classified for: WWF (maintenance only) and MF (passage only).

The proposed effluent limits for Outfalls 001 and 004, based on a stormwater event, are as follows:

<i>Parameter</i>	<i>Daily Maximum (mg/l)</i>
Total Suspended Solids	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Iron, Total	Monitor and Report
Copper, Total	Monitor and Report
Zinc, Total	Monitor and Report
Nickel, Total	Monitor and Report
Total PCBs	Monitor and Report

The proposed effluent limits for Outfalls 005, 006, 008 and 010—015 for stormwater discharge are as follows:

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

*Other Conditions:*

1. Stormwater Requirements
2. PCBs Minimization Requirement

The EPA waiver is not in effect.

**No. PA0051284**, Industrial Waste, **Springfield Township**, 50 Powell Road, Springfield, PA 19064. This proposed facility is located in Springfield Township, **Delaware County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated leachate from Springfield Township Landfill in Springfield Township, Delaware County. This is an existing discharge to be redirected directly into Crum Creek.

The receiving stream, Crum Creek, is in the State Water Plan Watershed 3G and is classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on a design flow of 0.007 mgd are as follows:

<i>Parameter</i>	<i>Annual Average (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		30	60	75
pH		Within limits of 6.0 to 9.0 standard units at all times		
Color (Pt-Co)				100
Manganese		3.0	6.0	7.5
TDS		Monitor and Report		
Iron, Total	4.5	6.0	12.0	15.0
Iron, Dissolved	1.0	2.0	4.0	5.0
Iron, Total (Influent)		Monitor and Report		Monitor and Report
Iron, Dissolved (Influent)		Monitor and Report		Monitor and Report
Iron, Total (% removal)		Monitor and Report		
Dissolved Iron (% removal)		Monitor and Report		

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

The EPA waiver is in effect.

Remedial Measures if Creates Public Nuisance.

Proper Disposal of Sludge.

Watershed TMDL/WLA Analysis.

---

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

**Application No. PA0260746**, Sewage, **Leslie McKay and Amy Thompson-Hill**, 6227 Big Creek Road, Clearville, PA 15535. This facility is located in Monroe Township, **Bedford County**.

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

The receiving streams, UNT of Shaffer Creek, is in Watershed 11-C, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on the Raystown Branch of the Juniata River, approximately 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Suspended Solids	20		40
NH <sub>3</sub> -3N (5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30
Total Residual Chlorine		Nondetectable	
pH		from 6.0 to 9.0 inclusive	
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	

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

The EPA waiver is in effect.

---

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

**NPDES Permit No. PA0229130**, Industrial Wastewater, **Day Family Trust—Apartment House Tract**, 10 James Street, Mill Hall, PA 17751. This proposed facility is located in Liberty Township, **Centre County**.

Description of Proposed Activity: The facility is a 1,600 gpd small flow sewage treatment facility for a 4 unit apartment complex.

The receiving streams, a UNT to Hunter Run, is in the State Water Plan Watershed 9C and is classified for: CWF. The nearest downstream public water supply intake is near Milton, PA.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,600 gpd:

<i>Discharge Monitoring Parameter</i>	<i>Discharge Limitations Concentration (mg/l) (Unless Otherwise Noted)</i>		<i>Monitoring Requirements</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>	<i>Sample Type</i>	<i>Frequency</i>
FLOW (gpd)	Monitor Only		Estimated	1/Week
BOD <sub>5</sub>	25	50	Grab	1/Month
Total Suspended Solids (TSS)	30	60	Grab	1/Month
Total Residual Chlorine (TRC)	Monitor and Report		Grab	Daily
pH (standard units)	6.0 to 9.0 standard units, at all times		Grab	Daily
Fecal Coliform (5-1 to 9-30)	200 colonies/100 ml geometric mean and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested		Grab	1/Month
Fecal Coliform (10-1 to 4-30)	2,000 colonies/100 ml geo mean		Grab	1/Month

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

**PA0046230**, Sewage, **Carmichaels—Cumberland Joint Sewer Authority**, P. O. Box 304, Carmichaels, PA 15320-0304. This application is for renewal of an NPDES permit to discharge treated sewage from Carmichaels—Cumberland Joint Sewer Authority Sewage Treatment Plant in Cumberland Township, **Greene County**.

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



*Outfall 001: existing discharge, design flow of 0.8 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	20	30		40
Suspended Solids	25	37.5		50
Ammonia Nitrogen (5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.5	5.3		7.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.07
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.

**PA0005754**, Industrial Waste, SIC 3312, **Jewel Acquisition, LLC**, 100 River Road, Brackenridge, PA 15014-1597. This application is for renewal of an NPDES permit to discharge treated process water and cooling water and untreated cooling water, stormwater, backwash and steam condensate from the Midland Plant in Midland Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough Water Authority, located near the Midland Plant Outfall 003 discharge point.

*Outfall 001: existing discharge, average flow of 3.4 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		
Temperature (° F)				110	
Oil and Grease			15		30
Total Residual Chlorine			0.5		1.17
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Solids disposal, control floating solids, chemical additives, IMAX limit, priority pollutant sampling, cooling water conditions, stormwater conditions, control lab reagent disposal, TRC conditions and temperature conditions.

The EPA waiver is not in effect.

*Outfall 003: existing discharge, design flow of 1.52 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 Residual Chlorine			0.5		1.17

The material (solids and other debris) physically or mechanically removed in the backwash operation shall not be returned to surface waters.

*Outfall 004: existing discharge, design flow of 4.84 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		
Temperature (° F)					110
Oil and Grease			15		30
Iron			4		7
Total Residual Chlorine			0.5		1.17
pH	not less than 6.0 nor greater than 9.0				

*Outfall 104:* existing discharge, design flow of 1.83 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	179.7	483	30	60	75
Oil and Grease	56	169.3	10		30
Chromium	1.085	2.71	0.4	1.0	1.2
Nickel	0.814	2.44	0.3	0.9	1.1
Naphthalene		0.013		0.1	
Tetrachloroethylene		0.020		0.15	
Lead	0.118	0.355	0.3	0.9	1.1
Zinc	0.177	0.533	0.45	1.35	1.7
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 006 and 007:* discharge of stormwater

<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>
Zinc			Monitor and Report		
Oil and Grease			Monitor and Report		
Iron	Monitor and Report				

**PA0205028-A1**, Industrial Waste, SIC 5171, **BP Exploration and Oil, Inc.**, 4850 East 49th Street, CC-11, Cleveland, OH 44125. This application is for amendment of an NPDES permit to discharge treated stormwater from the Greensburg Terminal in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Jacks Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Westmoreland County Municipal Authority—McKeesport, located at P. O. Box 730, Greensburg, PA 15601, 39.9 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.0087 mgd. (Interim Limits)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids			Monitor and Report		
Oil and Grease			15		30
Aluminum			Monitor and Report		
Iron			Monitor and Report		
Benzene			Monitor and Report		
Total BTEX			Monitor and Report		
Ethylbenzene			Monitor and Report		
Toluene			Monitor and Report		
Xylenes, Total			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001:* existing discharge, design flow of 0.0087 mgd. (Final Limits)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids			30		75
Oil and Grease			15		30
Aluminum			Monitor and Report		
Iron			Monitor and Report		
Benzene			Monitor and Report		
Total BTEX			Monitor and Report		
Ethylbenzene			Monitor and Report		
Toluene			Monitor and Report		
Xylenes, Total			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

---

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


---

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

**WQM Permit No. 4507403**, Sewerage, **Smithfield Township**, R. D. No. 5, Box 5229, East Stroudsburg, PA 18301. This proposed facility is located in Smithfield Township and East Stroudsburg Borough, **Monroe County**, PA.

Description of Proposed Action/Activity: This project is for the construction of a sanitary sewer force main from existing Route 447/209 pump station along East Brown Street into East Stroudsburg.

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

**WQM Permit No. 2107404**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit authorization to upgrade pump stations 5, 9, 10 and 14.

**WQM Permit No. WQG02220701**, Sewerage, **Lower Paxton Township Sewer Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit authorization for construction/operation of a pump station and sewer extension to serve the Wilshire Estates subdivision.

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

**WQM Permit No. WQG026114**, Sewerage, **David D. and Eugenia A. Moritz**, 242 Station Street, Bridgeville, PA 15017. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a low pressure sanitary force main for 20 large residential lots.

---

**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**


---

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807005	William Schneck 1330 S. Fountain Street Apt. 2 Allentown, PA 18103	Northampton	Williams Township	Frya Run HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U168R	Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Northampton	Hanover Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033607005	Scott Kreider S & A Kreider & Sons 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	Jackson Run HQ-CWF

---

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


---

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

**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. 1307503, Public Water Supply.**

**Applicant** **Big Boulder Corp.**  
Kidder Township  
**Carbon County**

**Responsible Official** Eldon Dietterick  
Big Boulder Corp.  
Route 940 and Moseywood Road  
P. O. Box 707  
Blakeslee, PA 18610

**Type of Facility** Public Water System

**Consulting Engineer** David D. Klepadlo, P. E.  
Malcolm Pirnie, Inc.  
932 Springbrook Avenue  
Moosic, PA 18507

**Application Received Date** March 27, 2007

**Description of Action** The expansion of the water system at Big Boulder to serve additional housing developments. The addition of a well source, midlake No. 2, well house, and the replacement of a tank with one of larger capacity. Treatment includes disinfection, sequestering and pH adjustment.

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

**Permit No. 0607510, Public Water Supply.**

**Applicant** **Broto-Cast LLC**

**Municipality** Douglass Township

**County** **Berks**

**Responsible Official** Joseph J. Gizara, Managing Director  
1460 Benjamin Franklin Highway  
Douglassville, PA 19518

**Type of Facility** Public Water Supply

**Consulting Engineer** Karen Pollock, P. E.  
System Designs Engineering  
850 Park Road  
Wyomissing, PA 19610

**Application Received:** April 14, 2007

**Description of Action** This application is for the addition of an arsenic treatment system to the existing water system located within the Proto-Cast facility in Douglassville, PA.

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

**Application No. 0507502, Minor Amendment, Public Water Supply.**

**Applicant** **Coaldale Six Mile Run Water Corporation**

**Municipality** Broad Top Township

**County** **Bedford**

**Responsible Official** Judy D. Wright, President  
P. O. Box 152  
Six Mile Run, PA 16679

**Type of Facility** Public Water Supply

**Consulting Engineer** Steve Sesack, P. E.  
EADS  
450 Aberdeen Drive  
Somerset, PA 15501

**Application Received:** March 8, 2007

**Description of Action** This project includes the replacement of an existing well pump and installation of a new manganese greensand filtration system, new 37,000-gallon finished water storage tank, new grating railing for the slow sand system and a sand cleaning system.

---

**MINOR AMENDMENT**


---

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


---

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

**Application Minor Amendment, Public Water Supply.**

Applicant	<b>Lehigh County Authority</b> Upper Milford Township <b>Lehigh County</b>
Responsible Official	Aurel M. Arndt, General Manager Lehigh County Authority P. O. Box 3348 1053 Spruce Street Allentown, PA 18106
Type of Facility	Community Water System
Consulting Engineer	NA
Application Received Date	April 13, 2007
Description of Action	Application for transfer of the community water system serving Buss Acres Subdivision (Philip M. Buss Water Company) to Lehigh County Authority.

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

**Application No. 0486501MA, Minor Amendment.**

Applicant	<b>D'Atri, Inc.</b> 320 Sunset Drive Baden, PA 15005
Township or Borough	New Sewickley Township
Responsible Official	David D'Atri, President D'Atri, Inc. 320 Sunset Drive Baden, PA 15005
Type of Facility	Knob Vue Estates Mobile Home Park
Consulting Engineer	Shoup Engineering, Inc. 329 Summerfield Drive Baden, PA 15005
Application Received Date	April 2, 2007
Description of Action	Addition of five 5,000 gallon finished water storage tanks.

---

**WATER ALLOCATIONS**


---

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


---

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

**WA 36-181B, Water Allocations, City of Lancaster, Lancaster County.** The applicant is requesting the right to withdraw a maximum of 34.39 mgd from the Susquehanna River at an existing intake in West Hempfield Township, **Lancaster County**, Consulting En-

gineer: Jason D. Wert, Herbert Rowland & Grubic, Inc. Application Received on March 30, 2007.

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

**WA32-1004, Water Allocations. Indiana County Municipal Services Authority—Coy System, 827 Water Street, Indiana, PA 15701, Indiana County.** The applicant is requesting the right to purchase 100,000 gallons of water per day from the Central Indiana County Water Authority.

**WA32-1005, Water Allocations. Indiana County Municipal Services Authority—Lucerne System, 827 Water Street, Indiana, PA 15701, Indiana County.** The applicant is requesting the right to purchase 100,000 gallons of water per day from the Central Indiana County Water Authority.

**WA3-1007, Water Allocations—Resubmittal. Manor Township Joint Municipal Authority, 2310 Pleasant View Drive, Ford City, PA 16226, Armstrong County.** The applicant is requesting the right to withdraw 432,000 gallons of water per day, peak day, from Well No. 1; 432,000 gallons of water per day, peak day, from Well No. 2; 432,000 gallons of water per day, peak day, from Well No. 3; and 720,000 gallons of water per day, peak day, from Well No. 4. Total allocation amount requested from all four river wells is 2,016,000 gallons of water per day.

---

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**


---

**UNDER ACT 2, 1995**
**PREAMBLE 1**


---

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period

for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**Stove Works Facility**, Hatboro Borough, **Montgomery County**. Wesley P. Fitchett, P.G., Hocage Consulting, Inc., 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of David Kilcoyne, Apple Construction, Inc., 107 Lake Drive, Holland, PA 18966 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of inorganic. It is the intent of the current property owner to utilize the subject property for mixed commercial and residential use. A summary of the Notice to Intent to Remediate was reported to have been published in the *Montgomery Newspapers LLC* on March 15, 2007.

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

**Former Mack Truck, Inc. Assembly Plant 5C**, City of Allentown, **Lehigh County**. John Checchio, Brinkerhoff Environmental Services, Inc., 1913 Atlantic Avenue, Suite No. R5, Manasquan, NJ 08736 has submitted a Notice of Intent to Remediate (on behalf of his client, Allentown Commerce Park Corporation, 47 Parsippany Road, Whippany, NJ 07891) concerning the remediation of soils impacted with petroleum contamination and groundwater impacted with chlorinated solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard for both soils and groundwater. The proposed future use of the property will be nonresidential commercial use. A summary of the Notice of Intent to Remediate was published in the *Morning Call* on February 7, 2007.

**Sand Island Site**, City of Bethlehem, **Northampton County**. Sean M. Damon, P.G., Langan Engineering and Environmental Services, Inc., P. O. Box 1569, Doylestown, PA 18901-0219 has submitted a Notice of Intent to Remediate (on behalf of his client, City of Bethlehem, Department of Parks and Recreation, 10 East Church Street, Bethlehem, PA 18010-6025) concerning the remediation of site soils found to have been impacted by

VOC, base neutrals and acid extractables, priority pollutant metals, polychlorinated biphenyls and pesticides. The applicant proposes to remediate the site to meet the Statewide Health and Site-Specific Standards. The intended future use of the site is for recreation. A summary of the Notice of Intent to Remediate was published in the *Morning Call* on February 26, 2007.

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

**Metso Minerals Industries, Inc.**, Spring Garden Township, **York County**. CDM, Inc., Raritan Plaza I, Raritan Center, Edison, NJ 08818, on behalf of Cresticon, Inc., 1840 Century City Park East, Los Angeles, CA 90067-2199 and Metso Minerals Industries, Inc., 240 Arch Street, P. O. Box 15312, York, PA 17405, submitted a Notice of Intent to Remediate site soils contaminated with lead and cadmium. The applicant is seeking to attain a Residential Statewide Health Standard. Due to the size and location of this 2,500 sq. ft. triangular shaped parcel, the site will most likely remain vacant and unoccupied.

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

**Champion Tool & Die Company**, North Huntingdon Township, **Westmoreland County**. Gary Cribbs, Cribbs & Associates, Inc., P. O. Box 44, Delmont, PA 15626 on behalf of J. Herbert Burkman, Champion Tool & Die Company, 2501 Oak Lawn Avenue, Suite 310, Dallas, TX 75219 has submitted a Notice of Intent to Remediate. Metals contamination of shallow and subsurface soils are above their respective Statewide Health Standards. Arsenic, cadmium, cobalt, copper, lead, selenium and from metal grindings and abrasive residue in cooling water arochlor 1,254 also exceeded the residential direct contact Statewide Health Standard in one soil sample. Remediation of contaminated soil to Statewide Health Standard will be excavated and proper disposal. The site can therefore continue to be used for industrial or redeveloped for residential purposes.

**COGO's—North Canal Street**, Borough of Sharpsburg, **Allegheny County**. William A. McGill, The GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238 has submitted a Notice of Intent to Remediate. COGO's company observed petroleum hydrocarbon impact in soil exposed during excavation activities at 1501 North Canal Street in Sharpsburg. COGO's was installing a new unleaded gasoline underground storage tank on the property. Approximately 250 cubic yards of potentially impacted soils were excavated, staged, and then disposed of at an appropriate landfill. All confirmatory samples met the Statewide Health Standard. The property will remain a convenience store and retail fuel distribution facility.

#### RESIDUAL WASTE GENERAL PERMITS

**Applications received for Determination of Applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR052. Orion Power Midwest LP**, 121 Champion Way, Elrama, PA 15038-0800. General Permit Number WMGR052 authorizes beneficial use of "Low Permeability Cementitious Material" (a mixture of flue gas desulfurization (FGD) sludge, coal ash and lime) as construction material and for mine sealing, in mine fire and subsidence control, and for abandoned mine reclamation. The permittee has requested modification of General Permit Number WMGR052 to include use at active mine sites. The application for renewal was received by Central Office on April 18, 2007.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania 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.

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

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

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

**Permit Application No. 101432. Waste Management of PA Inc.**, 310 Washington Street, Norristown, PA 19404, Borough of Norristown, **Montgomery County**. This application is for the reissuance of the subject solid waste transfer station permit from Veolia ES Solid Waste of PA, Inc. to Waste Management of PA, Inc. The application was received in the SERO on April 6, 2007.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit application deemed administratively 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 Third Street, Williamsport, PA 17701.*

**Permit No. 300987. PPL Montour LLC**, 18 McMichael Road, Washingtonville, PA 17884, located in Derry Township, **Montour County**. The major modification application for permit renewal was deemed complete on April 10, 2007.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service (800) 654-5984.

**Notifications 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.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Beneficial Use of Coal Ash Notification. Gardenscape**, P. O. Box 184, Eau Claire, PA 16030, Richland Township, **Venango County**. In accordance with 25 Pa. Code § 287.661 of the Residual Waste Regulations, Gardenscape has given notification of its intentions to beneficially use coal ash as a structural fill. The notification was received by the Northwest Regional Office on April 16, 2007.

Comments concerning the notification should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the notification may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania 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.

### **AIR QUALITY**

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

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

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

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

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

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

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

#### PLAN APPROVALS

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

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

**36-05142B: Masterfoods USA—Division of Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) for modification of an approved dust collector and installation of new conveying systems and dust collectors at their candy manufacturing facility in Elizabethtown Borough, **Lancaster County**.

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

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

**46-0026D: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) for installation of a new flexographic printing press to replace an existing printing press in its Oaks facility in Upper Providence Township, **Montgomery County**. This facility is a minor facility. The facility wide VOC emissions will stay under 25 tpy. The combined HAP emissions will stay under 25 tpy. Each HAP emissions will stay under 10 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**06-05078F: FR & S, Inc.** (727 Red Lane Road, Birdsboro, PA 19508) for modification of their municipal solid waste landfill controlled by a gas collection system and two enclosed ground flares in Exeter Township, **Berks County**. The modification involves the increase in the SO<sub>2</sub> emission limits on the flares. The landfill is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources and Part 63, Subpart AAAA, National Emission Standards for HAPs for Municipal Solid Waste Landfills. The plan approval

will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit No. 06-05078. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**67-05005F: PPL Generation, LLC** (Two North Ninth Street, Allentown, PA 18101) to replace two existing electrostatic precipitators (ESPs) with a new ESP that will enhance the collection efficiency of PM from the Unit No. 2 coal-fired boiler at the Brunner Island Stream Electric Station in East Manchester Township, **York County**. The installation of the new ESP is expected to decrease the overall facility emissions of PM by approximately 280 tpy. The Unit No. 2 coal-fired boiler is subject to the Compliance Assurance Monitoring rule, which will require the new ESP to meet specific monitoring and work practice standards to assure compliance with the applicable standard for PM.

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

**49-317-002A: Sensenig Milling Services, Inc.** (10705 SR 44, Watsonstown, PA 17777) for installation of air cleaning devices on and modification of, a bakery waste dryer in Lewis Township, **Northumberland County**. The dryer is a natural gas-fired rotary dryer used to dry various bakery wastes. The proposed air cleaning devices are a cyclone collector and a fabric collector, to be operated in series, which will replace the cyclone collector and fabric collector previously used to control the PM emissions from the dryer. The proposed modification is the use of the dryer to process unbaked yeast-containing dough, a material the dryer was not previously approved to process, which will result in an increase in the emission of VOCs from the dryer.

Following the modification and installation of the proposed cyclone collector and fabric collector, the air contaminant emissions from the dryer are not expected to exceed 13.24 tons of PM/PM<sub>10</sub>, 6.8 tons of VOCs, 5.15 tons of NO<sub>x</sub>, 4.33 tons of CO and .03 ton of SO<sub>x</sub> per year.

The respective facility is not a major (Title V) facility for any air contaminant.

The Department review of the information submitted by Sensenig Milling Services, Inc. indicates that the dryer should be able to comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the dryer modification and cyclone collector and fabric collector installation, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12, provided the dryer, cyclone collector and fabric collector are properly maintained. Based on this finding, the Department proposes to issue plan approval for the proposed modification and collector installation.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. The burner incorporated in the dryer shall be fired on natural gas only.
2. The PM emissions from the dryer shall not exceed .02 grain per dry standard cubic foot of effluent gas volume.



3. The cyclone collector and fabric collector shall be located inside of a heated building. Additionally, the cyclone collector, fabric collector and all ductwork from the dryer outlet to the fabric collector inlet shall be insulated.

4. Only bags treated with a fluoropolymer shall be used in the fabric collector. Additionally, spare bags shall be kept onsite.

5. The cyclone collector shall be equipped with instrumentation to monitor collector pressure differential on a continuous basis.

6. The fabric collector shall be equipped with instrumentation to monitor collector pressure differential, as well as the collector inlet and outlet temperatures, on a continuous basis. Additionally, this instrumentation shall signal an alarm if the pressure differential exceeds the set point value as well as automatically increase the dryer's heat input or decrease the waste feed rate if the monitored collector temperature approaches the dew point.

7. The air compressor supplying compressed air to the fabric collector shall be equipped with an air dryer and an oil trap.

8. No more than 50 tons of unbaked yeast-containing dough shall be processed through the dryer in any calendar week.

9. The VOC emissions from the dryer shall not exceed 6.8 tons in any 12-consecutive month period.

10. The permittee shall maintain comprehensive accurate records of the amount (weight) of unbaked yeast-containing dough processed through the dryer each day.

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

**AMS 07026: Sunoco, Inc.—R & M** (3144 Passyunk Avenue, Philadelphia, PA 19145) for modification of the 231 Unit to process 7,000 barrels per day of distillate feed in addition to the current ability to process light furnace oil feed in the City of Philadelphia, **Philadelphia County**. The modification includes the installation and operation of jumpover lines, valves, flanges, line and pipe supports to transport imported distillate from the Girard Point Processing Area dock to the existing 231 Unit feed tank (No. 250 Tank). The project will result in the following annual facility-wide emissions increases: 8.39 tons of NO<sub>x</sub>, 5.67 tons of CO, 1.64 tons of VOCs, 2.51 tons of SO<sub>2</sub> and 0.51 ton of PM. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

**AMS 06162: Naval Surface Warfare Center—Carderock Division—Ship Systems Engineering Station** (5001 South Broad Street, Code 357, Philadelphia, PA 19112) on April 24, 2007, to modify heat input values, emission rates and fuel limits for some test engines from Plan Approval Nos. 02253, 03165 and 04238 in the City of Philadelphia, **Philadelphia County**. The following emission limits will increase as a result of the plan approval: LM-2500 Gas Turbine 2A NO<sub>2</sub> from 198 lbs/hr to 244 lbs/hr, LM-2500 Gas Turbine 2B NO<sub>2</sub> from 198 lbs/hr to 263 lbs/hr, and LSD-41 Diesel Engines Alpha and Bravo each increase NO<sub>2</sub> from 67.1 to 134 lbs/hr and SO<sub>2</sub> from 4.37 lbs/hr to 10.34 lbs/hr on a 3-hour average and 8.56 lbs/hr on a 24-hour average. All other emission limit changes are decreases.

## OPERATING PERMITS

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

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

**09-00015: Rohm and Haas Co.** (Route 413 and 13, P. O. Box 219, Bristol, PA 19007) for renewal of the Title V Operating Permit in Bristol Township, **Bucks County**. The initial permit was issued on November 19, 2001. The Rohm and Haas Company/Bristol (a/k/a Bristol and Croydon plants) Plant is a chemical manufacturing facility. As a result of potential emissions of VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**05-05007: Texas Eastern Transmission, LP—Bedford Compressor Station** (2601 Market Place, Suite 400, Harrisburg, PA 17110) for a Title V Operating Permit renewal to operate a natural gas compressor station in Bedford Township, **Bedford County**. The facility's major sources of emissions include the engine driven compressors and generators, which primarily emit NO<sub>x</sub>. The Title V operating permit renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**43-00287: Jones Performance Products, Inc.—West Middlesex Plant** (No. 1 Jones Way, P. O. Box 563, West Middlesex, PA 16159) for a Title V Operating Permit Renewal to operate a Reinforced Plastic Manufacturing Facility, in West Middlesex Borough, **Mercer County**. This facility is a major source due to potential VOC and HAP emissions.

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

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

**46-00008: Coopers Creek Chemical Corp.** (884 River Road, West Conshohocken, PA 19428) for a Natural Minor Permit for operation of a crude coal tar distillation facility in Upper Merion Township, **Montgomery County**. The sources of emissions include boilers, crude coal tar distillate process tanks, road tar storage tanks, creosote tanks and other road tar product storage vessels. The facility has a potential to emit less than 25 tpy of VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**44-05012: Donsco, Inc.** (4381 Front Mountain Road, Belleville, PA 17004) for operation of their iron foundry in Union Township, **Mifflin County**. This action is a renewal of the previous operating permit and all permit requirements remain in effect.

**67-03023: LWB Refractories Co.** (232 East Market Street, P. O. Box 1189, York, PA 17404) for operation of their stone crushing plant at the existing quarry in West Manchester Township, **York 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.

**67-05109: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of their Queen Street Substation in York Township, **York County**. The facility has the following annual potential air emissions: 26 tons NO<sub>x</sub>; 4 tons SO<sub>x</sub>; 4 tons CO; 1 ton VOC and 1 ton PM<sub>10</sub>. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements 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.*

**60-00017: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) for operation of a stone crushing and asphalt pavement production facility (Lewisburg Quarry) in Buffalo Township, **Union County**.

The facility incorporates a 500 ton per hour drum mix asphalt plant and associated aggregate, liquid asphalt, fuel oil and recycled/reprocessed oil storage tanks, a stone crushing and screening plant and a 2.8 mmBtu/hr No. 2 fuel oil-fired hot oil heater. The PM/PM<sub>10</sub> emissions from the asphalt plant are controlled by a knockout box and fabric collector operating in series. The PM/PM<sub>10</sub> emissions from the stone crushing and screening plant are controlled by two water spray dust suppression systems.

The air contaminant emissions from the facility are not expected to exceed 161.7 tons of PM/PM<sub>10</sub>, 79.95 tons of CO, 77.88 tons of SO<sub>x</sub>, 34.25 tons of NO<sub>x</sub>, 29.82 tons of VOCs and 5.06 tons of HAPs per year.

The facility is not a major (TitleV) facility for any air contaminant.

The Department proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Plan Approval 60-310-006A, issued on July 31, 2002, and Plan Approval 60-303-003, issued on December 11, 2002.

The conditions previously established in Plan Approvals 60-310-006A and 60-303-003 include:

1. Conditions requiring the water spray dust suppression systems associated with the stone crushing and screening plant to have spray nozzles at certain specific locations, to incorporate strainers to prevent nozzle plug-gage and to be supplied from an on-demand water source.

2. A condition allowing pieces of stone crushing and screening plant equipment to be replaced without plan approval provided the replacement equipment is of equal or smaller size and of equivalent design and function.

3. A condition limiting the fuel fired in the asphalt plant to virgin No. 2 fuel oil with a maximum sulfur content of .3% by weight and recycled/reprocessed oil with a maximum sulfur content of 1.0% by weight at any time and .5% by weight on an annual average basis.

4. Conditions limiting the total combined amount of virgin No. 2 fuel oil and recycled/reprocessed oil used in the asphalt plant to 1,820,000 gallons in any 12-consecutive month period, the total combined amount of virgin No. 2 fuel oil and recycled/reprocessed oil in the entire facility to 1,995,200 gallons in any 12-consecutive month period and the asphalt concrete production of the asphalt plant to 1,000,000 tons in any 12-consecutive month period.

5. Conditions limiting the PM emissions from the asphalt plant to .02 grain per dry standard cubic foot of effluent gas volume, the NO<sub>x</sub> emissions to 32.5 pounds per hour when burning recycled/reprocessed oil and 23.0 pounds per hour when burning virgin No. 2 fuel oil, the CO emissions to 79.5 pounds per hour when burning recycled/reprocessed oil and 64.5 pounds per hour when burning virgin No. 2 fuel oil and the VOC emissions to 25.5 pounds per hour when burning recycled/reprocessed oil and 20.0 pounds per hour when burning virgin No. 2 fuel oil.

6. Conditions limiting the NO<sub>x</sub>, CO, SO<sub>x</sub>, VOC, total combined HAPs and formaldehyde emissions from the asphalt plant to 32.5 tons, 79.5 tons, 74.1 tons, 25.5 tons, 5.0 tons and 1.55 tons, respectively, in any 12-consecutive month period and the NO<sub>x</sub>, CO, SO<sub>x</sub>, VOC and total combined HAP emissions from the asphalt plant and hot oil heater to 34.2 tons, 80.0 tons, 77.9 tons, 29.9 tons and 5.2 tons, respectively, in any 12-consecutive month period.

7. A condition limiting the content of certain contaminants in the recycled/reprocessed oil used in the asphalt plant to:

- arsenic—five parts per million (by weight)
- cadmium—two parts per million (by weight)
- chromium—ten parts per million (by weight)
- lead—100 parts per million (by weight)
- total halogens—1,000 parts per million (by weight)
- polychlorinated biphenyls—none detectable (detection limit no higher than two parts per million)

8. A condition prohibiting the facility from accepting any shipment of recycled/reprocessed oil which contains contaminants in excess of the limits specified in the permit or for which contaminant contents are unknown.

9. Conditions specifying the specific analytical procedures to be employed in determining the contaminant contents in the recycled/reprocessed oil, requiring the permittee to test every load of recycled/reprocessed oil received for total halogen content, requiring the permittee to have a complete contaminant analysis performed on every fifteenth load of recycled/reprocessed oil received, requiring the permittee to take and retain a sample of every load of recycled/reprocessed oil received and requiring the permittee to submit an annual recycled/reprocessed oil report.

10. Conditions prohibiting the asphalt plant from being used to produce asbestos-containing asphalt material, to decontaminate or treat any material which has been contaminated with gasoline, fuel oil or any other substance, to process used foundry sand or to dry stone other than when the plant is simultaneously producing asphalt concrete.

11. Conditions requiring the fabric collector associated with the asphalt plant to be equipped with instrumentation to continuously monitor the collector pressure differential and inlet temperature as well as an interlock system which shuts down the flow to the collector if the inlet temperature exceeds 390° F, spare fabric collector bags to be kept on hand and the air compressor associated with the fabric collector to be equipped with an air dryer and oil trap.

12. Conditions limiting the amount of recycled asphalt pavement (RAP) that may be processed in the asphalt plant to 25% of the total weight of the materials introduced to the mixing drum at any time, requiring all fiber, plastic and/or rubber additives to be mixed into the asphalt concrete in such a manner as to prevent thermal degradation of the additives and prohibiting the removal of dust from the asphalt plant's dust silo except by introduction into the plant's mixing drum or a slurry mixer.

13. A condition requiring the maintenance of records of the asphalt plant fabric collector pressure differential and inlet temperature, the amount of asphalt concrete produced each month, the amount of RAP processed each month, the amount of virgin No. 2 fuel oil used each month and the amount of recycled/reprocessed oil used each month.

14. A condition limiting the fuel fired in the hot oil heater to virgin No. 2 fuel oil.

15. A condition requiring an operable water truck to be kept on site for road dust control.

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

16. A condition limiting the facility-wide emissions of CO, SO<sub>x</sub> and VOCs to less than 100 tons, 100 tons and 50 tons, respectively, in any 12-consecutive month period.

17. Conditions requiring certification of the sulfur content of each load of virgin No. 2 fuel oil delivered to the facility and the maintenance of records of this information.

18. A condition requiring the performance of NO<sub>x</sub>, CO, VOC and PM stack testing on the asphalt plant by no later than August 31, 2008 and approximately every 4 to 4.5 years thereafter.

19. A condition requiring the maintenance of records of all recycled/reprocessed oil analyses performed.

20. A condition requiring the annual submission of a report containing the records required by 13 and 19.

21. Conditions prohibiting the facility's two 10,000 gallon and one 20,000 gallon storage tanks from being used to store anything other than virgin No. 2 fuel oil and recycled/reprocessed oil with a vapor pressure less than 1.5 pounds per square inch.

22. Condition prohibiting the flash point of the recycled/reprocessed oil from being less than 100° F (modified from a condition contained in Plan Approval 60-303-003 which prohibited the flash point from being less than 140° F).

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

**43-00252: Grove City College** (100 Campus Drive, Grove City, PA 16127-2104) for a renewal operating permit for two tri-fuel boilers and a gas/oil fired boiler as well as miscellaneous natural gas combustion and a degreaser in Grove City, **Mercer County**. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. The facility has taken an elective restriction of 5,850 tons of coal on a consecutive 12-month basis and a sulfur limit of 1.0% on a consecutive 12-month basis. The quantity of No. 2 oil fired is limited to 210,000 gpy based on a consecutive 12-month basis. The natural gas usage is limited to 650 mmcf/yr based on a consecutive 12-month period. The facility is required to keep records of the fuel usages and sulfur content. With the given restrictions, the status of the facility operating permit is a Synthetic Minor.

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

**S05-019: Dietz and Watson, Inc.** (5701 Tacony Street, Philadelphia, PA 19135) for processing of lunch meat, hot dogs, hams, roast beef, sausage and turkey products in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 3 8.37 mmBtu/hr natural gas, No. 2 oil, or propane-fired boilers, a 11.82 mmBtu/hr natural gas, No. 2 oil, or propane-fired boiler, a 9.00 mmBtu/hr natural gas fired hot water heater, eleven 1.65 mmBtu/hr or less natural gas or propane-fired food processing ovens, 3 used oil and/or No. 2 oil-fired heaters, each rated less than 1 mmBtu/hr, 1 diesel-fired emergency generator, and gasoline loading station.

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

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

**S05-002: T.D.P.S. Materials—DePaul Concrete** (2nd Street and Erie Avenue, Philadelphia, PA 19120) for operation of an asphalt and concrete facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a hot mix asphalt plant, a concrete crushing plant and fugitive emissions from material handling and vehicle traffic. The hot mix asphalt plant is controlled by baghouse.

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

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

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

*Coal Applications Received*

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

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

\*The parameter is applicable at all times.

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

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit Number: 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep

Plant in Richhill Township, **Greene County** to install the 18C pipeline and borehole. Surface Acres Proposed 10.1. No additional discharges. Application received on March 21, 2007.

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

**26070104 and NPDES Permit No. PA0251135. Stash Mining Company** (P. O. Box 20, Waltersburg, PA 15488). Application for commencement, operation and reclamation of a bituminous surface mine located in Menallen Township, **Fayette County**, affecting 77.5 acres. Receiving streams: Redstone Creek and UNT to Redstone Creek, classified for the following use: WWF. There is no

potable water supply intake within 10 miles downstream from the point of discharge. Application received on April 17, 2007.

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

**1361-33960104-E-1. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Application for a stream encroachment to allow mining and support activities within UNT 4 to Five Mile Run and also includes a haul road stream crossing in Knox Township, **Jefferson County**. Receiving streams: UNT to Five Mile Run and File Mile Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on April 13, 2007.

**33920106 and NPDES Permit No. PA0211273. Beverly Hill Coal Company** (P. O. Box 39, Rockton, PA 15856). Renewal of an existing bituminous surface strip and auger operation in Henderson Township, **Jefferson County** affecting 64.0 acres. Receiving streams: UNT to East Branch Mahoning Creek, classified for the following use: HQ-CWF. The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company. Application for reclamation only. Application received on April 16, 2007.

**61070101 and NPDES Permit No. PA0258296. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Clinton Township, **Venango County** affecting 16.5 acres. Receiving streams: One UNT to Gilmore Run and Gilmore Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received on April 10, 2007.

**33070102 and NPDES Permit No. PA0258300. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface strip operation in Knox Township, **Jefferson County** affecting 23.1 acres. Receiving streams: UNT to Five Mile Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received on April 13, 2007.

**33860113 and NPDES Permit No. PA0107387. Cloe Mining Company, Inc.** (P. O. Box J, Grampian, PA 16838). Renewal of an existing bituminous surface strip operation in Oliver and Young Townships, **Jefferson County** affecting 311.6 acres. Receiving streams: UNT to Little Elk Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on April 18, 2007.

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

**17000109 and NPDES No. PA0242985. Kenneth K. Rishel & Sons, Inc.** (1229 Turnpike Avenue, Clearfield, PA 16830), permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 25.0 acres. Receiving streams: UNT No. 2 to Orr's Run to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received on March 29, 2007.

**17070107 and NPDES No. PA0256536. P & N Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous surface mine in Penn Township, **Clearfield County**, affecting 47.2 acres. Receiving streams: UNT to Kratzer Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on April 2, 2007.

*Coal Applications Returned*

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

**33813020 and NPDES Permit No. PA0603465. Leonard Yenzi** (P. O. Box 62, Anita, PA 15711) Transfer of an existing bituminous strip operation to John R. Yenzi, Jr. in Winslow Township, **Jefferson County** affecting 270.0 acres. Receiving streams: Two UNT to Front Run. Application received on February 16, 2006. Application Returned on April 11, 2007.

*Noncoal Applications Received*

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	
pH <sup>1</sup>			

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to 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.*

**03950401 and NPDES Permit No. PA0214841. Bradys Bend Corp.** (930 Cass Street, New Castle, PA 16101). Renewal application for an existing noncoal underground mine, located in Bradys Bend Township, **Armstrong County**, affecting 17.7 acres. Receiving stream: Cove Run, classified for the following use: WWF. The potable water supply intakes within 10 miles downstream from the point of discharge: Bradys Bend Water and Sewer Authority and PA American Water. Renewal application received on April 16, 2007.

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

**24070301 and NPDES Permit No. PA0258318. Mar-quis Mining Corporation** (3889 Manover Boulevard, Johnstown, PA 15905). Commencement, operation and restoration of a sandstone and subsoil operation in Fox Township, **Elk County** affecting 296.0 acres. Receiving streams: UNT to Bear Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received on March 27, 2007.

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

**4473SM10 and NPDES Permit No. PA0119440. Penn Coal Land, Inc.** (P. O. Box 68, Boswell, PA 15531), renewal of NPDES Permit in Decatur Township, **Clearfield County**. Receiving streams: UNT to Little Laurel Run to Laurel Run to Moshannon Creek to West Branch Susquehanna River and UNT to Coal Run to Moshannon Creek to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received on February 23, 2007. Permit issued on April 12, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-912. Somerton Valley Homes, LP**, One Wilson Avenue, Suite 2, Bristol, PA 19007, Bensalem Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Somerton Homes Residential Subdivision:

1. To construct and maintain the Highland Lane culvert crossing of a UNT of Poquessing Creek (WWF) and 0.37 acre of adjacent wetland (PEM). The structure consists of 60 linear feet of 54 inch RCP, 14 linear feet of 54 inch RCP, manholes, endwalls, 18-inch RCP stormwater outfall and 8-inch waterline.

2. To construct and maintain the Greystone Court stream enclosure crossing of an unnamed perennial tributary of Poquessing Creek (WWF) and 0.01 acre of adjacent wetland. The enclosure is also associated with lots 48 and 49. The structures consist of endwall 76, 24 linear feet of 48 inch by 76 inch RCP, manhole 79, 47 linear feet of 48 by 76 RCP and endwall 80. The crossing also includes an 8-inch waterline.

3. To install and maintain an 8-inch diameter sanitary sewer line crossing of an unnamed perennial tributary of Poquessing Creek (WWF) and adjacent wetlands at two locations.

The site is located near the intersection of Cartess Mill and Somerton Roads; Langhorne, PA (N: 0.3 inch; W: 15.5 inches).

**E09-908. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Tincum Township, **Bucks County**, ACOE Philadelphia District.

To replace the superstructure of the existing bridge carrying Byram Road over the Pennsylvania Canal (TSF). This work also includes construction and maintenance a temporary stream crossing. The site is located approximately 200 feet west of the intersection of Byram Road (SR 1006, Sec. 80s) and Larkin Road (Lambertville, PA USGS Quadrangle N: 16.6 inches; W: 12.0 inches).

**E51-222. Philadelphia Water Department**, 1101 Market Street, 2nd Floor, Aramark Tower, Philadelphia, PA 19107-2994, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

*Tacony Creek Stream Restoration Project Neshaminy*

To restore an approximately 2,200 linear-foot segment of the Tacony Creek (WWF). The project focuses on the use of natural restoration materials as opposed to structural methods. The activities associated with this stream restoration includes:

1. Streambank grading and stabilization to mimic natural stream channel conditions.

2. Placement of clay channel block, rock vanes, boulder cluster, j-hooks and a series of rock clusters to redirect flows through the restoration reach and to facilitate protection of an existing 12-inch sanitary main and

associated manholes and to enhance flood geometry, sediment transport and improve fish habitat.

3. Removal of fills and appurtenant structures associated with the remnants of an abandoned railroad structure.

4. Change cross section of the stream channel at several reaches of the stream channel.

The site is located in the City and County of Philadelphia, South of the northbound lane on Roosevelt Boulevard, (SR 001) adjacent to the Tacony Creek Park. The segment of the stream earmarked for restoration starts from just north of the bridge crossing Whitaker Avenue and terminates approximately 35 feet from the intersection of E. Wyoming Street and Maple Lane (Frankford, PA Quadrangle N: 4.24 inches; W: 14.97 inches, middle of the stream segment).

**E23-467. Nolen Investments LLC**, 950 Valley Forge Road, King of Prussia, PA 19406, Aston Township, **Delaware County**, ACOE Philadelphia District.

*Springbrook Boulevard Culvert Project*

To maintain a stream enclosure carrying Baldwin Run (WWF) across Springbrook Boulevard consisting of 115 linear feet of 19-foot wide by 3.5-foot high reinforced concrete box culvert. The road crossing services the Baldwin Run Business Park and the proposed Courts of Springbrook Residential Subdivision, which is currently being considered under Department Permit No. E23-456. The project also involved the filling of wetlands (PEM), the total amount yet to be determined. The project is located just west of the intersection of Route 452 (Pennell Road) and Springbrook Boulevard (Marcus Hook, USGS Quadrangle, N: 19.1 inches, W: 7.8 inches).

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

**E58-272. Joseph and Linda Monteforte**, R. R. 2, Box 33, New Milford, PA 18834. New Milford Borough, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To place fill in a de minimis area of wetlands equal to 0.04 acre for the purpose of constructing a greenhouse for Lackawanna College. The project is located along SR 0011 at the former Blue Ridge Roller Rink approximately 1/4 mile south of the intersection of SR 0011 and SR 0492 (Harford, PA Quadrangle N: 21.9 inches, W: 14.4 inches) in New Milford Borough, Susquehanna County.

**E66-135. United States Department of the Interior**, Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, PA 16801, in Eaton Township, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 7,800-foot long stream channel restoration project in Bowman Creek (HQ-CWF) consisting of the following work: bankfull benches, rock cross vanes and j-hooks structures, fish enhancement structures such as random boulders and plantings along the streambanks and reestablishing the width and alignment of the historical stream channel at the downstream end of the project. The work area is known as Section A, which extends from SR 0292 downstream to a point approximately 1,000 feet east of the confluence of Marsh Creek (Center Moreland, PA Quadrangle N: 18.0 inches, W: 14.5 inches).

**E45-497. Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103, in Smithfield and Middle Smithfield Townships, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain Phase II of the four-lane, limited access highway, known as the Marshalls Creek Traffic Relief Study Project (US 209, Sec. 007) consisting of 16 various temporary and permanent water obstructions and encroachments in and along Marshalls Creek (HQ-CWF) and tributaries thereof, Pond Creek (HQ-CWF) and tributaries thereof, and 1.04 acres of wetlands. The project begins along SR 0209 near Gap View Road (East Stroudsburg, PA Quadrangle N: 3.6 inches, W: 0.6 inch) in Smithfield Township, Monroe County, continues north to SR 0402 at White Heron Lake (Bushkill, PA-NJ Quadrangle N: 11.4 inches, W: 15.8 inches) in Middle Smithfield Township and extends northeast along SR 0209 to SR 1016 (Sellersville Drive) (Bushkill, PA-NJ Quadrangle N: 10.0 inches, W: 12.7 inches) in Middle Smithfield Township, Monroe County. The project also includes roadway improvements at the intersection of SR 0209 and River Road (Bushkill, PA-NJ Quadrangle N: 14.2 inches, W: 3.8 inches) in Middle Smithfield Township, Monroe County (Bushkill, PA-NJ Quadrangle N: 9.1 inches, W: 16.7 inches). (Start—East Stroudsburg, End—Bushkill, PA Quadrangle N: Start—3.6, End—9.1 inches, W: Start—0.6, End—16.7 inches.)

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

**E07-413. James Grove**, 1775 Frankstown Road, Hollidaysburg, PA 16648, Frankstown Township, **Blair County**, ACOE Baltimore District.

To conduct various activities as follows:

1. to place 550 cubic yards of fill to construct and maintain a sewage pump station located along the floodway of Frankstown Branch Juniata River (WWF) about 950 feet downstream of SR 2007 bridge (Frankstown, PA Quadrangle N: 12.50 inches, W: 14.10 inches; Latitude: 40° 26' 38", Longitude: 78° 21' 03");

2. to construct and maintain a 8-inch diameter by 4.0-foot long sanitary sewer line with a 21-inch diameter casing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 10.60 inches, W: 15.0 inches; Latitude: 40° 26' 00", Longitude: 78° 21' 28");

3. to construct and maintain a 8-inch diameter by 185.0-foot long sanitary sewer line with a 24-inch diameter casing along Frankstown Branch Juniata River (WWF) located 150 feet downstream of SR 2007 bridge (Frankstown, PA Quadrangle N: 12.40 inches, W: 14.50 inches; Latitude: 40° 26' 30", Longitude: 78° 21' 14");

4. to construct and maintain a 8-inch diameter by 197-foot long sanitary sewer line with a 24-inch diameter casing along Frankstown Branch Juniata River (WWF) located 950 feet downstream of SR 2007 bridge (Frankstown, PA Quadrangle N: 12.50 inches, W: 14.10 inches; Latitude: 40° 26' 38", Longitude: 78° 21' 03");

5. to construct and maintain a 8-inch diameter by 13-foot long sanitary sewer along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.0 inches, W: 13.0 inches; Latitude: 40° 26' 47", Longitude: 78° 20' 42");

6. to construct and maintain a 8-inch diameter by 27-foot long sanitary sewer line with a 16-inch diameter casing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.20 inches, W: 13.10 inches; Latitude: 40° 26' 52", Longitude: 78° 20' 39");

7. to construct and maintain a 8-inch diameter by 25-foot long sanitary sewer line along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.50 inches, W: 13.20 inches; Latitude: 40° 26' 59", Longitude: 78° 20' 40");

8. to construct and maintain a 8-inch diameter by 20-foot long sanitary sewer line with a 16-inch diameter casing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 14.10 inches, W: 12.70 inches; Latitude: 40° 27' 10", Longitude: 78° 20' 27");

9. to construct and maintain a 8-inch diameter by 20-foot long sanitary sewer line along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 14.20 inches, W: 12.60 inches; Latitude: 40° 27' 12", Longitude: 78° 20' 26");

10. to construct and maintain a 8-inch diameter by 30-foot long sanitary sewer line along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 14.20 inches, W: 12.10 inches; Latitude: 40° 27' 12", Longitude: 78° 20' 13");

11. to construct and maintain a 8-inch diameter by 661-foot long sanitary sewer line along a 0.455 acre of PEM wetland (Frankstown, PA Quadrangle N: 13.10 inches, W: 13.10 inches; Latitude: 40° 26' 48", Longitude: 78° 20' 43");

12. to construct and maintain a 8-inch diameter by 294-foot long sanitary sewer line along a 0.202 acre of PEM wetland (Frankstown, PA Quadrangle N: 13.50 inches, W: 13.20 inches; Latitude: 40° 26' 59", Longitude: 78° 20' 40");

13. to construct a 13.0-foot long temporary ford crossing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.0 inches, W: 13.0 inches; Latitude: 40° 26' 47", Longitude: 78° 20' 42");

14. to construct a 30.0-foot long temporary ford crossing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 14.20 inches, W: 12.10 inches; Latitude: 40° 27' 12", Longitude: 78° 20' 13");

All activities are related to the improvements of the Frankstown/Geeseytown Sanitary Expansion Project in Frankstown Township, Blair County.

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

**E18-419. Department of Conservation and Natural Resources, Sproul State Forest**, 15187 Renovo Road, Renovo, PA 17764. Huff Run Walk Bridge, in Chapman Township, **Clinton County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 14.5 inches; W: 0.4 inch).

To construct and maintain a 30 foot single span walk bridge. The walk bridge will consist of three aluminum I-beams with a pressure treated timber deck, and gabion basket abutments. The bridge will be located along Garby trail approximately 2,170 feet from the access point near Hyner Bridge on SR 0120. This project does not propose

to permanently impact Huff Run; which is, designated a HQ-CWF stream and does not propose to impact any jurisdictional wetlands.

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

**E26-342. Turnpike Commission**, P. O. Box 67576, Harrisburg, PA 17106. To construct Section 51E2 of the Mon/Fayette Expressway in Redstone Township, **Fayette County**, Pittsburgh ACOE District. The applicant proposes to:

1. (New Salem, PA Quadrangle N: 21.7 inches; W: 15.0 inches, Latitude: 39° 59' 42"; Longitude: 79° 51' 40") A 597-foot long, 36-inch RC pipe stream enclosure in a UNT to Dunlap Creek (WWF) located at SR 43, Station 566+64. This structure includes a 140-foot long stream relocation of said stream. This structure includes a temporary stream crossing.

2. (New Salem, PA Quadrangle N: 21.6 inches; W: 15.0 inches, Latitude: 39° 59' 40"; Longitude: 79° 51' 31") A 101-foot long channel relocation of a UNT to Dunlap Creek (WWF) located at Station SR 43 567+00.

3. (New Salem, PA Quadrangle N: 22.0 inches; W: 15.4 inches, Latitude: 39° 59' 42"; Longitude: 79° 51' 39") A 620-foot long, 48-inch RC pipe stream enclosure in a UNT to Dunlap Creek (WWF) located at Davidson Siding Road 45+85.

4. (New Salem, PA Quadrangle N: 22.0 inches; W: 16.6 inches and Latitude: 39° 59' 46"; Longitude: 79° 52' 05"). A 120-foot long placement of fill in a UNT to Dunlap Creek (WWF) located at SR 43 595+10.

5. (New Salem, PA Quadrangle N: 22.0 inches; W: 16.6 inches, Latitude: 39° 59' 46"; Longitude: 79° 52' 05") A three-span bridge on the north bound lanes of SR 43 across a UNT to Dunlap Creek (WWF) and having spans of 104-feet, 145-feet and 104-feet located at Station SR 595+09. This structure includes a temporary stream crossing.

6. (New Salem, PA Quadrangle N: 22.0 inches; W: 16.6 inches, Latitude: 39° 59' 46"; Longitude: 79° 52' 05") A three-span bridge on the south bound lanes of SR 43 across a UNT to Dunlap Creek (WWF) and having spans of 104-feet, 145-feet, and 104-feet located at Station SR 595+09.

7. The project will impact 0.052 acre of wetlands.

With the exception of items 5 and 6, all drainage areas are less than 100 acres.

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

**E10-413. Park Place Associates, LP**, 215 Executive Drive, Suite 300, Cranberry Township, PA 16066. Park Place TND Plan of Lots Residential Development. Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden Quadrangle N: 40° 43' 04"; W: 80° 08' 45").

The permit will be amended to include: 1) Permanent impacts to 0.143 acre of wetland (PEM/PSS) for the construction of a stormwater retention pond and roadway grading; 2) Temporary impacts to 0.245 acre of wetland (PFO, PEM, PSS) for a sewer line installation; 3) A reduction of impacts and relocation of tributary 5.

This project proposes the following measures and/or activities as onsite mitigation for the project impacts: 1) Relocation of 190 LF of tributary 5; 2) Construction of a 0.21 acre replacement wetland; 3) Restoration of 1,385 LF



of an offsite portion of tributary 6; 4) Establish Conservation Easements for 5,210 LF of tributaries to Brush Creek, 750 LF of Brush Creek and 23.05 acres of wetlands in the project area.

**E25-404A, Erie-Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District and E25-581.

**E25-581, Erie-Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches).

The applicant is requesting an amendment to Permit No. E25-404A which authorizes the Erie-Western Pennsylvania Port Authority to perform maintenance dredging at the following in and along Presque Isle Bay and Lake Erie in the City of Erie, Erie County:

1. Chestnut Street launch ramp (Erie North, PA Quadrangle N: 1.25 inches; W: 13.25 inches).

2. West Canal Basin (Erie North, PA Quadrangle N: 2.0 inches; W: 12.2 inches).

3. East Canal Basin (Erie North, PA Quadrangle N: 2.4 inches; W: 12.3 inches).

4. Erie Marine, Inc., dock (Erie North, PA Quadrangle N: 2.5 inches; W: 11.7 inches).

5. The "ore dock" (Erie North, PA Quadrangle N: 2.6 inches; W: 11.3 inches).

6. Erie International Marine Terminal (Erie North, PA Quadrangle N: 4.5 inches; W: 11.0 inches).

7. Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.2 inches; W: 10.0 inches).

8. East Avenue launch ramp (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches).

9. Perry's Landing Marina between Piers I and II (Erie North, PA Quadrangle N: 0.7 inch; W: 15.0 inches) and between Piers II and III (Erie North, PA Quadrangle N: 0.7 inch; W: 14.7 inches) totaling approximately 10 acres.

10. Bay Harbour Marina (Erie North, PA Quadrangle N: 1.0 inch; W: 14.4 inches) approximately 6 acres.

11. Commodore Perry Yacht Club (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) approximately 14 acres.

12. Cherry Street Marina (Erie North, PA Quadrangle N: 1.1 inches; W: 13.9 inches) approximately 9 acres.

13. Walnut Street Marina (Erie North, PA Quadrangle N: 1.3 inches; W: 13.7 inches) approximately 7 acres.

14. Jolly Rodgers Marina (Erie North, PA Quadrangle N: 1.4 inches; W: 13.5 inches) approximately 14 acres.

15. Chestnut Street Marina (Erie North, PA Quadrangle N: 1.6 inches; W: 13.3 inches) approximately 4 acres.

16. Sassafras Street Pier, two locations (Erie North, PA Quadrangle N: 1.9 inches; W: 13.0 inches) and (Erie North, PA Quadrangle N: 2.3 inches; W: 12.9 inches) totaling approximately 6 acres.

17. Holland Street Pier (Erie North, PA Quadrangle N: 2.2 inches; W: 11.9 inches) approximately 3 acres.

18. Grain Elevator Slip (Erie North, PA Quadrangle N: 2.6 inches; W: 11.7 inches) approximately 5 acres.

19. Graving Dock Slip (Dry Dock) (Erie North, PA Quadrangle N: 2.7 inches; W: 11.5 inches) approximately 3 acres.

20. Access area to Grain Elevator Slip, Graving Dock (Dry Dock) Slip and Coal Ore Dock Slip ("ore dock") (Erie North, PA Quadrangle N: 3.1 inches; W: 11.6 inches) approximately 10 acres.

Special Condition C of Permit E25-404A requires the permittee to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the United States Army Corps of Engineers Confined Disposal Facility prior to each dredging and disposal event.

Special Condition D of Permit E25-404A requires the following: Prior to any dredging activity, all dredged material for disposal into the CDF shall be sampled and tested, in situ, in accordance with Attachment A, "Sample Collection and Testing Protocol." The permittee shall notify the Water Quality Manager of the Department's Northwest Region Office at least 10 days prior to the anticipated date of in situ sampling. To support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay, the permittee shall provide for review and approval the request for Section 401 Water Quality Certification to the Water Quality Manager of the Department's Northwest Region Office including a work schedule to contain the following information:

1. The facility to be dredged.

2. The extent to which the facility is to be dredged (such as, entire facility, specific area, spot removal, and the like).

3. An estimate of the amount of material to be removed.

4. Results of sampling and testing of the material to be dredged.

5. Method to be used to dredge.

6. Disposal area where dredge material is to be sent.

Items 1—4 of Attachment A require the following:

1. Prior to dredging, a grid pattern will be established at the area to be dredged for the collection of samples from the undisturbed bottom sediments of the area to be dredged.

2. A total composite sample volume of 2 gallons is required for dredging amounts up to 500 cubic yards. The total composite sample will be obtained from 1 grab sample for each 50 cubic yards of material to be dredged, up to 500 cubic yards (10 grab samples).

3. For dredging between 500 and 1,000 cubic yards of material, 2 composite samples, each having a volume of 2 gallons, will be obtained with 1 grab sample for each 50 cubic yards of material for half of the total volume to be dredged. For example, if the total volume to be dredged is 800 cubic yards, then 2 composite samples will be collected with each 2 gallon composite sample consisting of 8 grab samples of 0.25 gallon.

4. For dredging in excess of 1,000 cubic yards of material, follow the sampling requirements of items 2 and 3.

The amendment to Permit No. E25-404A would authorize the Erie-Western Pennsylvania Port Authority to perform maintenance dredging at the following in and along Presque Isle Bay and Lake Erie in the City of Erie, Erie County in the following management units:

1. Perry's Landing Marina (Erie North, PA Quadrangle N: 0.7 inch; W: 15.0 inches) approximately 10 acres.
2. Bay Harbour Marina (Erie North, PA Quadrangle N: 1.0 inch; W: 14.4 inches) approximately 6 acres.
3. Commodore Perry Yacht Club (Erie North, PA Quadrangle N: 1.1 inch; W: 14.1 inches) approximately 14 acres.
4. Cherry Street Marina (Erie North, PA Quadrangle N: 1.1 inch; W: 13.9 inches) approximately 9 acres.
5. Walnut Street Marina (Erie North, PA Quadrangle N: 1.3 inches; W: 13.7 inches) approximately 7 acres.
6. Jolly Rodgers Marina (Erie North, PA Quadrangle N: 1.4 inches; W: 13.5 inches) approximately 14 acres.
7. Chestnut Street Marina (Erie North, PA Quadrangle N: 1.6 inches; W: 13.3 inches) approximately 4 acres.
8. Sassafras Street Pier (Erie North, PA Quadrangle N: 2.3 inches; W: 12.9 inches) approximately 6 acres.
9. West Canal Basin (Erie North, PA Quadrangle N: 2.2 inches; W: 12.2 inches) approximately 7 acres.
10. East Canal Basin (Erie North, PA Quadrangle N: 2.4 inches; W: 12.0 inches) approximately 12 acres.
11. Dobbins Landing (Erie North, PA Quadrangle N: 2.4 inches; W: 12.3 inches) approximately 15 acres.
12. Holland Street Pier (Erie North, PA Quadrangle N: 2.2 inches; W: 11.9 inches) approximately 3 acres.
13. Grain Elevator Slip (Erie North, PA Quadrangle N: 2.6 inches; W: 11.7 inches) approximately 5 acres.
14. Graving Dock (Dry Dock) (Erie North, PA Quadrangle N: 2.7 inches; W: 11.5 inches) approximately 3 acres.
15. Access for Dry Dock (Erie North, PA Quadrangle N: 3.1 inches; W: 11.6 inches) approximately 10 acres.
16. Coal/Ore Dock (Erie North, PA Quadrangle N: 2.6 inches; W: 11.3 inches) approximately 4 acres.
17. Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.2 inches; W: 10.0 inches) approximately 7 acres.
18. East Avenue Boat Launch (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches) approximately 2 acres.
19. Erie International Marine Terminal/Mountfort Terminal (Erie North, PA Quadrangle N: 4.5 inches; W: 11.0 inches) approximately 14 acres.

The proposed amendment would replace Special Conditions C and D with the following special conditions in Permit E25-404A:

Management units dredged between January 1, 1998, and the date of issuance of this permit amendment where elutriate data is available and individual Federal Water Pollution Control Act Section 401 Water Quality Certification has been issued by the Department shall not be required to receive additional individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for a period of 5 years from the issuance of this permit amendment. The permittee shall notify the Department's Northwest Region Office in writ-

ing at least 10 days prior to the anticipated date of dredging and included a work schedule and contain the following information:

1. The facility to be dredged.
2. The extent to which the facility is to be dredged (such as, entire facility, specific area, spot removal and the like).
3. An estimate of the amount of material to be removed.
4. Method to be used to dredge.
5. Disposal area where dredge material is to be sent.

Dredging shall not exceed the depth below low water datum at sites that were previously dredged. Disposal of the dredged material will be in the CDF under conditions of Permit E25-581.

Management units not dredged between January 1, 1998, and the date of issuance of this permit amendment or where individual Federal Water Pollution Control Act Section 401 Water Quality Certification issued after the date of issuance of this permit amendment has expired shall conduct in situ sampling in accordance with Attachment A, "Sample Collection and Testing Protocol." The sample shall consist of a composite sample of 10 individual samples per management unit. The permittee shall notify Department's Northwest Region Office at least 10 days prior to the anticipated date of sampling. The permittee shall submit a report documenting the testing results and analysis to support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay with the request for individual Federal Water Pollution Control Act Section 401 Water Quality Certification to the Watershed Program Manager of the Department's Northwest Region Office for review and approval. This analysis should be conducted in accordance with attachment A. The report shall include a work schedule and contain the following information:

1. The facility to be dredged.
2. The extent to which the facility is to be dredged (such as, entire facility, specific area, spot removal and the like).
3. An estimate of the amount of material to be removed.
4. Method to be used to dredge.
5. Disposal area where dredge material is to be sent.
6. Results of testing and sampling of the material to be dredged.

Individual Federal Water Pollution Control Act Section 401 Water Quality Certification for dredging these management units shall be granted for a period of 5 years from the date of Department approval. Disposal of the dredged material will be in the CDF under conditions of Permit E25-581.

The proposed amendment would amend Items 1—4 of Attachment A to the following:

1. Prior to dredging, a grid pattern shall be established at the management unit to be dredged for the collection of samples from the undisturbed bottom sediments of the management unit to be dredged.
2. The sample shall consist of a composite sample of 10 individual samples per management unit from the established grid pattern.

The proposed amendment to Permit E25-404A would also require the amendment of Permit E25-581 which authorized the Erie-Western Pennsylvania Port Authority to place a total of approximately 500,000 cubic yards of material dredged from the bed of Presque Isle Bay and local Lake Erie waters into the Erie Harbor Confined Disposal Facility (CDF) to create an upland public recreational area located south of the entrance channel to Presque Isle Bay (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches) in the City of Erie, Erie County.

Permit E25-581 contains the following special conditions:

A. The permittee is required to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the CDF prior to each dredging and disposal event.

B. Prior to any dredging activity, all dredged material for disposal into the CDF shall be sampled and tested, in situ, in accordance with Attachment A, "Sample Collection and Testing Protocol." The permittee shall notify the Department's Northwest Region Office at least 10 days prior to the anticipated date of in situ sampling. The permittee shall submit a report documenting the testing results and analysis to support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay with the request for Section 401 Water

Quality Certification to the Water Quality Manager of the Department's Northwest Region Office for review and approval.

The proposed amendment of Permit E25-581 would replace Special Conditions A and B with the following special conditions:

A. The permittee is required to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the CDF. The procedure for obtaining individual Federal Water Pollution Control Act Section 401 Water Quality Certification shall be in accordance with Permit E25-404A.

Presque Isle Bay and Lake Erie are perennial bodies of water classified as WWF.

**E42-330, Hancock Timberland VII QRS Trust**, P. O. Box 3304, Smethport, PA 16749-0604. Hancock Timberland VII QRS Trust Twomile Creek Stream Crossing, in Annin Township, **McKean County**, ACOE Pittsburgh District (Roulette, PA Quadrangle N: 41° 52' 1"; W: 78° 14' 50.5").

To operate and maintain a 50-foot long, 48-inch diameter plastic pipe culvert in Twomile Creek (CWF) on an access road serving as access for timber management extending northwest from Two Mile Road approximately 3.5 miles east of SR 155. Installation of the culvert was previously authorized as a temporary crossing under DEP General Permit No. 8 (DEP File No. GP084206603) acknowledged on May 3, 2006.

---

## 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060496	Little Washington Wastewater Company 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489	Pike County Lackawaxen Township	Wet Weather Channel to the Delaware River 1F WWF	Y
PA0061093	Monroe Career & Technical Institute P. O. Box 66 Laurel Lake Drive Bartonsville, PA 18321	Monroe County Pocono Township	Pocono Creek 1E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0022004 Industrial Waste	Flexsys America, LP 829 Route 481 Monongahela, PA 15063	Washington County Carroll Township	Pigeon Creek (Outfalls 001 and S01) and Taylor's Run (Outfalls S02 and S03)	Y
PA0216593 Industrial Waste	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Greene County Richhill Township	Dry Drainage Swale to North Fork of Dunkard Fork Creek	Y
PA0001228 Industrial Waste	Curtiss Wright Corporation 1000 Cheswick Avenue Cheswick, PA 15024	Harmar Township Allegheny County	Dry Drainage Swale to a UNT of the Allegheny River (Outfall 003), a UNT of the Allegheny River (Outfalls 002 and 004) and a Dry Drainage Swale to the Allegheny River (Outfall 001)	Y
PA0002879 Industrial Waste	Union Electric Corporation P. O. Box 465 Carnegie, PA 15106	Washington County Smith Township	UNT to Burgetts Fork (001—003)	Y
PA0031470 Sewage	Penns Manor Area School District 6003 Route 553 Clymer, PA 15728-8318	Indiana County Cherryhill Township	Rose Run	Y
PA0218847 Sewage	Pyramid Healthcare, Inc. 1216 11th Avenue Altoona, PA 16601	Cambria County Reade Township	Drainage Swale to Powell Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0238431	Charles A. Betts 400 Weiler Road Warren, PA 16365	Warren County Conewango Township	UNT to Morse Run 16-B	Y
PA0100382	Erie Coke Corporation Foot of East Avenue Erie, PA 16512-6180	City of Erie Erie County	Presque Isle Bay—Outer Harbor 15-PI	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222275	Lakeview Estate Personal Care Home 12430 East Lake Road North East, PA 16428-3545	North East Township Erie County	UNT to Lake Erie 15-LE	Y
PA0222160	Hemlock Mobile Home Park 2213 Martin Road New Castle, PA 16101	Wolf Creek Township Mercer County	UNT to East Branch Wolf Creek 20-C	Y

## II. 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. PA0051497**, Industrial Waste, **Lenape Forged Products Corp.** 1334 Lenape Road, West Chester, PA 19382-2096. This proposed facility is located in Pocopson Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge of contact cooling water from a quench tank into the Brandywine Creek in Watershed 3H.

**NPDES Permit No. PA0024121**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the Ridley Creek in Watershed 3G.

**NPDES Permit No. PAG120003**, CAFO, **Walter T. Moore, Walmoore Holsteins, Inc.**, Box 158, 1826 Howellmoore Road, Chatham, PA 19318. This proposed facility is located in Londonderry Township, **Chester County**.

Description of Size and Scope of Proposed Operation/Activity: Approval for the renewal to discharge of manure into Watershed 3I.

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

**NPDES Permit No. PA0081787**, Sewage, **Telco Developers, Inc.**, Gretna Springs Mobile Home Park, Five Maple Avenue, Manheim, PA 17545. This proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Chickies Creek in Watershed 7-G.

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

**NPDES Permit No. PA0253278**, Industrial Waste, **Masontown Municipal Authority**, 2 Court Street, Masontown, PA 15461. This proposed facility is located in Masontown Borough, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance to discharge from a facility located at Masontown Municipal Water Works to receiving waters named Monongahela River.

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

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

**WQM Permit No. 1407404**, Sewerage (SIC 4952), **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 18601. These proposed facilities will be located in Harris Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of a sewer extension to serve the Liberty Hill Sanitary Sewer Collection Project, which will serve the Liberty Hill subdivision. The subdivision will include 282 units, a community center and a swimming pool. Flows will be conveyed, by means of gravity, to UAJA's Spring Creek Water Pollution Control Facility.

## IV. NPDES Stormwater Discharges from MS4 Permit Actions

## V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206008	Ravenell Williams R. R. 1, Box 89 Dingmans's Ferry, PA 18328	Pike	Delaware Township	Tributary to Dingman's Creek HQ-CWF
PAI023906019	Marsha A. Gordon 1493 Wethersfield Drive Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106 (2) Revision #51	Ian Salada—Penn State East Campus University Health & Counseling Services Building Penn State University 113P Physical Plant Building University Park, PA 16802	Centre	State College Borough	Thompson Run 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 Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### General Permit Type—PAG-02

##### Facility Location:

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dunmore Borough Lackawanna County	PAG2003507011	Jim Nutley 1603 16th Street Oak Brook, IL 60523	Tributary to Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Middle Paxton Township Dauphin County	PAG2002207017	Franklin Kury 420 Fishing Creek Valley Road Harrisburg, PA 17112	Fishing Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Brown Township Mifflin County	PAG2004407001	Alan J. Metzler 7945 East Back Mountain Road Belleville, PA 17004	Coffee Run CWF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695
Bern Township Berks County	PAG2000607015	Donald Grove Sterling Financial Corporation 951 York Street Hanover, PA 17331	Schuylkill River WWF Tulpehocken Creek MF-CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Ontelaunee Township Berks County	PAG2000607031	John Smith Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608	Maiden Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Royalton Borough Dauphin County	PAG20022006071	Bonita Young Royalton Borough 101 Northumberland Street Middletown, PA 17057	Susquehanna River WWF Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Lower Swatara Township Dauphin County	PAG1002207002	Michael Williams BW Partnership 2697 Fulling Mill Road Middletown, PA 17057	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Clearfield City of DuBois	PAG2001706015-1	DuBois Area School District 500 Liberty Boulevard DuBois, PA 15801	Beaver Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Tioga County Duncan Township	PAG2005907007	Phoenix Resources, Inc. 782 Antrim Road Wellsboro, PA 16901	Wilson Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Cambria County Cambria Township	PAG2001107003	Richard Bosserman Cambria County Association for the Blind & Handicapped Cambria County Industrial Park R. D. 3 Ebensburg, PA 15931	UNT South Branch Blacklick Creek CWF	Cambria County CD (814) 472-2120
Butler County Cranberry Township	PAG2001007002	BelleVue Park Partners, LP P. O. Box 449 Mars, PA 16046	Brush Creek WWF	Butler Conservation District (724) 284-5270

*General Permit Type—PAG-3**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
1776 Minuteman Lane State College, PA 16803 Benner Township Centre County	PAR804841	PA Air National Guard 142 Gettysburg Street Annville, PA 17003	Big Hollow CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Hempfield Township Mercer County	PAR808375	VEC Technology, LLC 639 Keystone Road Greenville, PA 16125	UNT to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR208339	TSK Partners, Inc. d/b/a McInnes Rolled Rings 1533 East 12th Street Erie, PA 16511	Municipal storm water sewers to Lake Erie, Outer Harbor	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pine Township Mercer County	PAR808328	Tri-County LDFL, Inc. P. O. Box 1080 Mars, PA 16046	UNT to Black Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location County &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Indian Lake Borough Somerset County	PAG046336	John McClatchey 107 Osage Path Stoystown, PA 15563	Indian Lake	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lackawannock Township Mercer County	PAG048792	Ronald E. Greenawalt 236 Reiber Road Hermitage, PA 16148	UNT to the West Branch Little Neshannock Creek, 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
East Fairfield Township Crawford County	PAG048655	Geary D. and Debra L. Meehan 7818 Franklin Pike Meadville, PA 16335	UNT to Rhine Run 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cussewago Township Crawford County	PAG048806	Danny P. and Shelly M. Forbes 21958 Hillview Road Saegertown, PA 16433	UNT to French Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland Township Greene County	PAG056220	Sheetz, Incorporated 5700 Sixth Avenue Altoona, PA 16602	Little Whiteley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Tioga County Mansfield Borough	PAG074829	Borough of Mansfield 19 East Wellsboro Street Mansfield, PA 16933	Borough of Mansfield Biosolids Composting Facility 3 Corey Street Mansfield, PA 16933	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing



Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 2106503**, Public Water Supply.  
 Applicant **Shippensburg Borough Authority**  
 Municipality Southampton Township  
 County **Cumberland**  
 Type of Facility This PWS application is for Well No. 3 and related treatment facilities.  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct Issued: 4/18/2007

**Operations Permit** issued to: **Western Berks Water Authority**, 3060066, Lower Heidelberg Township, **Berks County** on 4/23/2007 for the operation of facilities approved under Construction Permit No. 0606503 MA.

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

**Permit No. 4496551—Construction**, Public Water Supply.  
 Applicant **Bruce Shoch Spring Water**  
 Township or Borough Upper Augusta Township  
 County **Northumberland**  
 Responsible Official Douglas Shoch  
 Bruce Shoch Spring Water  
 P. O. Box 209  
 Sunbury, PA 17801  
 Type of Facility Public Water Supply—Construction

Consulting Engineer Eric Lundy  
 Nittany Engineering & Assoc., LLC  
 2836 Earlstown Road  
 Suite 1  
 Centre Hall, PA 16828  
 Permit Issued Date April 24, 2007  
 Description of Action Construction of ozonation equipment and changing of the exiting classification to bulk water-hauling system.

**Ulysses Municipal Authority (Public Water Supply), Potter County:** The Source Water Protection (SWP) report for the Ulysses Municipal Authority has been approved on April 19, 2007. Ulysses Municipal Authority is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

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

**Operations Permit** issued to: **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717, (PWSID No. 5650069) Burrell Township, **Indiana County** on April 19, 2007, for the operation of facilities approved under Construction Permit No. 6507501MA.

**Operations Permit** issued to: Al's Water Service, Inc., 2699 Jefferson Avenue, Washington, PA 15301, (PWSID No. 5636541) Canton Township, **Washington County** on April 24, 2007, for the operation of facilities approved under Construction Permit No. 5636541.

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

**Permit No. 6106501**, Public Water Supply.  
 Applicant **Township of Cornplanter**  
 Township or Borough Cornplanter Township  
 County **Venango County**  
 Type of Facility Public Water Supply  
 Permit to Construct Issued: 04/17/2007

**Operations Permit** issued to: **Wolfs Camping Resort**, PWSID No. 6160861, Beaver Township, **Clarion County**. Permit Number 1605501, issued April 17, 2007, for the operation of the new conventional filtration water treatment plant, as approved under construction permit Number 1605501, dated May 18, 2006.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sterling Township	P. O. Box 100 Sterling, PA 18463	Wayne

*Plan Description:* The approved plan proposes the construction, on a 252-acre parcel of land, of 23 commercial building sites which will range in size from 3.0 to 30.0 acres. A 35,000-gpd wastewater treatment facility will be constructed on the property with a discharge to the West Branch of the Wallenpaupack Creek, a HQ stream. At least 7,000 gpd of treated effluent will then be diverted to a nonpotable water reuse system for use in restrooms and landscape irrigation within the business park. The effluent discharge quality will meet all nondegrading effluent limits with the exception of ammonia nitrogen. To consider the relaxation of the ammonia limits, a Social or Economic Justification (SEJ) was required by the Department. Based upon review of the proposal, the Department determined that the applicant provided a sufficient SEJ to balance the limited environmental impacts and the economic benefits of this project. An NPDES permit and a Water Quality Management permit must be obtained in the name of WEDCO prior to the start of construction.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wrightsville Borough	129 S. Second Street P. O. Box 187 Wrightsville, PA 17368	York County

*Plan Description:* Wrightsville Borough Wastewater Treatment Plant, A3-67968-023-3m: The approved plan provides for the conversion of the existing wastewater treatment plant from a contact stabilization plant to a sequence batch reactor process plant. The proposed development is located on the southeastern corner of Water and Willow Streets, Wrightsville Borough, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Shamokin City	47 East Linden Street Shamokin, PA 17872	Northumberland
Coal Township	805 West Lynn Street Coal Township, PA 17866	Northumberland

*Plan Description:* The approved plan provides for construction of a new 4.0 mgd sewage treatment plant and the replacement of a portion of the combined sewage collection system identified as South Coal Run Partial currently serving the City of Shamokin and Coal Township. This project is Phase I and II of a LTCP being implemented by the Shamokin-Coal Joint Sewer Authority. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES  
CLEAN-UP UNDER THE ACT OF  
OCTOBER 18, 1988**

**Public Notice of Proposed Consent Order and Agreement Pennsylvania Department of Environmental Protection Lewis Run Municipal Well Site Lewis Run Borough, McKean County**

Under section 1113 of the Pennsylvania Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), notice is hereby provided that the Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (Agreement) with Tronox LLC (Tronox), concerning the resolution of Tronox's liability for the Lewis Run Municipal Well Site (Site). The Site is located on 7 contiguous parcels of land in Lewis Run Borough, McKean County, PA where the groundwater has become contaminated by the VOCs Tetrachloroethylene, Trichloroethylene and cis-1,2-dichloroethylene (collectively the "Site VOCs").

In the past, wastes, wastewaters or other materials containing Site VOCs were spilled, leaked, discharged or otherwise released at the Site and these Site VOCs contaminated the soil and groundwater at the Site. All Site VOCs are defined in section 103 of HSCA (35 P. S. § 6020.103), as "hazardous substances." The Department has already incurred approximately \$1,200,000 in response costs, and expects to incur an additional \$500,000 to abate the release and threatened release of hazardous substances at the Site. Tronox is a de minimis "responsible person" within the meaning of section 707 of HSCA (35 P. S. § 6020.707). Under the terms of the Agreement, Tronox shall pay the Department a settlement of \$18,150 to resolve its de minimis share of Response Costs for the Site.

The specific terms of this settlement are set forth in the Agreement between Tronox and the Department. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper or not in the public interest.

After the public comment period, the Department's settlement with Tronox shall be effective upon the date that the Department notifies Tronox, in writing, that the Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Harold Nye, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Harold Nye at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

**Keystone Industrial Port Complex/Lot 8 Phase 4, Fairless Hills, Bucks County.** Jeffery Smith, P. G., Langan Engineering and Environmental Services, Inc., 30 S. 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United State Steel Corp., 600 Grant Street, Pittsburg, PA 15219 has submitted a Final Report concerning remediation of site soil contaminated with PAH's and PCB. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Tioga Pipe Supply Co., and April Warehouse Property, City of Philadelphia, Philadelphia County.** Michael Christie and Thomas Petrez, Penn Env. & Remediation Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of David Keiser, Geaux Investments, Inc., 2450

Wheatsheaf, Inc., Philadelphia, PA 19137 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil and PAH's. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Irwin Residence, Aston Township, Delaware County.** Joseph Diamadi, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Sue Irwin, 55 Seward Lane, Aston, PA 19014 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 Standards.

**WaWa Food Market, Ridley and Upper Darby Townships, Delaware County.** Geoffrey Kristof, Leggette, Brashears & Graham, Inc., on behalf of Matthew Winters, WaWa, Inc., 260 West Baltimore Pike, WaWa, PA 19063 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**654 Street Road, Bensalem Township, Bucks County.** Craig Herr, RT Env. Svc., Inc., 215 West Church Road, King of Prussia, PA 92406 on behalf of Abraham Orlick, 8802 Amherst Avenue, Margate, NJ 08402 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PAH's. The report is intended to document remediation of the site to meet the Site-Specific Standards.

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

**Fort Indiantown Gap National Guard Training Center, Building 0-11, Union Township, Lebanon County.** Weston Solutions, Inc., 1400 Weston Way, Building 4-2, West Chester, PA 19380, on behalf of PA Army National Guard, Department of Military and Veteran Affairs-Environmental Division, Building 0-11, Fort Indiantown Gap National Guard Training Center, Anville, PA 17003 and the United States Army Environmental Center, SFIM-AEC-CDE, 5179 Hoadley Road, Building E4480, Aberdeen Proving Ground, MD 21010, submitted a Final Report concerning remediation of site soils and groundwater contaminated with pesticides. The report is intended to document remediation of the site to the background and Residential Statewide Health Standards.

**Exide Technologies Facility, West Lampeter Township, Lancaster County.** Golder Associates, 1100 Hector Avenue, Suite 225, Conshohocken, PA 19403, on behalf of Exide Technologies, 3000 Montrose Avenue, Reading, PA 19605, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with VOCs and petroleum hydrocarbons. The report is intended to document remediation of the site to a combination of the Site-Specific and Statewide Health Standards.

**Myers Residence, Tyrone Township, Perry County.** Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of Carl and Nancy Myers, 609 Shaeffers Valley Road, Landisburg, PA 17040-8010, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The property is and will remain a private residence. The report is intended to document remediation of the site to the Residential Statewide Health Standard and was submitted within 90 days of the release.

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

**Dominion Transmission—Ellisburg Compressor Station**, Genesee Township, **Potter County**. Has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet Statewide Health Standard.

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

**Franklin Mills Site**, Borough of Franklin, **Cambria County**. Mark Urbassik, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of John Toth, EMF Development Corp., 365 Bassett Road, Hooversville, PA 15936, and Richard McNulty, Borough of Franklin, 1125 Main Street, Johnstown, PA 15909) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with oils, solvents, lead, acids and PCBs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Hercules Incorporated Clairton Site**, City of Clairton, **Allegheny County**. Christina Traynor, RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 (on behalf of Joseph A. Keller, P.E., Hercules Incorporated, Research Center Building 8139/15, 500 Hercules Road, Wilmington, DE 19808-1599) has submitted a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**COGO's—North Canal Street**, Borough of Sharpsburg, **Allegheny County**. William A. McGill, The GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238 (on behalf of Mrs. Wateska, 103 Valley View Drive, Sharpsburg, PA 15215, and Robert L. Helmstadter, COGO's Company, 638 Rostraver Road, Suite 103, Belle Vernon, PA 15012) has submitted a Final Report concerning remediation of site soil contaminated with fuel oil No. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard

**Champion Tool & Die Company**, North Huntingdon Township, **Westmoreland County**. Gary Cribbs, Cribbs & Associates, Inc., P. O. Box 44, Delmont, PA 15626 (on behalf of J. Herbert Burkman, Champion Tool & Die Company, 2501 Oak Lawn Avenue, Suite 310, Dallas, TX 75219) has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Newell Rubbermaid, Inc./Former Palmieri Site**, Center Township, **Beaver County**. Jeremy W. Bolyn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 (on behalf of Newell Rubbermaid, Inc., 6833 Stalter Drive, Suite 101, Rockford, IL 61108, and the Estate of Mary A. Palmieri, c/o John A. Palmieri, 3399 Broadhead Road, Aliquippa, PA 15001) has submitted a Remedial Investigation Report/Risk Assessment Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Rite Aid Pharmacy**, City of Philadelphia, **Philadelphia County**. Michael Beradsley, BL Companies, 13 Market Street, 6th Floor, Harrisburg, PA 17101 on behalf

of Robert Lerner, Rite Aid Corp., 30 Hunter Lane, Camp Hill, PA 17101 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Remedial Investigation Report and Final Report was approved by the Department on April 13, 2007.

**Mattei Tire**, City of Philadelphia, **Philadelphia County**, Michael Malone, SECOR International Inc., 102 Pickering Way, Suite 200, Exton, PA 19341 on behalf of Timothy Mattei, Mattei Tire Co., 2035 Washington Avenue, Philadelphia, PA 19146 has submitted a Final Report concerning the remediation of soil and groundwater contaminated with Petroleum hydrocarbons. The Final Report demonstrated attainment of Statewide Health Standards and was approved by the Department on March 1, 2007.

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

**Valley Iron and Steel**, City of Allentown, **Lehigh County**, Vincent Carbone, P. G., HDR Engineering, Inc., 609 Hamilton Mall, Allentown, PA 18101-2111, has submitted a combined Remedial Investigation Report and Cleanup Plan (on behalf of his client, Abraham Atiyeh, Mack Residence LLC and Mack Project LLC, 1177 6th Street, Whitehall, PA 18052-5212) concerning the characterization and remediation of soils and groundwater found or suspected to have been impacted by inorganics (lead), PCBs, volatiles and semi-volatile constituents on the referenced property. The combined report was submitted in partial fulfillment of the Site-Specific Standard and was approved on April 18, 2007.

**Nicholson Steam Trap**, City of Wilkes-Barre, **Luzerne County**, Richard Kranes, Goldman Environmental Consultants, 60 Brooks Drive, Braintree, MA 02184 submitted a Final Report (on behalf of his client, CIRCOR International, Inc., 25 Corporate Drive, Suite 130, Burlington, MA 01803) concerning the remediation of site soils impacted by metals and volatile organics. The report was submitted to document attainment of the Statewide Health Standard. A public notice was published in a local newspaper serving the general area.

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

**Roman Salvage Property**, Greene Township, **Franklin County**, Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of Charles R. Roman, Roman's Army Store, 4369 Sunset Pike, Chambersburg, PA 17201-9601, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils contaminated with arsenic. The combined reports demonstrated attainment of both the Site-Specific and Statewide Health Standard and was approved by the Department on April 18, 2007.

**Masonic Home/Former Farmer's Fertilizer Property**, Elizabethtown Borough, **Lancaster County**, GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of The R.W. Grand Lodge of Free and Accepted Masons of Pennsylvania; The Trustees of Title to the Masonic Temple and Other Real Estate of the Grand Lodge and The Masonic Villages of the Grand Lodge of Pennsylvania, One Masonic Drive, Elizabethtown, PA 17022-2199, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with metals, VOCs, SVOCs, pesticides and herbicides. The final report demonstrated attainment of both the

Site-Specific and Nonresidential Statewide Health Standard and was approved by the Department on April 20, 2007.

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

**Franklin Mills Site**, Borough of Franklin, **Cambria County**, Mark Urbassik, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of John Toth, EMF Development Corp., 365 Bassett Road, Hooversville, PA 15936, and Richard McNulty, Borough of Franklin, 1125 Main Street, Johnstown, PA 15909 has submitted a Remedial Investigation Report and a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with oils, solvents, lead, acids and PCBs. The Remedial Investigation Report and Risk Assessment Report were approved by the Department on January 11, 2007.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

##### Actions under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

**PAD096837356. The Boeing Company**, P. O. Box 16858, Philadelphia, PA 19142, Ridley Township, **Delaware County**. The RCRA Part B permit was terminated on May 3, 2005. The 1-year liability period ended May 3, 2006, and Boeing has requested that the bond be released. Notice to this effect was given on March 3, 2007. No comments received during the 45 day comment period. Notice action to release the bond given by the Southeast Regional Office as of the date of publication of this notice.

#### AIR QUALITY

##### General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

**23-302-146GP: Honeywell International Inc.** (6100 Philadelphia Pike, Claymont, DE 19703-2716) on April 20, 2007, to operate a natural gas combustion unit in Marcus Hook Borough, **Delaware County**.

**15-301-090GP: Coventry Animal Hospital** (1620 New Schuylkill Road, Pottstown, PA 19465) on April 24, 2007, to operate a crematory in East Fallowfield Township, **Chester County**.

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

**48-310-069GP3: Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042) on April 17, 2007, to construct and operate a portable stone crushing plant and associated air cleaning device at Their Chrin Commerce Center in Palmer and Upper Nazareth Townships, **Northampton County**.

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

**GP3-28-05019: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) on April 17, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Guilford Township, **Franklin County**.

**GP4-67-03140: Harmony Products, Inc.** (P. O. Box 482, Emigsville, PA 17318) on April 17, 2007, for Burn Off Ovens under GP4 in Manchester Township, **York County**.

**GP9-36-05123: Corixa Corp., d/b/a Glaxo Smith Kline Biologicals, NA** (325 Bridge Street, Marietta, PA 17547) on April 19, 2007, for Internal Combustion Engine under GP9 in East Donegal Township, **Lancaster County**.

**GP14-22-03035: Humane Society of Harrisburg Area, Inc.** (7790 Grayson Road, Harrisburg, PA 17111) on April 24, 2007, for Human or Animal Crematories under GP14 in Swatara Township, **Dauphin County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**GP5-63-00929A: CNX Gas Co., LLC** (100 Evergreen Drive, Suite 103, Waynesburg, PA 15370) on April 28, 2007, to install and operate a ProSep Membrane Plant at their facility in Fallowfield Township, **Washington County**.

**GP5-65-00945: Dominion Exploration & Production, Inc.** (1415 Louisiana Street, Suite 2700, Houston, TX 77002) on April 18, 2007, to operate a caterpillar lean-burn engine at Bell Point Compressor Station in Bell Township, **Westmoreland County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**15-0013B: Huhtamaki Flexibles, Inc.** (2400 Continental Boulevard, Malvern, PA 19355) on April 24, 2007, to operate a new press and laminator in Tredyffrin Township, **Chester County**.

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

**48-323-011: Victaulic Co. of America** (4901 Kesslersville Road, Easton, PA 18040) on April 13, 2007, to construct a burn-off oven and associated air cleaning device at their facility in Forks Township, **Northampton County**.

**48-313-102: Praxair, Inc.** (145 Shimersville Road, Bethlehem, PA 18015) on April 10, 2007, to reactivate an acid gas cylinder purging system and associated air cleaning device at the facility in Bethlehem, **Northampton County**.

**66-315-048: Procter and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) on April 10, 2007, to modify a hot air drying system on an existing

paper machine and to install an air cleaning device at the facility in Washington Township, **Wyoming County**.

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

**07-03049B: A.P. Green Refractories, Inc.** (R. R. 1, Box 588D, Claysburg, PA 16625) on April 17, 2007, to replace an existing dust collector (CD19) on the No. 2 Castable Line at the facility in Greenfield Township, **Blair County**.

**36-05127B: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on April 12, 2007, to add equipment to process recycled asphalt pavement at their Burkholder Asphalt Plant in Earl Township, **Lancaster County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**32-00059B: Reliant Energy Northeast Management Co.** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on April 18, 2007, to construct and operate a coal processing plant at the existing Conemaugh Power Plant in Hempfield Township, **Westmoreland County**. Conditions have been included in the approval to keep annual emissions from the source below 22.26 tpy TSP, 10.14 tpy PM10 and 4.96 tpy PM2.5.

**65-00858B: Commonwealth Renewable Energy, Inc.** (777 Technology Drive, Mt. Pleasant, PA 15666) on April 17, 2007, to construct and operate a 200 million gallon per year ethanol production facility in Hempfield Township, **Westmoreland County**.

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

**43-305C: Champion Carrier Corp.** (2755 Kirila Road, Hermitage, PA 16148) on April 17, 2007, to install two new paint spray booths equipped with dry filters in the City of Hermitage, **Mercer County**. This is a State-only Facility.

**43-348A: American Cap Co., LLC** (15 Church Street, Wheatland, PA 16161) on April 17, 2007, to construct an activated carbon monolithic adsorbent process for the semiconductors manufacturing sector in Wheatland Borough, **Mercer County**. This is a State-only 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, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0048C: H & K Materials—Division of Haines & Kibblehouse** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on April 18, 2007, to operate a hot mix asphalt in Hilltown Township, **Bucks County**.

**09-0126A: Air Liquide Electronics U. S. LP** (19 Steel Road West, Morrisville, PA 19067) on April 18, 2007, to operate a wet scrubber S-7 in Falls Township, **Bucks County**.

**15-0027H: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) on April 20, 2007, to operate an air contamination source in Tredyffrin Township, **Chester County**.

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

**01-05017D: Quebecor World Fairfield, Inc.** (100 North Miller Street, Fairfield, PA 17320-9707) on April 5, 2007, to construct two unit double web heatset offset lithographic printing presses (Web Press Nos. 9 and 10) and to install a regenerative thermal oxidizer at their Fairfield Plant in Fairfield Borough, **Adams County**. This plan approval was extended.

**67-05052B: New York Wire Co.** (P. O. Box 1749, York, PA 17405-1749) on April 22, 2007, to install a fabric collector to control PM emissions from an existing powder coating line at their weaving facility in the City of York, **York County**. This plan approval was extended.

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

**41-399-026: Penn Recycling Inc.** (2525 Trenton Avenue, Williamsport, PA 17701) on April 20, 2007, to operate an automobile/metal shredding system and associated air cleaning devices (a water injection system and cyclone collector) on a temporary basis until August 18, 2007, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00034B: Engineered Polymer Solutions, d/b/a Valspar Coatings** (372 Cleveland Street, Rochester, PA 15074) on April 19, 2007, to modify installation and operation of the K9 Batch Epoxy Processing Reactor at the Valspar Corporation's (Valspar) facility in Rochester, **Beaver County**. Operations at this facility include the manufacture of epoxy and acrylic based coatings for cans. The K9 Reactor is part of the Batch Epoxy Process and the following Special Conditions have been added to the Plan Approval to accommodate this change. The emission limitations at this facility have not been changed.

- Emissions from this facility shall be calculated using the methodology presented in "Preferred and Alternative Methods for Estimating Air Emissions from Paint and Ink Manufacturing Facilities," Eastern Research Group, Inc., Prepared for the Point Source Committee, Emission Inventory Improvement Program, February 2005, or revised versions thereof. The emission factors generated by these calculations shall be recorded and kept on site for a period of 5 years, and shall be made available to the Department upon request. (25 § 127.12(b))

- The exhaust temperature from the final condenser/control device on a vessel being used for Batch Processing shall not exceed the temperatures as utilized in the facilities current Emission Inventory Improvement Program calculations. The temperatures utilized in these calculations shall be recorded and kept on site for a period of 5 years, and shall be made available to the Department upon request. (25 § 127.12(b))

- The permittee shall install, calibrate, operate and maintain continuous temperature recorders at or on the final condenser/control device for any vessel being used for Batch Processing. (25 § 127.12(b))

**65-00613B: International Mill Service, Inc.** (1155 Business Center Drive, Horsham, PA 19044) on April 13, 2007, to allow additional time to complete the installation and inspection of additional crushing, screening and conveying equipment to be powered by two small genera-

tors rated at 200 hp each at this scrap reclamation facility in Rostraver Township, **Westmoreland County**.

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

**10-345B: Allegheny Mineral Corporation—Murrinsville Plant** (102 Van Dyke Road, Harrisville, PA 16038) on March 31, 2007, to modify plan approval 10-345A conditions with regards to the rated capacity and the facility throughput limitation in Marion Township, **Butler County**.

---

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

---

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

**05-05022: Bedford Reinforced Plastics, Inc.** (264 Reynoldsdale Road, Bedford, PA 15522-7401) on April 17, 2007, for a Title V Operating Permit renewal to operate their fiberglass reinforced plastic pultrusion operation in East Saint Clair Township, **Bedford County**. This Title V operating permit was administratively amended to incorporate plan approvals 05-05022A and 05-05022B. This is revision No. 1.

**67-05005: PPL Brunner Island, LLC** (2 North 9th Street, Allentown, PA 18101-1139) on April 16, 2007, to operate their Brunner Island Steam Electric Station in East Manchester Township, **York County**. This is a renewal of the Title V operating permit.

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

**V06-012: United States Mint** (151 North Independence Mall East, Philadelphia, PA 19106) on April 18, 2007, to produce medal and coin dies, coins of all denominations for general circulation, and a limited amount of commemorative coins in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three natural gas-fired annealing gas generators each rated less than 1.0 mmBtu/hr controlled by three catalytic oxidizer, five natural gas-fired rotary annealing furnaces each rated at 4.048 mmBtu/hr, two natural gas-fired die shop furnaces each rated at 200,000 Btu/hr, a diesel-fired emergency generator, a hard chromium electroplating system consisting of a 50 gallon strip tank and two 67 gallon plating tanks controlled by a composite mesh pad/scrubbing system, two spray booths with filters for lacquer medal coating, and alcohol and aerosol wipe cleaners and nine cold cleaning degreasers.

---

**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.**

---

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

**21-05039: Land O'Lakes, Inc.** (405 Park Drive, Carlisle, PA 17013-9270) on April 23, 2007, to operate a milk drying plant in South Middleton Township, **Cumberland County**. This is a renewal of the State-only operating permit.

**44-05014: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Pleasant Gap, PA 16823-6854) on April 23, 2007, to operate crushing and asphalt plants at the Hostetler Quarry in Armagh Township, **Mifflin County**. This is a renewal of the State-only operating permit.

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

**32-00348: Amfire Mining Company, LLC** (One Energy Place, Latrobe, PA 15650) on April 19, 2007, for a State-only operating permit to operate the Nolo Deep Mine Coal Preparation Plant in Buffington Township, **Indiana County**.

**32-00148: MDS Energy—Cookport Compressor Station** (1022 One Glade Park East, Kittanning, PA 16201) on April 18, 2007, to operate two natural gas compressor engines along with a Dehydrator/Reboiler on Wissinger Road, Green Township, **Indiana County**. The facility receives natural gas by means of pipelines, compresses, and pumps it into outlet pipelines for transmission to a downstream station. The facility is a natural minor facility.

**26-00473: Bullsken Tipple Co.** (200 College Drive, Suite 300, Lemont Furnace, PA 15456) on April 23, 2007, to operate the Railroad Freight Terminal in Connellsville Township, **Fayette County**. This is a State-only Operating Permit.

**11-00498: Pets After Life Services** (3215 Frankstown Road, Portage, PA 15946) on April 20, 2007, to renew a State-only operating permit for a pet crematory in Portage Township, **Cambria County**.

**04-00252: Alex E. Paris Contracting Co., Inc.** (1595 Smith Township Road, Atlasburg, PA 15004) on April 20, 2007 for the operation of a landfill at Paris Flyash site that processes waste material which is a combination of flyash, bottom ash and scrubber sludge produced from coal combustion, located in Hanover Township, **Beaver County**.

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

**33-00145: Huntington Foam Corp.** (222 Industrial Park Drive, Brockway, PA 15824) on April 17, 2007, to reissue a Synthetic Minor Permit to operate a molded foam plastic shapes manufacturing facility in Brockway, **Jefferson County**. The significant sources are: 1) Bead Expander; 2) Molding press; 3) Boilers. The facility has taken a restriction on emission of VOC from the facility not more than 49.9 tons per year to become a Synthetic Minor facility.

**61-00007: IA Construction Corporation, Franklin Plant** (24 Gibb Road, Franklin, PA 16323) on April 17, 2007, to reissue a Synthetic Minor Operating Permit, to operate a continuous asphalt plant in Sugarcreek Borough, **Venango County**. The significant source included one continuous asphalt plant of 180 tons per hour capacity. The facility has taken a throughput restriction of 495,000 tons of product per year to maintain the status of Synthetic Minor.

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

**N06-008: Pomco Graphic Arts** (4411-27 Whitaker Avenue, Philadelphia, PA 19120) on April 18, 2007, to operate a printing facility in the City of Philadelphia,

**Philadelphia County**. The facility's air emission sources include six lithographic presses and one natural gas fired 5 mmBtu/hr boiler.

---

**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.**

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

**38-03019: Allied Veterinary Cremation, Ltd.** (719 Lawn Road, Palmyra, PA 17178-9734) on April 16, 2007, to operate two crematories in South Londonderry Township, **Lebanon County**. This operating permit was administratively amended to incorporate Plan Approval 38-03019B. This is revision No. 1.

**38-05028: Milprint, Inc.** (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042) on April 19, 2007, to operate printing presses used in the production of polymer-based flexible packaging at their plant in South Lebanon Township, **Lebanon County**. This operating permit was administratively amended due to a change of ownership. This is revision No. 1.

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

**49-00004: Resilite Sports Products, Inc.** (P. O. Box 764, Sunbury, PA 17801) on April 18, 2007, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to establish facility-wide HAPs emission limits (less than 10 tons of any individual HAPs and less than 25 tons of all HAPs combined in any 12-consecutive month period) as well as associated recordkeeping and reporting requirements in Northumberland Borough, **Northumberland County**.

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

**56-00261: Robert Bosch Tool Corp.** (429 Drum Avenue, Somerset, PA 15501) on April 18, 2007, for a minor modification for an addition of a new extrusion line at the facility in Somerset Borough, **Somerset County**.

---

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19404, Edward Jurdonos Brown, Facilities Permitting Chief, (484) 250-5920.*

**TVOP-46-00046: Accellent, Inc.** (200 West 7th Avenue, Collegetown, PA 19426) a facility located in Trappe Borough, **Montgomery County**. The facility's major emission points include three vapor degreasers, which emit major levels of VOCs and HAPs.

Accellent, Inc. has proposed to operate a small electro-polishing unit for Research and Development purposes. The emission during operation of the unit will be nil. The expected will occur when the solution is prepared and when the solution is removed from the unit.

Estimated Pollutant Increase

Methanol—.004 ton per year.

Nitric Acid—.005 ton per year.



The above emissions increases qualify as de minimis increases under 25 Pa. Code § 127.449.

The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

**65-00781: Kennametal, Inc.** (1600 Technology Way, P. O. Box 231, Latrobe, PA 15650) de minimis emission increase of 0.025 ton PM10 per year resulting from the installation on or about April 20, 2007, of a new 1,500 cfm exhaust system on an existing sandblast unit at the Technology Center in Unity Township, **Westmoreland County**.

**65-00781: Kennametal, Inc.** (1600 Technology Way, P. O. Box 231, Latrobe, PA 15650) de minimis emission increase of 0.6 ton VOCs per year resulting from the installation on March 19, 2007, of a new ceramic spray dryer at the Technology Center located in Unity Township, **Westmoreland County**.

**65-00962: CCF Industries, Inc.** (4716 Route 66, Apollo, PA 15613) de minimis emission increase of 0.46 ton PM10 per year resulting from the installation of dust collector on or about April 20, 2007, at the plant in Washington Township, **Westmoreland County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit Number: 32921601 and NPDES Permit No. PA0095117, Sprinkle Mills Tipple** (P. O. Box 343, Punxsutawney, PA 15767-0343), to revise the permit for the Valier Coal Yard in North Mahoning Township, **Indiana County** and related NPDES permit for coal stockpile, sediment trap and treatment basins. Surface Acres Proposed 1.2. Receiving stream: Crossman Run, classified for the following use: CWF. Application received on July 15, 2005. Permit issued on April 13, 2007.

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

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

auger operation in Gaskill Township, **Jefferson County** affecting 168.6 acres. This renewal is issued for reclamation only. Receiving streams: Lost Run and two UNTs to East Branch Mahoning Creek. Application received: February 28, 2007. Permit issued on April 18, 2007.

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

**17020102 and NPDES No. PA0243191. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface-auger mine in Penn Township, **Clearfield County**, affecting 34.6 acres. Receiving streams: UNT to Bell Run to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received on March 30, 2007. Permit issued on April 18, 2007.

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

**40-305-004GP12. Northampton Fuel Supply Co., Inc.** (1 Horwith Drive, Northampton, PA 18067), general operating permit to operate a coal preparation plant (on SMP No. 40940205) in Hanover Township, **Luzerne County**. Application received on March 23, 2007. Permit issued on April 18, 2007.

**54783702R4 and NPDES Permit No. PA0593010. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse disposal, refuse reprocessing and coal preparation operation in Norwegian and New Castle Townships, **Schuylkill County** affecting 512.0 acres, receiving stream is West Branch Schuylkill River. Application received on March 15, 2005. Renewal issued on April 18, 2007.

### Noncoal Permits Actions

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

**53060802. Robert F. and Cynthia M. Monroe** (675 Southwoods Road, Coudersport, PA 16915). Commencement, operation and restoration of a small noncoal (flagstone) permit located in Homer Township, **Potter County**, affecting 3.0 acres. Receiving streams: Southwoods Creek, tributary to Sinnemahoning Creek. Application received on August 10, 2006. Permit issued on April 10, 2007.

**4473SM10 and NPDES Permit No. PA0119440. Penn Coal Land, Inc.** (P. O. Box 68, Boswell, PA 15531), renewal of NPDES Permit in Decatur Township, **Clearfield County**. Receiving streams: UNT to Little Laurel Run to Laurel Run to Moshannon Creek to West Branch Susquehanna River and UNT to Coal Run to Moshannon Creek to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received on February 23, 2007. Permit issued on April 12, 2007.

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

**26800401 and NPDES Permit No. PA125920. Carbon Fuel Resources, Inc.** (200 College Drive, Suite 300, Lemont Furnace, PA 15456). NPDES renewal issued for continued operation and reclamation of an existing noncoal surface mining site located in Georges Township, **Fayette County**, affecting 91.1 acres. Receiving streams: Brownfield Hollow to Mountain Creek to Georges Creek

to Monongahela River. Application received on March 15, 2007. NPDES renewal issued on April 19, 2007.

**03010407 and NPDES Permit No. PA0250040. Stitt Coal Co., Inc.** (811 Garretts Run Road, Ford City, PA 16226). NPDES renewal issued for continued operation and reclamation of an existing noncoal surface mining site located in Kittanning Township, **Armstrong County**, affecting 301.3 acres. Receiving streams: Garretts Run to Allegheny River and UNT to Garretts Run. Application received on April 2, 2007. NPDES renewal issued on April 19, 2007.

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

**20060805. Arthur E. Mook** (22577 North Mosiertown Road, Saegertown, PA 16433) Commencement, operation and restoration of a small noncoal sand and gravel operation in Cussewago Township, **Crawford County** affecting 4.0 acres. Receiving streams: UNT to Cussewago Swamp. Application received on October 24, 2006. Permit issued on April 17, 2007.

**10010306. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403) Renewal of NPDES Permit No. PA0241903 in Worth Township, **Butler County** affecting 122.0 acres. Receiving streams: UNT to Slippery Rock Creek. Application received on February 26, 2007. Permit issued on April 18, 2007.

**10000305. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403) Renewal of NPDES Permit No. PA0241792 in Worth Township, **Butler County** affecting 111.0 acres. Receiving streams: UNT to Black Run. Application received on February 26, 2007. Permit issued on April 18, 2007.

**37910305. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403) Renewal of NPDES Permit No. PA0208485 in Plain Grove Township, **Lawrence County** affecting 51.0 acres. Receiving streams: Taylor Run and UNT to Taylor Run. Application received on February 26, 2007. Permit issued on April 18, 2007.

**37990301. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403) Renewal of NPDES Permit No. PA0241474 in Plain Grove Township, **Lawrence County** affecting 31.0 acres. Receiving streams: UNTs to Taylor Run and Taylor Run. Application received on February 26, 2007. Permit issued on April 18, 2007.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**28074120. M & J Explosives, Inc.,** P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for utility development in Greencastle Borough, **Franklin County**. Blasting activity permit end date is April 30, 2008. Permit issued on April 12, 2007.

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

**20074001. Appalachian Geophysical Services, LLC** (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity permit for gas and oil exploration in Beaver Township, **Crawford County**. This blasting activity permit will expire on April 30, 2007. Application received on April 18, 2007. Application issued on April 19, 2007.

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

**09074108. Eastern Blasting Co., Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting for The Villas of Lamplighter Village in Warrington Township, **Bucks County** with an expiration date of December 31, 2007. Permit issued on April 13, 2007.

**22074109. Warren's Excavating & Drilling, Inc.** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Laura Acres in Swatara Township, **Dauphin County** with an expiration date of April 9, 2008. Permit issued on April 13, 2007.

**52074113. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for development in Lackawaxen Township, **Pike County** with an expiration date of April 4, 2008. Permit issued on April 13, 2007.

**52074114. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Pocono Mt. Estates in Lackawaxen Township, **Pike County** with an expiration date of April 10, 2008. Permit issued on April 13, 2007.

**52074116. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Ranchlands Development in Lehman Township, **Pike County** with an expiration date of March 31, 2008. Permit issued on April 13, 2007.

**09074106. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Richland Market Place in Richland Township, **Bucks County** with an expiration date of April 10, 2008. Permit issued on April 16, 2007.

**35074109. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Valley View Industrial Park in Jessup Borough in **Lackawanna County** with an expiration date of April 30, 2008. Permit issued on April 16, 2007.

**45074127. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Mt. Tom Road in Smithfield Township, **Monroe County** with an expiration date of April 30, 2008. Permit issued on April 16, 2007.

**52074117. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Nemanie Village in Palmyra Township, **Pike County** with an expiration date of April 12, 2008. Permit issued on April 16, 2007.

**09074001. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002), construction blasting for the Interzone Transfer Sewer Project Contract No. 5739 in Telford Borough, **Bucks County** with an expiration date of May 23, 2008. Permit issued on April 17, 2007.

**48074002. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002), construction blasting for the Green Pond Road, Farmersville Road, Ivy Lane Sanitary Sewer Extension in Bethlehem Township, **Northampton County** with an expiration date of September 20, 2007. Permit issued on April 17, 2007.

**48074104. Warren's Excavating & Drilling, Inc.** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Bridle Path Development in Hanover Township, **Northampton County** with an expiration date of April 12, 2008. Permit issued on April 18, 2007.

**36074138. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Two Cousins in East Hempfield Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued on April 19, 2007.

**67074119. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033), construction blasting for a single dwelling on Mt. Airy Road in Monaghan Township, **York County** with an expiration date of December 30, 2007. Permit issued on April 19, 2007.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

---

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

---

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E52-204. Finan Family Trust**, 830 Twin Lakes Road, Shohola, PA 18458. Shohola Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 14-foot wide steel bridge driveway crossing of Twin Lakes Creek (HQ-CWF) having a 38-foot span and a 6-foot underclearance. The project is located on the north side of T-446 (Parkers Glen Road) approximately 1.7 miles north of SR 1007 (Woodtown Road) (Shohola, PA-NY Quadrangle N: 8.2 inches; W: 2.1 inches). (Subbasin: 1D)

**E45-488. Department of Conservation and Natural Resources, Bureau of Forestry—Weiser Forest District**, 890 SR 903, Jim Thorpe, PA 18229. Tunkhannock Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a dry hydrant in Fishing Lake (HQ-CWF) for the purpose of providing fire protection. The project is located within the Indian Mountain Lakes Development on the north side of Fishing Lake southwest of the intersection of North Shore Drive and Crest Drive (Blakeslee, PA Quadrangle N: 0.9 inches; W: 1.6 inches). (Subbasin: 2A)

**E13-149. Department of Conservation and Natural Resources, Bureau of Forestry—Weiser Forest District**, 890 SR 903, Jim Thorpe, PA 18229. Penn Forest Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a dry hydrant in Main Lake (HQ-CWF) for the purpose of providing fire protection. The project is located on the north side of Main Lake approximately 0.1 mile east of the intersection of North Shore Drive and Twin Lake Road within the Indian Mountain Lakes Development (Blakeslee, PA Quadrangle N: 0.2 inch; W: 2.6 inches). (Subbasin: 2B)

**E40-662. John G. Nackley**, 215 Hillside Drive, Dallas, PA 18612. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing pile supported boat dock and boat house structure in Harveys Lake (HQ-CWF) with work consisting of the construction of a 740 S.F. addition to the existing boat house and a new pile supported dock extending approximately 16 feet off the north and west sides of the boat house. The project is located on the northeast side of the lake at Pole No. 55 (Harveys Lake, PA Quadrangle N: 22.0 inches; W: 4.0 inches). (Subbasin: 5B)

**E48-367. Green & White Youth Association**, 435 West Main Street, Pen Argyl, PA 18072. Pen Argyl Borough, **Northampton County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimis area of PEM wetlands equal to 0.04 acre and to construct and maintain two stream enclosures in tributaries to Waltz Creek (HQ-CWF) as follows: 1) A proposed 92-foot long extension of an existing 60-inch diameter R.C.P. stream enclosure resulting in a length of approximately 200 feet; and 2) A 48-inch diameter R.C.P. stream enclosure having a length of approximately 360 feet. This work is associated with the proposed construction of the Green & White Youth Association athletic fields located on the south side of SR 1024 (West Main Street) (Wind Gap, PA Quadrangle N: 20.25 inches; W: 1.5 inches). (Subbasin: 1F)

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

**E17-430. Emigh Run Lakeside Watershed Association**, P. O. Box 204, Morrisdale, PA 16858. Emigh Run No. 8 Acid Mine Drainage Treatment Project in Morris Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle; Latitude: 40° 56' 54.94"; Longitude 78° 16' 6.82").

The applicant proposes to construct, operate and maintain a passive treatment acid mine drainage abatement system resulting in 0.03 acre of temporary PFO/PEM wetland impacts associated with Emigh Run (CWF). The proposed wetland impacts will result from the placement of treatment-train piping through the wetland. Onsite wetlands are classified as "other wetlands" by the Department. No wetland replacement is necessary due to the temporary nature of the wetland impacts. The project site is approximately 1 mile southeast of Wallaceton, in the headwaters of Emigh Run.

**E41-575. Brian Winn Ice Cream**, 606 Hasting Street, South Williamsport, PA 17702-7607. Small Projects Water Obstruction and Encroachment Joint Permit, in Muncy Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 41° 12' 43"; W: 76° 47' 12").

To construct and maintain two industrial freezers, each measuring 6 feet wide by 8 feet deep by 7 feet high atop concrete pads within the floodway of the Muncy Creek located at 420 Main Street, west of Muncy Borough in Muncy Creek Township, **Lycoming County**. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

**E02-1498. DENIED—Walnut Street Partners Development**, 3285 Jacks Run Road, White Oak, PA 15131. Denial of Permit to construct an extension of an existing stream enclosure in the City of McKeesport, **Allegheny County**, Pittsburgh ACOE District (McKeesport, PA Quadrangle N: 13.4 inches; W: 12.4 inches, Latitude: 40° 19' 25"; Longitude: 79° 50' 21"). To deny the construction and extension of an existing stream enclosure with an approximately 250 feet long, 15 feet by 22 feet reinforced concrete box culvert, and it's associated fill in Long Run (TSF) and a borrow area for the proposed fill in the City of McKeesport. This permit is also associated with Application No. PAI050205003 for an Individual National Pollutant Discharge Elimination System for discharges associated with construction activities which will also be denied.

**E02-1551. Pleasant Hills Municipal Authority**, 610 Old Clairton Road, Pittsburgh, PA 15236. To construct a gabion wall in South Park Township, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 9.85 inches; W: 13.9 inches, Latitude: 40° 18' 15"; Longitude: 79° 58' 30"). To construct and maintain a gabion wall 18.0 feet in height and 105.0 feet in length in the channel and along the right bank of Lick Run (TSF) for the purpose of preventing erosion and landslides at the applicant's screw pump building. The project is located approximately 600 feet northwest from the intersection of Wallace and Cochran's Mill Roads and will impact 145.0 linear feet of stream channel. This permit also authorizes the construction and maintenance of a temporary road crossing consisting of two 6.0 foot diameter culverts each 145.0 feet in length.

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

**E10-426. Robert Ferree, Bottled Lightning, LP**, 4848 Route 8, Allison Park, PA 15101. Brush Creek Commons Project, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 40' 32"; W: 80° 06' 04").

To place and maintain fill at a depth up to 6-feet within the regulated floodway along the left bank of a tributary to Brush Creek (WWF) for a length of approximately 380 feet for the construction of an office building, parking lots, and the like. The site is west of Emeryville Drive and east of the Turnpike I-76, approximately 630 feet north of the Allegheny County line. An area of 0.08 acre wetland was filled during prior construction and will be mitigated onsite as part of this project.

**E10-427. Department of Transportation, District 10-0**, 2550 Oakland Avenue, Indiana, PA. SR 0356, Section 0250, Across Connoquenessing Creek, in Butler, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 19.4 inches; W: 2.5 inches).

To remove the existing structure and to construct and maintain either a five-span steel girder bridge having clear spans of 67', 106', 110', 141', 133' and an underclearance of 56' on a 90° skew or a five-span prestressed concrete girder bridge having clear spans of 61' 3", 112' 9", 122' 6", 123' and 135' 9" and an underclearance of 56' on a 90° skew across Connoquenessing Creek (CWF) on SR 0356, Section 0250.

**E20-552. D&L Energy, Inc.**, 2761 Salt Springs Road, Youngstown, OH 44509. CCPI Well 3, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 5.10 inches; W: 5.72 inches).

The applicant proposes to construct and maintain a natural gas well, 2-inch diameter steel natural gas distribution line and 300-foot long access road within the FEMA floodway of French Creek (Meadville, PA Quadrangle N: 5.10 inches; W: 5.72 inches) approximately 0.3 mile west of the west bank of French Creek and approximately 0.3 mile NE of the intersection of Dunham and Rodgers Ferry Roads in Vernon Township, Crawford County. French Creek is a perennial stream classified as a WWF.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-016CO. Dan Matthias**, 224 West Washington Lane, Philadelphia, PA 19106, Salisbury Township, **Lancaster County**, ACOE Philadelphia District.

Project proposes to expand an existing pond by constructing a non-jurisdictional dam downstream of the current dam. The dam will be constructed across a tributary to Pequea Creek (HQ-CWF) for recreational purposes. The project will impact approximately 80 feet of stream channel. The dam is located approximately 2,000 feet southeast of the intersection of Churchtown (T901) and Ross Roads (T519) (Honey Brook, PA Quadrangle, N: 12.2", W: 9.4").

## SPECIAL NOTICES

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

**EGS No. 56007**, Shade Creek Watershed Association, 314 Central Avenue, Central City, PA 15926. A water pollution abatement project to construct a passive abandoned mine treatment system on properties owned by the Shade Creek Watershed Association located east of Highway PA 160 just one mile north of Central City, along Laurel Run. Project received: October 16, 2006. Project issued: April 16, 2007.

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

### Availability of Final Total Maximum Daily Loads (TMDLs)

#### (Correction to April 21, 2007 publication)

The Department of Environmental Protection (Department) has developed Total Maximum Daily Loads (TMDLs) for the watershed listed as follows. The TMDL sets the pollutant loading amounts for impaired waters that are allocated among the sources in the watershed. This TMDL has been approved by the Environmental Protection Agency and satisfies the Department's obligations under section 303(d) of the Federal Clean Water Act.

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Bernhart Creek	Berks	Metals and salinity/TDS/chlorides

To request a copy of the TMDL, contact the Watershed Protection Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4820, Joseph Adams, josepadams@state.pa.us or access the TMDL through the Department's website: [www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/) (choose stream under "Select By TMDL Name:").

[Pa.B. Doc. No. 07-785. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When

this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—Substantive Revision:*

DEP ID: 562-3000-102 Title: Coal and Industrial Mineral Mining Inspections, Description: This guidance document (formerly titled "Inspection") defines the content and frequency of inspections of coal and industrial minerals mining activities by inspectors of the Department's Bureau of District Mining Operations. Substantive revisions were recently made to the guidance in order to eliminate the requirement for monthly inspections for mining permits issued under Subchapter F of Chapter 87 or Subchapter G of Chapter 88 that have not been activated. (Subchapters F and G relate to pre-existing mine discharges). This revision is based on the determination that annual inspections are adequate. In addition, a revision was also made which deletes reference in the guidance document, which previously indicated that inspections would not be conducted after the bond for a mine site is collected. Federal regulations require that the inspections continue after collection of the bond. Written Comments: The Department is seeking comments on the substantive revisions made to technical guidance No. 562-3000-102. Interested persons may submit written comments on the substantive revisions to the technical guidance document by June 4, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, wallen@state.pa.us.

Contact: Questions regarding the draft technical guidance document should be directed to William Allen at (717) 787-5103; or wallen@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

#### *Draft Technical Guidance:*

DEP ID: 563-2000-003 Title: Incidental Coal Extraction for Government-Financed Construction Projects or Government-Financed Reclamation Projects. Description: The regulations at 25 Pa. Code § 86.6 allow for an exemption from the permitting requirement for the extraction of coal incidental to government-financed construction projects and government-financed reclamation projects under certain circumstances. The Federal coal mining regulations also allow for the exemption at 30 CFR, Part 707. This guidance document describes the process to determine if a government-financed construction project or a government-financed reclamation project that will remove coal is eligible for an exemption under the aforementioned regulations. Written Comments: The Department is seeking comments on draft technical guidance No. 563-2000-003. Interested persons may submit

written comments on the draft technical guidance document by June 4, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, wallen@state.pa.us.

Contact: Questions regarding the draft technical guidance document should be directed to William Allen at (717) 787-5103; or wallen@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

*Final Technical Guidance:*

DEP ID: 550-2501-101 Title: Guidelines for Submitting Oil and Gas Well Bonds. Description: This document provides instruction to bond applicants and financial guarantors for submitting proper documents and financial instruments for oil and gas well bonds. Changes were made to the document, which were advertised for public comment in the *Pennsylvania Bulletin* on May 13, 2006, at 36 Pa.B. 2342. Those changes included updates to the guidance document to reflect the recent amendments to the Oil and Gas Act (58 P.S. §§ 601.101—601.605), including the elimination of phased deposit bonds. Changes were also made concerning the submission of collateral from out-of-state financial institutions not registered to do business in this Commonwealth. For those specific financial institutions, letters of credit will be accepted if the institution consents in writing to jurisdiction and venue in this Commonwealth. Other changes were made to the guidance document to aid the users and financial institutions on proper completion of the bond forms. The Department did not receive comments from the public during the 30-day public comment period.

Contact: David J. English, Department of Environmental Protection, Bureau of Oil and Gas Management, Rachel Carson State Office Building, P. O. Box 8765, Harrisburg, PA 17105-8765 or daenglish@state.pa.us. Effective Date: May 5, 2007.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-786. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Beneficial Use of Alternative Fuels for CFBs; Proposed General Permit WMGR116**

Under the regulatory authority of 25 Pa. Code § 287.611 (relating to authorization for general permit) of the residual waste regulations and the statutory authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Department of Environmental Protection (Department) is proposing a General Permit for the beneficial use of alternative fuels at circulating fluidized bed boilers (CFBs).

This proposed general permit will provide for the beneficial use of petroleum coke; uncontaminated, untreated wood; agricultural plant/animal waste fuels; non-hazardous coal tar and oil-contaminated waste; high carbon coal fly ash; tire-derived fuel; and other paper and wood industry waste as an alternative fuel. The general permit also authorizes the beneficial use of the resulting ash. Proposed General Permit WMGR116 will reduce the

amount of these wastes disposed in landfills and by land application by providing a mechanism to divert the waste to a more productive, beneficial use.

Comments concerning the general permit should be directed to Ronald Hassinger, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Public comments must be received by July 5, 2007.

Persons interested in obtaining more information or a paper copy of the proposed General Permit WMGR116 should contact Peter Arnt of the Division of Municipal and Residual Waste at the previous telephone number. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. The General Permit WMGR116 document is also accessible on the Department's Web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate; then Proposals Open for Comment or DEP Keywords Residual Waste).

The Department will provide public notice upon finalization of General Permit WMGR116.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-787. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Beneficial Use of Waste Foundry Sand; Renewal of General Permit WMGR019**

Under the regulatory authority of 25 Pa. Code § 287.611 (relating to authorization for general permit) of the residual waste regulations and the statutory authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Department of Environmental Protection (Department) is proposing a General Permit for the processing and beneficial use of waste foundry sand.

This proposed General Permit will provide for the beneficial reuse of waste foundry sand as a material in construction, as an ingredient in concrete and asphalt manufacturing and as a soil additive or soil substitute. Proposed WMGR019 will reduce the amount of waste foundry sand being disposed of in landfills by providing a mechanism to divert the waste to a more productive, beneficial use. This General Permit will consolidate and streamline the provisions of two existing general permits, by combining the various potential end uses under one permit employing a common set of operating conditions.

Comments concerning the General Permit should be directed to Cuong Vu, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Public comments must be received by July 5, 2007.

Persons interested in obtaining more information or a paper copy of the proposed General Permit WMGR019 should contact Peter Arnt of the Division of Municipal and Residual Waste at the previous telephone number. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. The General Permit WMGR019 document is also accessible on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP

Keywords: Public Participation, Participate, then Proposals Open for Comment or DEP Keywords Residual Waste).

The Department will provide public notice upon finalization of General Permit WMGR019.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-788. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board; Applicability and Attainment Subcommittee Meeting

The Cleanup Standards Scientific Advisory Board Applicability and Attainment Subcommittee will hold a meeting by means of a teleconference on May 23, 2007, to discuss general approaches to guidance on separate phase liquids in soil and groundwater. The teleconference will begin at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7816 or mwooding@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7816 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-789. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Earth Disturbance Associated With Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities; Intent to Issue General Permit (ESCGP-1)

In compliance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Oil and Gas Act (58 P. S. §§ 601.101—601.605) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) by this notice announces its intent to issue the Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Activities (ESCGP-1). This general permit will apply to earth disturbance activities for oil and gas exploration, production, processing, treatment operations or transmission facilities (oil and gas activities).

On June 12, 2006, the United States Environmental Protection Agency (EPA) published final amendments to the National Pollutant Discharge Elimination System (NPDES) regulations for stormwater discharges associated with oil and gas exploration, production, processing

or treatment operations or transmission facilities (see 71 FR 894) to implement new provisions of the Clean Water Act, established by the Energy Policy Act of 2005. In the rulemaking, the EPA acknowledged that its rule does not prohibit states from regulating oil and gas earth disturbance activities under state authority, especially when it may lead to a violation of water quality standards.

In response to the EPA's rulemaking and the affect of the Federal Energy Policy Act of 2005, the Department's announced its plan for regulating oil and gas earth disturbance activities at 36 Pa.B. 7071 (November 18, 2006). The plan, comments and responses can be viewed on the Department's website at www.dep.state.pa.us keyword "oil and gas."

This general Erosion and Sediment Control Permit will be issued specifically for oil and gas well activities that disturb 5 acres or greater at one time over the life of the project.

The oil and gas industry engages in several types of activities where the amount of earth disturbance can be greater than five acres and there is an increased potential for accelerated erosion, and sediment pollution and stormwater runoff problems. These include transmission pipelines; drilling of deep wells (including access roads); well development projects where multiple, closely spaced and interconnected wells are drilled one after another; and multiple wells that are drilled and interconnected by a common access road and pipelines.

For these projects, the increased potential for erosion, sedimentation and stormwater runoff problems requires additional oversight by the Department to ensure water quality and existing and designated water uses are protected. The additional planning gained through the Erosion and Sediment Control General Permit will ensure that proper best management practices (BMPs) will be implemented and maintained for erosion and sediment control facilities and post construction stormwater runoff from these activities.

In addition, this approach is an incentive for the operator to minimize the disturbed area by restoring the earth disturbance promptly after completion of the well or installation of the pipeline.

Persons with a disability having questions regarding the general permit or seeking information about the general permit or for a copy of the general permit and associated materials may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (voice users).

#### *Public Comment Period*

The Department invites public comment on the Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Activities. Interested persons may submit written comments on the Department's proposed plan by June 4, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Chief, NPDES Construction and Erosion Control, Department of Environmental Protection, Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775. Comments may also be sent to ep-oilgaspermit@state.pa.us.

Questions regarding this notice should be directed to Barbara Beshore, Bureau of Watershed Management at (717) 787-6827 or Joe Umholtz, Bureau of Oil and Gas Management at (717) 772-2199.

Following the comment period, the Department will consider all comments received and prepare the final set of permit documents. The final availability of the documents will be announced through a public notice in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-790. Filed for public inspection May 4, 2007, 9:00 a.m.]

### **Proposed Revision to the State Implementation Plan for the Clearfield/Indiana 8-Hour Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Clearfield/Indiana 8-Hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003–2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment of the 8-hour ozone national ambient air quality standard (NAAQS). The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan, which includes the Pennsylvania Clean Vehicles Program, demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose "Air Plans") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Tuesday, June 5, 2007, at 10 a.m. at the Indiana County Courthouse Annex Building, 1st Floor Conference Room, 827 Water Street, Indiana, PA 15701. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than June 8, 2007. Written comments should be sent to the attention of J. Wick Havens, Chief, Division of Air

Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [jhavens@state.pa.us](mailto:jhavens@state.pa.us). Use "Clearfield/Indiana Ozone SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-791. Filed for public inspection May 4, 2007, 9:00 a.m.]

### **Proposed Revision to the State Implementation Plan for the York/Adams 8-Hour Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The York/Adams 8-Hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003-2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment of the 8-hour ozone national ambient air quality standard (NAAQS). The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan, which includes the Pennsylvania Clean Vehicles Program, demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose "Air Plans") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Wednesday, June 6, 2007, at 10 a.m. at the Department's York District Office, 2nd Floor Conference Room, 150 Roosevelt Avenue, York, PA 17404. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than June 8, 2007. Written comments should be sent to the attention of J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box



8468, Harrisburg, PA 17105-8468 or jhavens@state.pa.us. Use "York/Adams Ozone SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-792. Filed for public inspection May 4, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of ACMH Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that ACMH Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: § 5.2.1(1) (relating to width of public corridor).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-793. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of Carlisle Regional Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-794. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of Carlisle Regional Surgery Center for Exception; Correction

Notice for Carlisle Regional Surgery Center was incorrectly published at 37 Pa.B. 1458 (March 31, 2007) as a request for exception to 28 Pa. Code § 123.25(2) (relating to regulations for the control of anesthetic explosion hazards). The request for exception should have been for 28 Pa. Code § 569.35 (relating to general safety precautions).

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c) (relating to requests for exceptions).

Persons with a disability who wish to obtain a copy of a request require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-795. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of the Central Penn GI Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the Central Penn GI Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-796. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of Children's Hospital of Pittsburgh of UPMC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh of UPMC has requested an exception to the requirements of 28 Pa. Code § 139.17(6) (relating to neonatal intensive care units (Levels II and III)).

The facility has also requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.3.4.1(1)(2) (relating to mediation preparation room), 2.3.5.1 (relating to nourishment area), 2.3.7 (relating to clean work room), 2.3.8 and 2.3.8.1(2) (relating to soiled workrooms) and 2.3.10.1 (relating to house-keeping room).

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-797. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of Kingston Ophthalmology ASC, LLC, d/b/a Kingston Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kingston Ophthalmology ASC, LLC, d/b/a Kingston Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-798. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of Laurel Laser & Surgery Center, LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Laser & Surgery Center, LP has requested an exception to the requirements of 28 Pa. Code § 565.11 (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-799. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of the Pinnacle Health @ Harrisburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the Pinnacle Health @ Harrisburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: § 5.7.3.1 (relating to space requirements for work areas and counters); and § 5.7.3.2 (relating to the delivery of occupational therapy services).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-800. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Application of Surgery Center of Pottsville for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Pottsville has requested an

exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-801. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Applications for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that each of the following health care facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to control of anesthetic explosion hazards).

Brookville Hospital  
Community Medical Center  
Easton Hospital  
Ephrata Community Hospital  
The Frankford Hospital of the City of Philadelphia  
Fulton County Medical Center  
The Good Samaritan Hospital  
Holy Redeemer Hospital and Medical Center  
Holy Spirit Hospital  
Jeanes Hospital  
Jennersville Regional Hospital  
Mercy Fitzgerald Hospital  
Penn Presbyterian Medical Center  
Pennsylvania Hospital, UPHS  
Riddle Memorial Hospital  
UPMC Braddock  
UPMC Northwest  
UPMC St. Margaret  
UPMC South Side  
Uniontown Hospital  
Wayne Memorial Hospital  
The Western Pennsylvania Hospital  
The Western Pennsylvania Hospital Forbes Regional Campus

The 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.

Each facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-802. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Applications for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that each of the following health care facilities have requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

Doylestown Surgery Center  
Lebanon Outpatient Surgical Center, LP  
Surgical Institute of Reading  
UPMC St. Margaret Harmar Outpatient Center

The 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.

Each facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-803. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Laboratories Approved to Determine Blood Alcohol Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine the amount of alcohol or controlled substance), and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:  
S = approved for serum and plasma analyses  
B = approved for blood analyses  
SB = approved for serum, plasma and blood analyses

- 000212  
ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
(215) 576-2350
- 027180  
ADVANCED TOXICOLOGY NETWORK—B  
3560 AIR CENTER COVE SUITE 101  
MEMPHIS, TN 38118  
(901) 794-5770
- 000233  
ALBERT EINSTEIN MEDICAL CENTER—S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
(215) 456-6100
- 000040  
ALIQUIPPA COMMUNITY HOSPITAL LABORA-  
TORY—S  
2500 HOSPITAL DRIVE  
PATHOLOGY DEPT  
ALIQUIPPA, PA 15001  
(724) 857-1240
- 000671  
ALLEG CNTY CORONERS DIV OF LABS—SB  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
(412) 350-6873
- 000094  
ALLEGHENY GEN HOSP SUBURBAN CAMPUS  
LAB—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
(412) 734-6020
- 028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
(412) 359-6886
- 000077  
ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
(412) 359-3521
- 000100  
ALLEGHENY VALLEY HOSPITAL LAB—S  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
(724) 224-5100
- 000120  
ALTOONA REGIONAL HEALTH SYSM—BON  
SECOURS CAMPUS—SB  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
(814) 949-4495
- 000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—SB  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
(814) 946-2340
- 000452  
ANALYTIC BIO-CHEMISTRIES INC—SB  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
(215) 322-9210
- 000041  
ARMSTRONG COUNTY MEMORIAL HOSP—S  
1 NOLTE DRIVE  
KITTINGING, PA 16201  
(724) 543-8500
- 000047  
ASSOCIATED CLINICAL LABORATORIES—SB  
1526 PEACH STREET  
ERIE, PA 16501  
(814) 461-2400
- 000320  
BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
(570) 853-3135
- 000002  
BLOOMSBURG HOSPITAL—S  
549 E FAIR STREET  
BLOOMSBURG, PA 17815  
(570) 387-2124
- 000033  
BRADFORD REGIONAL MEDICAL CENTER—SB  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
(814) 362-8247
- 000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD ATTN: LABORATORY  
COATESVILLE, PA 19320  
(610) 383-8000
- 000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
(724) 284-4510
- 000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
(724) 745-3916
- 000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
361 ALEXANDER SPRING ROAD  
CARLISLE, PA 17015-9129  
(717) 249-1212
- 000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
(215) 368-2100
- 000132  
CHAMBERSBURG HOSPITAL DEPT OF PATHOL-  
OGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
(717) 267-7153
- 000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
(814) 274-9300
- 000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
(610) 431-5182

- 000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
(215) 248-8630
- 000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDREN'S CENTER 34TH & CIVIC  
PHILADELPHIA, PA 19104  
(215) 590-1000
- 000329  
CLARION HOSPITAL—SB  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
(814) 226-9500
- 000026  
CLEARFIELD HOSPITAL LABORATORY—S  
809 TURNPIKE AVE  
P. O. BOX 992  
CLEARFIELD, PA 16830  
(814) 768-2280
- 000034  
COMMUNITY HOSPITAL—B  
NORTH FRALEY STREET  
KANE, PA 16735  
(814) 837-4575
- 000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
(570) 969-8000
- 000125  
CONEMAUGH VALLEY MEMORIAL HOSP—SB  
LABORATORY DEPT  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905  
(814) 534-9000
- 000326  
CORY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORY, PA 16407  
(814) 664-4641
- 000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
(610) 447-2000
- 000209  
CROZER-CHESTER MED CTR-SPRINGFLD—S  
190 WEST SPROUL ROAD  
SPRINGFIELD, PA 19064  
(610) 447-2000
- 000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
(610) 284-8100
- 000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SB  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-6882
- 000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
(215) 345-2250
- 000977  
DRUGSCAN INC—SB  
1119 MEARN'S RD,  
P. O. BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310
- 000027  
DUBOIS REG MED CTR—WEST UNIT—S  
100 HOSPITAL AVE  
DUBOIS, PA 15801  
(814) 371-2200
- 000175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
(610) 250-4140
- 000332  
ELLWOOD CITY HOSPITAL—S  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
(724) 752-0081
- 000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE  
P. O. BOX 1002  
EPHRATA, PA 17522  
(717) 733-0311
- 000032  
ERHC ST MARYS LABORATORY—B  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
(814) 788-8525
- 000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
(570) 522-2510
- 000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
(215) 934-5227
- 000341  
FRANKFORD HOSP TC LAB—S  
RED LION & KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
(215) 612-4000
- 000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
(215) 831-2068
- 000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
(724) 547-1500

000330  
 FULTON COUNTY MEDICAL CENTER—S  
 216 SOUTH FIRST STREET  
 MCCONNELLSBURG, PA 17233  
 (717) 485-3155

000173  
 GEISINGER MEDICAL CENTER—SB  
 N ACADEMY RD  
 DANVILLE, PA 17822  
 (570) 271-6338

000017  
 GEISINGER SOUTH WILKES BARRE HOSPITAL—S  
 25 CHURCH STREET  
 WILKES BARRE, PA 18765  
 (570) 826-3100

000019  
 GEISINGER WYOMING VALLEY MED CTR—S  
 1000 E MOUNTAIN DRIVE  
 WILKES BARRE, PA 18711  
 (570) 826-7830

000237  
 GERMANTOWN COMM HLTH WILLOW TERR—S  
 ONE PENN BOULEVARD  
 PHILADELPHIA, PA 19144  
 (215) 951-8800

000122  
 GETTYSBURG HOSPITAL—SB  
 147 GETTYS STREET  
 GETTYSBURG, PA 17325  
 (717) 334-2121

000152  
 GNADEN HUETTEN MEMORIAL HOSP—S  
 211 NORTH 12TH STREET  
 LEHIGHTON, PA 18235  
 (610) 377-7083

000299  
 GOOD SAMARITAN HOSPITAL—B  
 4TH & WALNUT STS  
 P. O. BOX 1281  
 LEBANON, PA 17042-1218  
 (717) 270-7500

000182  
 GOOD SAMARITAN REGIONAL MED CTR—S  
 700 EAST NORWEGIAN STREET  
 POTTSVILLE, PA 17901  
 (570) 621-4032

000196  
 GRAND VIEW HOSPITAL—S  
 700 LAWN AVE  
 SELLERSVILLE, PA 18960  
 (215) 453-4528

000061  
 GROVE CITY MEDICAL CENTER—SB  
 631 NORTH BROAD STREET EXT  
 GROVE CITY, PA 16127  
 (724) 450-7125

000654  
 GUTHRIE CLINIC PATH LAB—S  
 GUTHRIE SQUARE  
 SAYRE, PA 18840  
 (570) 888-5858

000239  
 HAHNEMANN UNIVERSITY HOSPITAL—S  
 BROAD & VINE STS MS 113  
 PHILADELPHIA, PA 19102  
 (215) 762-1783

000046  
 HAMOT MEDICAL CENTER—S  
 201 STATE STREET  
 ERIE, PA 16550  
 (814) 877-3131

000139  
 HANOVER HOSPITAL LABORATORY—SB  
 300 HIGHLAND AVE  
 HANOVER, PA 17331  
 (717) 637-3711

000155  
 HARRISBURG HOSPITAL LABORATORY—SB  
 MEDICAL SCIENCES BUILDING  
 100 2ND STREET  
 HARRISBURG, PA 17105  
 (570) 782-2832

000010  
 HAZLETON GENERAL HOSPITAL—S  
 700 EAST BROAD  
 HAZLETON, PA 18201  
 (570) 501-4152

000169  
 HEALTH NETWORK LABORATORIES—S  
 1627 WEST CHEW STREET  
 ALLENTOWN, PA 18102  
 (610) 402-2236

000549  
 HEALTH NETWORK LABORATORIES—S  
 1200 SOUTH CEDAR CREST BLVD  
 ALLENTOWN, PA 18103  
 (610) 402-8150

000600  
 HEALTH NETWORK LABORATORIES—S  
 2545 SCHOENERSVILLE ROAD  
 BETHLEHEM, PA 18017-7384  
 (484) 884-2259

024655  
 HEALTH NETWORK LABORATORIES—SB  
 2024 LEHIGH STREET  
 ALLENTOWN, PA 18103-4798  
 (610) 402-8150

000166  
 HEART OF LANCASTER REGIONAL MEDICAL  
 CENTER—S  
 1500 HIGHLANDS DRIVE  
 LITITZ, PA 17543  
 (717) 625-5605

000103  
 HIGHLANDS HOSPITAL—S  
 401 EAST MURPHY AVENUE  
 CONNELLSVILLE, PA 15425  
 (724) 628-1500

000130  
 HOLY SPIRIT HOSPITAL—S  
 503 N 21ST STREET  
 CAMP HILL, PA 17011-2288  
 (717) 763-2206

000052  
 INDIANA REGIONAL MEDICAL CENTER—S  
 HOSPITAL ROAD  
 P. O. BOX 788  
 INDIANA, PA 15701-0788  
 (724) 357-7167

000135  
J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
(814) 643-8645

000054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
(724) 656-4080

000240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
(215) 728-2347

000038  
JEFFERSON REGIONAL MED CTR—S  
565 COAL VALLEY ROAD  
BIBRO BLDG 4TH FLOOR  
PITTSBURGH, PA 15236  
(412) 469-5723

000200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
(610) 869-1080

000053  
JRHS BROOKVILLE—S  
100 HOSPITAL RD  
BROOKVILLE, PA 15825  
(814) 849-2312

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
(215) 426-8100

001088  
LABCORP OF AMERICA HOLDINGS—SB  
69 FIRST AVE  
P. O. BOX 500  
RARITAN, NJ 08869  
(908) 526-2400

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
P. O. BOX 3555  
LANCASTER, PA 17604  
(717) 299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
P. O. BOX 3434  
LANCASTER, PA 17604  
(717) 291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
(724) 537-1550

000138  
LEWISTOWN HOSPITAL—B  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
(717) 248-5411

000030  
LOCK HAVEN HOSPITAL—B  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
(570) 893-5000

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
(610) 645-2615

000199  
MAIN LINE CLIN LABS PAOLI MEM CP—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
(610) 648-1000

000213  
MAIN LINE HOSPITAL BRYN MAWR—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
(610) 526-3554

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
(717) 281-1042

009003  
MAYO CLINIC DEPT LAB MED & PATH—SB  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
(814) 336-5000

005574  
MEDTOX LABORATORIES INC—SB  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
(651) 636-7466

000140  
MEMORIAL HOSPITAL CLINICAL LAB—SB  
325 S BELMONT ST  
P. O. BOX 15118  
YORK, PA 17403  
(717) 843-8623

000023  
MEMORIAL HOSPITAL LAB—SB  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
(570) 265-2191

000203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
(610) 237-4262

000247  
MERCY HEALTH LAB/MHOP—S  
501 S 54TH STREET  
PHILADELPHIA, PA 19143  
(215) 748-9181



000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
(610) 278-2090

000336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
(570) 348-7100

000082  
MERCY HOSPITAL OF PITTSBURGH—S  
1400 LOCUST STREET  
PITTSBURGH, PA 15219  
(412) 232-7831

000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
(724) 527-9330

028436  
METHODIST HOSP DIV TJUH INC ER LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
(215) 952-9055

000245  
METHODIST HOSP DIVISION/TJUH INC—S  
1900 S BROAD STREET  
PHILADELPHIA, PA 19145  
(215) 952-9059

000231  
MEYERSDALE COMMUNITY HOSPITAL—S  
200 HOSPITAL DR  
MEYERSDALE, PA 15552  
(814) 634-5911

000269  
MIDVALLEY HOSPITAL—S  
1400 MAIN STREET  
PECKVILLE, PA 18452  
(570) 383-5520

000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
P. O. BOX 689  
HASTINGS, PA 16646  
(814) 247-3100

000108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
(724) 258-1021

000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
(610) 270-2173

000007  
MOSES TAYLOR HOSPITAL—S  
700 QUINCY AVENUE  
SCRANTON, PA 18510  
(570) 340-2100

000214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
(215) 663-6102

000025  
MOUNT NITTANY MEDICAL CENTER—B  
1800 EAST PARK AVENUE  
STATE COLLEGE, PA 16803  
(814) 234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
(570) 546-8282

000304  
NASON HOSPITAL—B  
105 NASON DRIVE  
ROARING SPRING, PA 16673  
(814) 224-6215

000504  
NATIONAL MED SVCS INC/DBA NMS LABS—SB  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
(215) 335-6245

029741  
NORTHERN TIER RESEARCH—SB  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
(412) 777-6161

000334  
PALMERTON HOSPITAL—SB  
135 LAFAYETTE AVE  
PALMERTON, PA 18071  
(610) 826-3141

000258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST  
DEPT OF PATH & LAB 5TH FL RM 530  
PHILADELPHIA, PA 19104-2640  
(215) 662-3435

000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
(717) 531-8353

022533  
PENNSYLVANIA DEPT OF HEALTH—SB  
110 PICKERING WAY  
LIONVILLE, PA 19353  
(610) 280-3464

000251  
PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
(215) 829-3541

000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT ROAD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
(610) 983-1612

000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD  
P. O. BOX 3000  
HARRISBURG, PA 17109  
(717) 657-7214

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SB  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

000022  
POCONO MEDICAL CENTER LAB—SB  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
(570) 476-3544

000221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
(610) 327-7000

000183  
POTTSVILLE HOSP AND WARNE CLINIC—SB  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
(570) 621-5262

000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
(814) 938-4500

022715  
QUEST DIAGNOSTICS—SB  
10101 RENNEN BOULEVARD  
LENEXA, KS 66219-9752  
(913) 888-1770

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—SB  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
(215) 957-9300

027461  
QUEST DIAGNOSTICS INC—SB  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
(610) 631-4219

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631

000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
(610) 988-8080

000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
(610) 566-9400

000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
(215) 487-4394

000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
(610) 776-4727

000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
(412) 561-4900

000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM STREET  
BETHLEHEM, PA 18015  
(610) 954-4558

000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE - NEWTOWN RD  
LANGHORNE, PA 19047  
(215) 710-2162

000048  
SAINT VINCENT HEALTH CENTER—S  
232 WEST 25TH STREET  
ERIE, PA 16544  
(814) 452-5383

000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
(412) 741-6600

000064  
SHARON REGIONAL HEALTH SYSTEM—SB  
740 EAST STATE STREET  
SHARON, PA 16146  
(724) 983-3911

000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVENUE  
WELLSBORO, PA 16901  
(570) 723-0133

000297  
SOMERSET HOSPITAL CENTER FOR HEALTH—B  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
(814) 443-5000

000105  
SOUTHWEST REGIONAL MEDICAL CENTER—S  
350 BONAR AVENUE  
WAYNESBURG, PA 15370  
(724) 627-2608

022376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
(661) 799-6543

000361  
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S  
101 BROAD STREET  
ASHLAND, PA 17921  
(570) 875-5988

000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
ERIE AVENUE AT FRONT STREET  
PHILADELPHIA, PA 19134  
(215) 427-5337

000151  
ST JOSEPH QUALITY MEDICAL LAB—SB  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200

000261  
ST JOSEPH'S HOSPITAL-DIV NPHS—S  
16TH ST & GIRARD AVENUE  
PHILADELPHIA, PA 19130  
(215) 787-9000

000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
(610) 770-8300

000180  
ST LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
P. O. BOX 67  
COALDALE, PA 18218  
(570) 645-2131

000195  
ST LUKES QUAKERTOWN HOSPITAL—S  
1021 PARK AVENUE  
QUAKERTOWN, PA 18951  
(215) 538-4681

000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 EAST CHESTER PIKE  
RIDLEY PARK, PA 19078  
(610) 595-6450

000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
(215) 291-3000

000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
(215) 707-0977

000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
(215) 707-4353

000205  
THE MEDICAL CENTER BEAVER PA—SB  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
(724) 728-7000

000104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
(724) 430-5143

000085  
THE WESTERN PA HOSP-FORBES REGIONAL  
CAMPUS—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
(412) 858-2560

000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH STREET  
204 PAVILION  
PHILADELPHIA, PA 19107  
(215) 955-6374

000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
(814) 827-1851

000313  
TYLER MEMORIAL HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
(570) 836-4705

000124  
TYRONE HOSPITAL—SB  
CLAY AVENUE EXTENSION  
TYRONE, PA 16686  
(814) 684-0484

000121  
UPMC BEDFORD MEMORIAL—SB  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
(814) 623-3506

000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
(412) 636-5291

000059  
UPMC HORIZON GREENVILLE—SB  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
(724) 588-2100

000057  
UPMC HORIZON SHENANGO—SB  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
(724) 981-3500

000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
(412) 664-2233

000084  
UPMC PASSAVANT—S  
9100 BABCOCK BLVD  
PITTSBURGH, PA 15237  
(412) 367-6700

005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
(724) 772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
(412) 648-6000

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
(412) 784-4000

000092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
(412) 623-5950

000093  
UPMC SOUTH SIDE—S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
(412) 488-5731

000622  
WARMINSTER HOSPITAL—S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
(215) 441-6700

000066  
WARREN GENERAL HOSPITAL—B  
2 CRESCENT PARK  
WARREN, PA 16365  
(814) 723-3300

000111  
WASHINGTON HOSPITAL—S  
155 WILSON AVE  
WASHINGTON, PA 15301  
(724) 223-3136

000298  
WAYNE MEMORIAL HOSPITAL—S  
601 PARK STREET  
HONESDALE, PA 18431  
(570) 253-1300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
(717) 765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
(412) 578-5779

007731  
WESTERN RESERVE CARE SYSTEM—S  
500 GYPSY LANE  
YOUNGSTOWN, OH 44501  
(330) 884-3767

000112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
(724) 832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—SB  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
(570) 321-2300

000106  
WINDBER HOSPITAL—B  
600 SOMERSET AVE  
WINDBER, PA 15963  
(814) 467-6611

000018  
WVHCS HOSP DBA PENNANT LABORATORY—SB  
575 NORTH RIVER STREET  
WILKES BARRE, PA 18764  
(570) 829-8111

025064  
WVU HOSPITAL CLINICAL LABS—S  
1 MEDICAL CENTER DR  
P. O. BOX 8009  
MORGANTOWN, WV 26506-8009  
(304) 598-4241

000141  
YORK HOSPITAL—SB  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
(717) 851-2345

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

[Pa.B. Doc. No. 07-804. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Long-Term Care Nursing Facilities Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of the building):

Renaissance Gardens at Ann's Choice, Inc.  
16000 Ann's Choice Way  
Warminster, PA 18974  
Facility ID No. 18860201

Canterbury Place  
310 Fisk Street  
Pittsburgh, PA 15201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

The Springs At the Watermark  
Two Franklin Town Boulevard  
Philadelphia, PA 19103  
Facility ID No. 127502

These requests are on file with the Department. Persons may receive a copy of a request for exception by

requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-805. Filed for public inspection May 4, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Federal Poverty Income Guidelines for 2007

The Department of Public Welfare (Department) announces the implementation in the Department of the

2007 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 72 FR 3147 (January 24, 2007).

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code (relating to public welfare) and administered by the Department. These categories include Healthy Beginnings for Pregnant Women and Qualified Children (55 Pa. Code Chapter 140, Subchapter A), Healthy Horizons for the Elderly and Disabled (55 Pa. Code Chapter 140, Subchapter B) and Extended Medical Coverage under Categorically Needy TANF-Related Categories (55 Pa. Code Chapter 140, Subchapter C).

The percentages for the Medicaid categories of Healthy Beginnings and Healthy Horizons are set forth as follows:

These percentages apply as follows:

Healthy Beginnings—

a. 185% for pregnant women and infants up to 1 year of age.

b. 133% for children age 1 through 5 years of age.

c. 100% for children age 6 and older.

Healthy Horizons—

a. 100% for persons eligible for the categorically needy and Medicare cost-sharing benefits.

b. 120% for persons eligible for the Specified Low-Income Medicare Beneficiaries and Medically Needy Only benefits.

c. 135% for persons eligible for the Qualifying Individuals Beneficiaries benefits.

(There are different resource limits for each of these programs.)

Persons	100% of FPIG		120% of FPIG		133% of FPIG		135% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$851	\$10,210	\$1,021	\$12,252	\$1,132	\$13,580	\$1,149	\$13,784
2	\$1,141	\$13,690	\$1,369	\$16,428	\$1,518	\$18,208	\$1,541	\$18,482
3	\$1,431	\$17,170	\$1,717	\$20,604	\$1,903	\$22,837	\$1,932	\$23,180
4	\$1,721	\$20,650	\$2,065	\$24,780	\$2,289	\$27,465	\$2,324	\$27,878
5	\$2,011	\$24,130	\$2,413	\$28,956	\$2,675	\$32,093	\$2,715	\$32,576
6	\$2,301	\$27,610	\$2,761	\$33,132	\$3,061	\$36,722	\$3,107	\$37,274
7	\$2,591	\$31,090	\$3,109	\$37,308	\$3,446	\$41,350	\$3,498	\$41,972
8	\$2,881	\$34,570	\$3,457	\$41,484	\$3,832	\$45,979	\$3,890	\$46,670
Each Additional Person	\$290	\$3,480	\$348	\$4,176	\$386	\$4,629	\$392	\$4,698

Persons	185% of FPIG		200% of FPIG		235% of FPIG		250% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$1,575	\$18,889	\$1,702	\$20,420	\$2,000	\$23,994	\$2,128	\$25,525
2	\$2,111	\$25,327	\$2,282	\$27,380	\$2,681	\$32,172	\$2,853	\$34,225
3	\$2,648	\$31,765	\$2,862	\$34,340	\$3,363	\$40,350	\$3,578	\$42,925
4	\$3,184	\$38,203	\$3,442	\$41,300	\$4,044	\$48,528	\$4,303	\$51,625
5	\$3,721	\$44,641	\$4,022	\$48,260	\$4,726	\$56,706	\$5,028	\$60,325
6	\$4,257	\$51,079	\$4,602	\$55,220	\$5,407	\$64,884	\$5,753	\$69,025
7	\$4,794	\$57,517	\$5,182	\$62,180	\$6,089	\$73,062	\$6,478	\$77,725

Persons	185% of FPIG		200% of FPIG		235% of FPIG		250% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
8	\$5,330	\$63,955	\$5,762	\$69,140	\$6,770	\$81,240	\$7,203	\$86,425
Each Additional Person	\$537	\$6,438	\$580	\$6,960	\$682	\$8,178	\$725	\$8,700

Additional information on the programs is available at the county assistance offices.

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to January 24, 2007.

*Public Comments*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081. Comments received within 30-calendar days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-504. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart C. ELIGIBILITY REQUIREMENTS**

**CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS**

**Subchapter C. ELIGIBILITY PROVISIONS FOR EMC UNDER THE CATEGORICALLY NEEDY PROGRAM FOR AFDC/AFDC-U RELATED CATEGORIES**

**APPENDIX A**

**EXTENDED MEDICAL COVERAGE (EMC) MONTHLY INCOME LIMITS**

**185% OF THE 2007 FEDERAL POVERTY INCOME GUIDELINES**

<i>Family Size</i>	<i>185% of the Federal Poverty Income Guidelines</i>
1	\$1,575
2	\$2,111
3	\$2,648
4	\$3,184
5	\$3,721
6	\$4,257
7	\$4,794
8	\$5,330
Each Additional Person	\$537

[Pa.B. Doc. No. 07-806. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Medical Assistance Program Fee Schedule Revision**

The purpose of this notice is to announce that the Department of Public Welfare (Department) is revising fees for two laboratory procedure codes on the Medical Assistance (MA) Program Fee Schedule, effective January 2, 2007.

*Fee Revision*

The Department is increasing the fee for procedure codes 87491 and 87591 as it has determined that an incorrect fee was published at 36 Pa.B. 8019 (December 30, 2006), and included in the MA Program Fee Schedule.

The new fees for these procedure codes are as follows:

<i>Procedure Code</i>	<i>Informational Modifier</i>	<i>Procedure Description</i>	<i>MA Fees</i>
87491		Infectious agent detection by nucleic acid (DNA or RNA); Chlamydia trachomatis, amplified probe technique	\$23.19
87491	FP	Infectious agent detection by nucleic acid (DNA or RNA); Chlamydia trachomatis, amplified probe technique	\$23.19
87591		Infectious agent detection by nucleic acid (DNA or RNA); Neisseria gonorrhoea, amplified probe technique	\$23.19
87591	FP	Infectious agent detection by nucleic acid (DNA or RNA); Neisseria gonorrhoea, amplified probe technique	\$23.19

An MA Bulletin will be issued relating to this MA Program fee schedule revision.

#### *Fiscal Impact*

The estimated cost of this increase is estimated at \$0.114 million (\$0.054 million in State funds) in Fiscal Year 2006-2007. The annualized cost is estimated at \$0.341 million (\$0.162 in State funds) in Fiscal Year 2007-2008.

#### *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 Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-502. (1) General Fund; (2) Implementing Year 2006-07 is \$54,000; (3) 1st Succeeding Year 2007-08 is \$162,000; 2nd Succeeding Year 2008-09 is \$163,000; 3rd Succeeding Year 2009-10 is \$163,000; 4th Succeeding Year 2010-11 is \$163,000; 5th Succeeding Year 2011-12 is \$163,000; (4) 2005-06 Program—\$945,950,000; 2004-05 Program—\$842,991,000; 2003-04 Program—\$677,979,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these costs.

[Pa.B. Doc. No. 07-807. Filed for public inspection May 4, 2007, 9:00 a.m.]

### **2006 Group Two Exception Requests; Medical Assistance Long-Term Care Participation Review**

The purpose of this notice, published under 55 Pa. Code § 1187.21a(e)(4) (relating to nursing facility exception requests—statement of policy), is to announce the 2006 Group Two Exception Requests received by the Department of Public Welfare (Department) covering the submission period of July 1, 2006, through December 31, 2006.

#### **Expansion Requests**

<i>Number</i>	<i>Name</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JD06001	Souderton Mennonite Homes	207 West Summit Stree Souderton, PA 18964	Montgomery	15
JD06004	Artman Lutheran Home	250 North Bethlehem Pike Ambler, PA 19002	Montgomery	3
JD06005	Concordia Lutheran Health & Human Care	615 North Pike Road Cabot, PA 16023	Butler	8
JD06006	Lutheran Home at Hollidaysburg	916 Hickory Street Hollidaysburg	Blair	7

#### **New Facility Requests**

<i>Number</i>	<i>Name</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JD06002	Lutheran Social Services of South Central PA	2735 Luther Drive Chambersburg, PA 17201	Franklin	60
JD06003	Concordia at Rebecca Residence	3746 Cedar Ridge Road Allison Park, PA 15101	Allegheny	60

A copy of the previously listed exception requests is available for review during the 30-day comment period. The public may review the requests during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Gail Weidman, Division of Policy, P. O. Box 2675,

Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-503. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-808. Filed for public inspection May 4, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bid Opportunities

**CN00025895. Mechanics' Uniform Rental at the Doylestown, PA.** The Department of Transportation—Bucks County Maintenance in Doylestown, PA will accept bids on Monday, May 21, 2007, until 1 p.m. for Mechanics' Uniform Rental at the Doylestown, PA equipment repair facility. The contract will be in effect from June 1, 2007, to June 30, 2011.

Bids may be obtained by calling (215) 345-6060, Ext. 107 (Scott), and will be available until the previous bid opening.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 07-809. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), 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 property is available for sale by the Department:

Parcel No. 29 on SR 6028-015, Manor Township, Armstrong County, now or formally listed as Tax Parcel 131.00-01-37. This parcel contains approximately 7,913.724 s.f. of land situated near the southwest corner of Township Road 538 and Township Road 525. The property will be sold in "as is condition." The estimated fair market value of the parcel is \$2,300. It has been determined that the land is no longer needed for present or future transportation purposes.

Interest public entities are invited to express their interest in purchasing the site within 30-calendar days from the date of publication of this notice to Larry

Williams, Chief Negotiator, Department of Transportation, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701.

ALLEN BEIHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 07-810. Filed for public inspection May 4, 2007, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 2007 Addition to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved an addition to the list of Class A Wild Trout Streams as set forth in 37 Pa.B. 1194 (March 10, 2007). Specifically, the Commission added Tannery Hollow Run, Section 01, in Cameron County. Tannery Hollow Run is a tributary to Sterling Run. Section 01 extends for a distance of 2.75 miles, from the headwaters downstream to the mouth.

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

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

[Pa.B. Doc. No. 07-811. Filed for public inspection May 4, 2007, 9:00 a.m.]

### 2007 Classification of Wild Trout Streams; Additions, Deletions and Adjustments

The Fish and Boat Commission (Commission) has approved additions, deletions and adjustments to its list of wild trout streams as published at 37 Pa.B. 1195 (March 10, 2007). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's website at [sites.state.pa.us/PA\\_Exec/Fish\\_Boat/trout\\_repro.htm](http://sites.state.pa.us/PA_Exec/Fish_Boat/trout_repro.htm).

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

[Pa.B. Doc. No. 07-812. Filed for public inspection May 4, 2007, 9:00 a.m.]



## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Sugar Creek Rest, LP has applied for a Certificate of Authority to operate a continuing care retirement community at Sugar Creek Rest in Worthington, PA. The initial filing was received on April 17, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [syerger@state.pa.us](mailto:syerger@state.pa.us).

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-813. Filed for public inspection May 4, 2007, 9:00 a.m.]

---

### Cynthia Frock; Hearing

#### Appeal of Cynthia Frock under the Quality Health Care Accountability and Protection Article Act (40 P.S. §§ 991.2101—991.2193); Aetna Health, Inc. Doc. No. HC07-04-022

Under 40 P.S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on May 23, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 18, 2007.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 9, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before May 16, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-814. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Graduate Hospital; Prehearing

#### Appeal of Graduate Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910); Doc. No. MM07-04-012

On or before May 9, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 2, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 30, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 25, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 16, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 23, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-815. Filed for public inspection May 4, 2007, 9:00 a.m.]

---

#### Highmark Blue Cross Blue Shield; CompleteCare Program (Western Region)—Filing No. 1A-CCP-07-HBCBS; Rate Filing

By filing No. 1A-CCP-07-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase its premium rates for its CompleteCare Program (Western Region). The filing requests an average increase of about 9.0% or \$22.26 per contract per month. This will affect about 31,300 contract-holders and produce additional annual premium income of about \$8.4 million. The filing also adjusts the relativities between age and gender to be consistent with Highmark's other medically underwritten programs; thus some contract-holders may receive rate adjustments that are less than or greater than the average. In addition, a new rating tier is being requested. The requested effective date of the change is October 1, 2007.

A copy of the filing is available on the Insurance Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA

17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-816. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Medically Underwritten Direct Pay PPO Plan (Western Region)—Filing No. 1A-MUPPO-07-HBCBS; Rate Filing**

By filing No. 1A-MUPPO-07-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to adjust its premium rates for its medically underwritten Direct Pay PPO Plan and Direct Pay PPO High Deductible Health Plans in Western PA Region. The filing requests an average increase of about 7.1% or \$16.97 per contract per month. This will affect about 12,500 contract-holders and produce additional annual premium income of about \$2.5 million. The filing also adjusts the rate relativities in the Direct Pay PPO plan between age and gender; thus some contract-holders may receive rate adjustments that are less than or greater than the average. In addition, a new rating tier is being requested. The requested effective date of the change is October 1, 2007.

A copy of the filing is available on the Insurance Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-817. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Highmark Blue Shield; Medically Underwritten Direct Pay PPO Plan (Central Region)—Filing No. 1A-BSMUPPO-07-HBS; Rate Filing**

By filing No. 1A-BSMUPPO-07-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase its premium rates for its medically underwritten Direct Pay PPO Plan in the Central PA Region. The filing requests an average increase of about 9.0% or \$21.81 per contract per month. This will affect about 8,900 contract-holders and produce additional annual premium income of about \$2.3 million. In addition, a new rating tier is being requested. The requested effective date of the change is October 1, 2007.

A copy of the filing is available on the Insurance Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the

Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-818. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Keystone Health Plan West Medically Underwritten Individual HMO; Rate Filing**

By filing No. 1A-DPHMO-07-KHPW, Keystone Health Plan West, Inc. (KHPW) requests approval to adjust rates for its medically underwritten Individual HMO Plan. The filing requests an average rate change of 9% or \$33.32 per contract month. This will affect about 9,300 contract-holders and will increase income by about \$3.73 million annually. The filing also adjusts the rate relativities between age and gender for medically underwritten contracts; thus some contract-holders may receive rate adjustments that are less than or greater than the average rate change of 9%. Including the change for rate relativities, the rate change will range from -10.3% to 19.8%. The requested effective date of the change is October 1, 2007.

In addition to the change in premium rates a new rating underwriting class is being requested to provide coverage for some individuals with conditions that exceeded the Plan's previous underwriting guidelines, and the previous tobacco tier will be expanded to new members with a similar risk classification.

Unless formal administrative action is taken prior to July 18, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Insurance Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-819. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Lancaster Regional Medical Center; Prehearing****Appeal of Lancaster Regional Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-04-018**

On or before May 9, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 7, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 30, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 25, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 16, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 23, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-820. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Lancaster Regional Medical Center (Estate of Barbara Henry); Prehearing****Appeal of Lancaster Regional Medical Center (Estate of Barbara Henry) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-04-019**

On or before May 9, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 7, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 30, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 25, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 16, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 23, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-821. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Lancaster Regional Medical Center; Prehearing****Appeal of Lancaster Regional Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-04-020**

On or before May 9, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 7, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 30, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 25, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 16, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 23, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-822. Filed for public inspection May 4, 2007, 9:00 a.m.]

**Physicians' Alliance, Ltd.; Prehearing****Appeal of Physicians' Alliance, Ltd. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-04-017**

On or before May 23, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 15, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 13, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 8, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 30, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before June 6, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-823. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Lucius D. Deatherage; file no. 07-119-31806; State Farm Insurance Company; doc. no. P07-03-023; May 8, 2007, 10 a.m.

Appeal of Mary Bea and Thomas Viehman; file no. 07-177-33409; Travelers Insurance Company; doc. no. P07-04-005; June 6, 2007, 10 a.m.

Appeal of Richard and Laura Cibula; file no. 07-181-33758; Nationwide Insurance Company; doc. no. P07-04-004; June 5, 2007, 10 a.m.

Approval Claire Verosky; file no. 07-177-31236; Victoria Fire and Casualty Insurance Company; doc. no. P07-03-021; May 9, 2007, 10 a.m.

James Pap; file no. 07-181-33142; Travelers Insurance Company; doc. no. P07-03-032; May 23, 2007, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of David Bane and Beryl Richards; file no. 07-210-31404; Travelers Insurance Company; doc. no. P07-03-034; June 18, 2007, 10 a.m.

Appeal of Margaret R. Carvelle; file no. 07-266-32557; American Independent Insurance Company; doc. no. P07-03-019; June 18, 2007, 11 a.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

Appeal of Hope and Donald Scott; file no. 07-303-32635; American Fire Casualty Insurance Company; doc. no. P07-03-020; April 24, 2007, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal,

and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-824. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. §§ 1171.8) in connection with her company's termination of the insured's policies. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Rosemary Oswick; file no. 07-305-34740; Erie Insurance Exchange; doc. no. P07-04-021; July 17, 2007, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-825. Filed for public inspection May 4, 2007, 9:00 a.m.]

### 7 Eleven 56164; Hearing

**Appeal of 7 Eleven 56164 under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2005-0084(M); Doc. No. UT07-04-007**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A preliminary prehearing telephone conference shall be held on May 31, 2007. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102, on or before May 17, 2007. Answers to petitions to intervene, if any, shall be filed on or before May 24, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-826. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Willowcrest Bamberger; Prehearing

**Appeal of Willowcrest Bamberger under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-04-013**

On or before May 3, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 7, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 24, 2007. Each party shall provide a telephone number to be used

for the telephone conference to the Hearings Administrator on or before May 18, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 10, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 17, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-827. Filed for public inspection May 4, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 28, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-00123697. Platinum Touch Transportation, LLC** (4404 North Uber Street, Philadelphia County, Philadelphia, PA 19140), a limited liability company of the Commonwealth—persons, in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return.

**A-00123699. Welcome Ambulance, Inc.** (664 Valley Stream Circle, Langhorne, Bucks County, PA 19053), a corporation of the Commonwealth—ambulatory and non-ambulatory persons, in paratransit service, from points in the City and County of Philadelphia, and the Counties of Bucks, Montgomery and Delaware, to points in Pennsylvania, and return.

**Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.***

**A-00123666. Bruce Snyder Enterprises, Inc.** (5400 Pennell Road, Delaware County, PA 19063), a corporation of the Commonwealth—persons in limousine service, from

points in the Counties of Delaware, Chester and Philadelphia, to points in Pennsylvania, and return; which is to be a transfer of the right authorized under the certificate issued at A-00122145 to Unique Limousine Concepts, Inc., subject to the same limitations and conditions. *Attorney:* Eugene J. Malady, 200 East State Street, Suite 309, Media, PA 19063.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-828. Filed for public inspection May 4, 2007, 9:00 a.m.]

after the date of publication of this notice. Copies of the Verizon North, Inc. and Cost Plus Communications, LLC's joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-830. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Telecommunications

**A-311432F7000. Verizon Pennsylvania, Inc. and Cost Plus Communications, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Cost Plus Communications, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Cost Plus Communications, LLC, by its counsel, filed on April 19, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Cost Plus Communications, LLC's joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-829. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Telecommunications

**A-311432F7001. Verizon North, Inc. and Cost Plus Communications, LLC.** Joint petition of Verizon North, Inc. and Cost Plus Communications, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Cost Plus Communications, LLC, by its counsel, filed on April 19, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

### Telecommunications Services

**A-311447F0002AMA. DAR Communications Corporation.** Application of DAR Communications Corporation for approval to offer, render, furnish or supply telecommunications services as a reseller of competitive local exchange carrier services to the public in the service territory of The United Telephone Company of Pennsylvania, t/a Embarq Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 21, 2007. 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. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* DAR Communications Corporation

*Through and By Counsel:* Barry A. Friedman, Esquire, Thompson Hine, LLP, Suite 800, 1920 North Street NW, Washington, DC 20036

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-831. Filed for public inspection May 4, 2007, 9:00 a.m.]

### Telecommunications Services

**A-311289F0002AMA. DCT Telecom Group, Inc.** Application of DCT Telecom Group, Inc., for approval to offer, render, furnish or supply telecommunications services to the public as a resold competitive local exchange carrier in the service territory of The United Telephone Company of Pennsylvania, t/a Embarq Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 21, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* DCT Telecom Group, Inc.

*Through and By Counsel:* Patrick D. Crocker, Esquire,  
Early, Lennon, Crocker & Bartosiewicz, PLC, 900  
Comerica Building, Kalamazoo, MI 49007-4752

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-832. Filed for public inspection May 4, 2007, 9:00 a.m.]

---

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Renee Dancy, LPN; Doc. No. 0107-51-07**

On March 12, 2007, the State Board of Nursing (Board) indefinitely suspended the license to practice professional nursing of Renee Dancy, license no. PN-257531-L, of York, York County, based on findings she is addicted to alcohol or is addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, or that she has become mentally incompetent.

Individuals may obtain a copy of order by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

MARY BOWEN, R.N., CRNP,  
*Chairperson*

[Pa.B. Doc. No. 07-833. Filed for public inspection May 4, 2007, 9:00 a.m.]

---

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.  
Philip A. Simonetta; Doc. No. 0215-60-2006**

On February 22, 2007, Philip A. Simonetta, license no. MV-140406-L, of Whitehall, Lehigh County, was assessed a civil penalty of \$2,000 and his license has been revoked, based on his criminal conviction.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 07-834. Filed for public inspection May 4, 2007, 9:00 a.m.]

---





