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# PENNSYLVANIA BULLETIN

Volume 38

Number 20

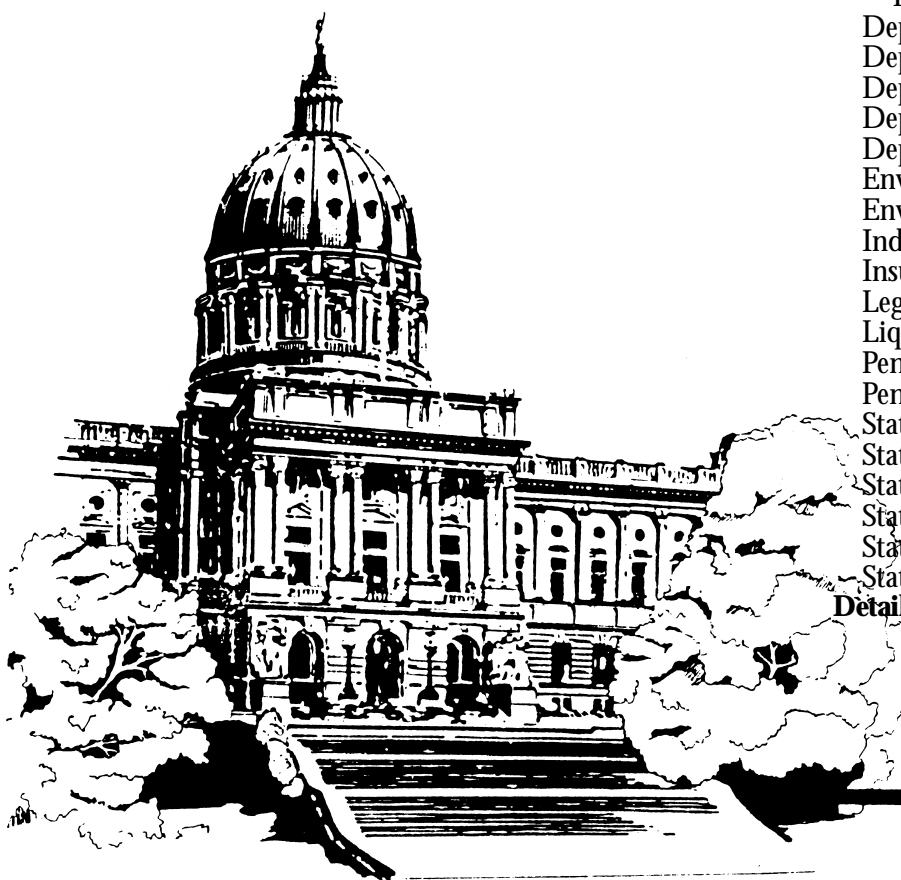
Saturday, May 17, 2008 • Harrisburg, PA

Pages 2221—2348

## Agencies in this issue

The Governor  
The Courts  
Department of Aging  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Environmental Hearing Board  
Environmental Quality Board  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
State Board of Barber Examiners  
State Board of Cosmetology  
State Board of Education  
State Board of Nursing  
State Board of Pharmacy  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



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

**No. 402, May 2008**

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# CONTENTS

## THE GOVERNOR

### EXECUTIVE ORDER

Code of conduct.....	2230
Governor's Cabinet for People With Disabilities and Governor's Advisory Committee for People With Disabilities.....	2231
Governor's Pandemic Advisory Council.....	2234
Pennsylvania Abraham Lincoln Bicentennial Commission.....	2236

## THE COURTS

### LOCAL COURT RULES

#### Armstrong County

Adoption of new local rules of court—2002; no. 2002-0189-misc. ....	2240
---	------

#### Monroe County

Administrative order 2008; no. AD 17-2008.....	2242
--	------

## EXECUTIVE AGENCIES

### DEPARTMENT OF AGING

#### Notices

Public hearings.....	2277
----------------------	------

### DEPARTMENT OF AGRICULTURE

#### Proposed Rulemaking

General provisions for seed certification.....	2253
Seed testing, labeling and standards.....	2256
Standards for seed certification.....	2262
Withdrawal of Dog Law Enforcement Regulations..	2268

#### Notices

Healthy Farms and Healthy Schools Matching Grant Program.....	2277
---	------

### DEPARTMENT OF BANKING

#### Notices

Actions on applications (2 documents).....	2277, 2279
Maximum lawful rate of interest for residential mortgages for the month of June 2008.....	2280

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Weatherization Assistance Program State Plan; public hearing.....	2280
---	------

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Conservation and Natural Resources Advisory Council meeting.....	2281
--	------

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices.....	2281
Bid opportunity.....	2332

Proposed phase 1 nontradable Mercury allowance allocations under the Pennsylvania-specific Mercury Reduction Program.....	2333
Upper Wissakickon Special Area Management Plan; public meeting.....	2335

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Proposed plan for the disposition of Commonwealth property.....	2336
---	------

### DEPARTMENT OF HEALTH

#### Proposed Rulemaking

Solicit comments on changes made to the confidentiality of patient records and information.....	2268
---	------

#### Notices

Application of Keystone Surgery Center for exception.....	2336
Long-term care nursing facilities; requests for exception.....	2336
Newborn Metabolic Screening Technical Advisory Committee meeting.....	2336
Traumatic Brain Injury Advisory Board meeting...	2337

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notices

Prevailing Wage Appeals Board meeting.....	2337
--	------

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Royal Riches '08 instant lottery game.....	2337
---	------

### ENVIRONMENTAL HEARING BOARD

#### Notices

Peach Bottom Concerned Citizens Group, Inc. v. DEP, David and Eric Gemmill and Belview Valley Farms, permittee; EHB doc. no. 2008-151-L.....	2340
--	------

### ENVIRONMENTAL QUALITY BOARD

#### Rules and Regulations

Radiological health.....	2243
--------------------------	------

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued.....	2340
Notice of filing of final rulemakings.....	2342

### INSURANCE DEPARTMENT

#### Notices

Highmark, Inc. and Highmark Blue Cross Blue Shield; provider reimbursement adjustments to allowances for the Low Income Fee Schedule Programs; rate filing.....	2342
Pennsylvania professional liability joint underwriting rate filing.....	2342
Progressive Specialty Insurance Company; private passenger automobile; rate revision; rate filing.....	2342
Review procedure hearings; cancellation or refusal of insurance.....	2342

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

**LEGISLATIVE REFERENCE BUREAU**

**Notices**

Documents filed but not published . . . . . 2343

**LIQUOR CONTROL BOARD**

**Rules and Regulations**

License applications and management contracts . . . 2250

**PENNSYLVANIA GAMING CONTROL BOARD**

**Rules and Regulations**

Vendor certification and registration . . . . . 2251

**Proposed Rulemaking**

Slot machine licensing . . . . . 2269

**Statements of Policy**

Use of funds allocated to horsemen's organizations. 2276

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Service of notice of motor carrier applications. . . . . 2344

Telecommunications (6 documents). . . . . 2345, 2346

Wastewater service . . . . . 2346

Water service. . . . . 2346

**STATE BOARD OF BARBER EXAMINERS**

**Notices**

Bureau of Professional and Occupational Affairs v. Brian K. White; doc. no. 0696-42-2008 . . . . . 2347

**STATE BOARD OF COSMETOLOGY**

**Notices**

Bureau of Professional and Occupational Affairs v. Urbane Nails; doc. no. 0575-45-2008 . . . . . 2347

**STATE BOARD OF EDUCATION**

**Proposed Rulemaking**

Academic standards and assessment . . . . . 2270

**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v. Gina Turner Marinelli, LPN; doc. no. 2353-51-07 . . . . . 2347

**STATE EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearing scheduled . . . . . 2347

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

## 4 Pa. Code (Administration)

### Adopted Rules

6 ..... 741, 2146, 2148, 2231, 2234, 2236  
7 ..... 474, 2230

### Proposed Rules

241 ..... 613, 614  
247 ..... 612, 615, 2062  
255 ..... 2268

## 7 Pa. Code (Agriculture)

### Proposed Rules

21 ..... 2268  
23 ..... 2268  
25 ..... 2268  
27 ..... 2268  
111 ..... 2256  
113 ..... 2253  
115 ..... 2262  
139 ..... 1830

## 19 Pa. Code (Corporations and Business Associations)

Notices ..... 2199

## 22 Pa. Code (Education)

### Adopted Rules

4 ..... 872, 1148  
36 ..... 339  
338 ..... 76

### Proposed Rules

4 ..... 2270  
42 ..... 1961  
171 ..... 2052

### Statements of Policy

52 ..... 1727

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

93 ..... 1357  
121 ..... 1705  
129 ..... 1705  
145 ..... 1705  
215 ..... 2243  
221 ..... 2243  
225 ..... 2243  
230 ..... 2243  
240 ..... 2243  
271 ..... 1357  
279 ..... 1357  
287 ..... 1357  
293 ..... 1357  
806 ..... 610  
808 ..... 610

### Proposed Rules

86 ..... 80  
93 (correction) ..... 236, 612, 976  
121 ..... 229, 1831, 1838  
126 ..... 229  
129 ..... 1831, 1838  
130 (correction) ..... 1150  
145 ..... 1838  
218 ..... 1246  
240 ..... 1246

## Statements of Policy

16 ..... 258  
83 ..... 889

## 28 Pa. Code (Health and Safety)

### Adopted Rules

101 ..... 573  
117 ..... 573

### Proposed Rules

23 ..... 750, 1150  
27 ..... 750, 1150

## 31 Pa. Code (Insurance)

### Proposed Rules

84b ..... 1949  
139 ..... 1960

## 37 Pa. Code (Law)

### Adopted Rules

23 ..... 1587

### Proposed Rules

221 ..... 1486

## 40 Pa. Code (Liquor)

### Adopted Rules

3 ..... 2250  
5 ..... 2250  
7 ..... 2250  
13 ..... 2250

### Proposed Rules

5 ..... 499

## 43 Pa. Code (Military Affairs)

### Adopted Rules

9 ..... 1823

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

### Adopted Rules

40 ..... 1829  
47 ..... 484  
49 ..... 484

### Proposed Rules

18 ..... 2059  
21 ..... 344  
27 ..... 350, 351  
39 ..... 1168

## 51 Pa. Code (Public Officers)

### Proposed Rules

31 ..... 435, 1253  
33 ..... 435, 1253  
35 ..... 435, 1253  
37 ..... 435, 1253  
39 ..... 435, 1253  
41 ..... 435, 1253  
43 ..... 435, 1253  
45 ..... 435, 1253  
51 ..... 435, 1253  
53 ..... 435, 1253  
55 ..... 435, 1253  
57 ..... 435, 1253



59 ..... 435, 1253  
 61 ..... 435  
 63 ..... 435  
 65 ..... 435, 1253

**52 Pa. Code (Public Utilities)**

**Adopted Rules**  
 63 ..... 488

**Proposed Rules**

54 ..... 776, 1843  
 62 ..... 776, 1843  
 63 ..... 758, 2056  
 76 ..... 776, 1843

**55 Pa. Code (Public Welfare)**

**Proposed Rules**  
 2380 ..... 1937  
 2390 ..... 1937  
 6400 ..... 1937  
 6500 ..... 1937

**58 Pa. Code (Recreation)**

**Adopted Rules**  
 53 ..... 1584  
 63 ..... 1584  
 65 ..... 1468  
 91 ..... 1725  
 111 ..... 1468  
 141 ..... 1471, 1472  
 143 ..... 1469, 1470  
 147 ..... 1472, 1473  
 405a ..... 1474  
 421a ..... 1585, 1965  
 423a ..... 1585  
 437a ..... 2251  
 461a ..... 1474

**Proposed Rules**

29 ..... 2155  
 65 ..... 1588  
 69 ..... 1589  
 137 ..... 1484  
 139 ..... 1591, 1597  
 141 ..... 1482, 1590  
 143 ..... 1477, 1482  
 147 ..... 1477, 1483  
 401a ..... 1151, 2053  
 405a ..... 2054  
 421a ..... 2054  
 433a ..... 2054  
 435a ..... 1151, 2054  
 439a ..... 1151  
 441a ..... 1039, 1041, 1151, 2269  
 461a ..... 343, 1151  
 461b ..... 1151  
 463a ..... 1151  
 465a ..... 1151

**Statements of Policy**

57 ..... 1965  
 421b ..... 977  
 436b ..... 2279  
 461b ..... 354

**61 Pa. Code (Revenue)**

**Adopted Rules**  
 32 ..... 1148  
 113 ..... 1476

**Statements of Policy**

60 ..... 977

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

**Adopted Rules**  
 2 ..... 220  
 7 ..... 220

**Proposed Rules**

30 ..... 1924

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

**Adopted Rules**  
 83 ..... 1701  
 85 ..... 1812  
 87 ..... 1812  
 91 ..... 1812  
 93 ..... 1812

**Proposed Rules**

213 ..... 1438  
 303 ..... 9

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

**Adopted Rules**  
 33 ..... 1445  
 61 ..... 1445

**Proposed Rules**

61 ..... 865, 1037

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

**Proposed Rules**  
 17 ..... 1445  
 21 ..... 1446

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

**Adopted Rules**  
 200 ..... 1349  
 1915 ..... 1815

**Proposed Rules**

200 ..... 337  
 1000 ..... 1701  
 1910 ..... 1447  
 4000 ..... 1814

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

**Adopted Rules**  
 1 ..... 745

**Proposed Rules**

1 ..... 61, 865  
 6 ..... 1816

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

**Adopted Rules**  
 100 ..... 1142  
 150 ..... 1146  
 300 ..... 1142  
 600 ..... 1146  
 800 ..... 1142

**Proposed Rules**

1 ..... 1349  
 5 ..... 63  
 11 ..... 477, 1349  
 13 ..... 477  
 18 ..... 477

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

**Adopted Rules**

1000 ..... 2040

**Proposed Rules**

200 ..... 1817, 2046, 2151

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 223, 868, 1241, 2046, 2049

**252 Pa. Code (Allegheny Rules)**

Unclassified ..... 64

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

Unclassified ..... 72, 223, 225, 338, 481, 482, 596, 748,  
975, 1037, 1241, 1354, 1449, 1458, 1466, 1583, 1702,  
1704, 1819, 1931, 2050, 2152, 2240, 2242

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

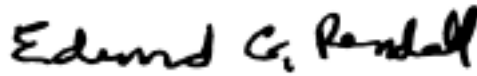
[ 4 PA. CODE CH. 7 ]

[ EXECUTIVE ORDER NO. 1980-18 Revision No. 3 Amended ]

### Code of Conduct

May 9, 2007

By virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, hereby revise Part I, Section 1 of Executive Order 1980-18, page 1, as follows:



Governor

**Fiscal Note:** GOV 07-07. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 7. MISCELLANEOUS PROVISIONS

#### Subchapter K. CODE OF CONDUCT FOR APPOINTED OFFICIALS AND STATE EMPLOYEES

#### RESTRICTED ACTIVITIES: CONFLICTS OF INTEREST

#### § 7.151. Adverse pecuniary interest.

An employee, appointee or official in the Executive Branch of the Commonwealth may not do the following:

(1) Engage directly or indirectly in business transactions or private arrangement for profit which accrues from or is based upon his official position of authority.

(2) Participate in the negotiation of our decision to award contracts, the settlement of claims or charges in contracts, the making of loans, the granting of subsidies, the fixing of rates, or the issuance of permits, certificates, guarantees or other things of value to, with or for an entity in which he has a financial or personal interest.

(3) Hold any pecuniary interest in, or own shares or securities issued by, an entity regulated by 4 Pa.C.S. Part II (relating to the Pennsylvania Race horse Development and Gaming Act) (herein, a "regulated gaming entity"). This provision does not apply to interests held:

(i) In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the regulated gaming entity.

(ii) Through defined benefit pension plans.

(iii) Through a deferred compensation plan organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).

(iv) Through a tuition account plan organized and operated under section 529 of the Internal Revenue Code (26 U.S.C.A. § 529).

(v) Through a plan described in section 401(k) of the Internal Revenue Code (26 U.S.C.A. § 401(k)).

(vi) In an employer profit-sharing plan qualified under the Internal Revenue Code.

(vii) In a regulated gaming entity prior to July 6, 2004, by individuals other than the following:

(A) Employees of the Pennsylvania State Police or the Department of Revenue whose duties include any aspect of the gaming industry.

(B) Members of the State Horse Racing Commission or the State Harness Racing Commission and their respective staff.

(C) Public officials appointed by the Governor and Commonwealth employees under the Governor's jurisdiction.

(D) Members of the board of the Public School Employees Retirement System and its employees.

(E) Members of the board of the State Employees Retirement System and its employees.

(F) Members of the board of the Independent Regulatory Review Commission and its employees.

#### CRIMINAL CHARGES

#### § 7.179. Recissions.

Executive Orders 1974-6 and 1978-7 are rescinded. This amended Order replaces Executive Order 1980-18, dated September 3, 1980, and revised 1—9 thereto. Executive Order 1980-18 Revision No. 2, date July 5, 2004, is rescinded.

[Pa.B. Doc. No. 08-910. Filed for public inspection May 16, 2008, 9:00 a.m.]

## PART I. GOVERNOR'S OFFICE

### [ 4 PA. CODE CH. 6 ]

#### [ EXECUTIVE ORDER NO. 2006-09 ]

### Governor's Cabinet for People With Disabilities and Governor's Advisory Committee for People With Disabilities

November 21, 2006

*Whereas*, discrimination against individuals or groups by reason of disability is unlawful; and

*Whereas*, such discrimination based upon disability threatens the rights and privileges of residents of the Commonwealth; and

*Whereas*, the denial of equal employment, housing, and public accommodation opportunities because of such discrimination, and the failure to use the productive abilities of individuals to their fullest extent, deprive people with disabilities from opportunities to enhance their standard of living; and

*Whereas*, the public health, safety, and general welfare of the Commonwealth is promoted by providing equal opportunities for all individuals, regardless of disability, to public accommodation and secure, accessible, affordable housing accommodation and commercial property; and

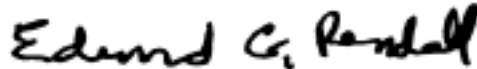
*Whereas*, services and programs provided by the Commonwealth for individuals with disabilities and their families and guardians should be provided in a timely manner that promotes independent living, enables people to obtain and maintain employment, and supports people with disabilities in the least restrictive environment; and

*Whereas*, the Commonwealth should strive to promote the employment of all individuals in accordance with their fullest abilities to safeguard their right to obtain and hold employment without discrimination; and

*Whereas*, a state-level office is needed to advise and assist the Office of the Governor and departments within State government in developing policies addressing the concerns of individuals with disabilities; and

*Whereas*, access to the office will enable individuals with disabilities and their families and guardians to have their concerns and issues addressed.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby create the Governor's Cabinet for People with Disabilities and the Governor's Advisory Committee for People with Disabilities and do order and direct as follows.



Governor

**Fiscal Note:** GOV 06-13. (1) General Fund; (2) Implementing Year 2006-07 is less than \$100,000; (3) 1st Succeeding Year 2007-08 is less than \$100,000; 2nd Succeeding Year 2008-09 is less than \$100,000; 3rd Succeeding Year 2009-10 is less than \$100,000; 4th Succeeding Year 2010-11 is less than \$100,000; 5th Succeeding Year 2011-12 is less than \$100,000; assumed 2% cost increases for succeeding years; (4) 2004-05 Program—\$0; 2005-06 Program—\$0; 2006-07 Program—\$0; (7) DPW—General Government Operations; (8) recommends adoption.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter W. GOVERNOR'S CABINET FOR PEOPLE WITH DISABILITIES AND GOVERNOR'S ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES

- Sec.  
6.301. Governor's Cabinet for People with Disabilities.  
6.302. Governor's Advisory Committee for People with Disabilities  
6.303. Responsibilities of Commonwealth agencies.  
6.304. Reports and studies.

#### § 6.301. Governor's Cabinet for People with Disabilities.

(a) *Establishment.* The Governor's Cabinet for People with Disabilities (Cabinet) is created.

(b) *Executive Director.* The Governor will appoint an Executive Director of the Cabinet.

(c) *Membership.* The Cabinet shall consist of the following members, who serve by virtue of their public position:

(1) Secretary of Public Welfare, who shall serve as Chairperson of the Cabinet.

(2) Secretary of Labor and Industry.

(3) Secretary of Health.

(4) Secretary of Education.

(5) Secretary of Transportation.

(6) Secretary of the Budget.

(7) Secretary of Aging.

(8) Secretary of Policy and Planning.

(9) Director of the Governor's Office of Health Care Reform.

(10) Chairperson of the Pennsylvania Human Relations Commission.

(11) Executive Director of the Governor's Office of Housing and Community Revitalization.

(12) Executive Director of the Pennsylvania Developmental Disabilities Council.

(13) Executive Director of the Governor's Office for People with Disabilities.

(14) Executive Director of the Governor's Long Term Living Council.

(d) *Responsibilities.* The responsibilities of the Cabinet are as follows:

(1) Make recommendations to the Governor on policies, procedures, regulations and legislation that aid people with disabilities in this Commonwealth.

(2) Serve as the Governor's liaison to people with disabilities on policies, procedures, regulations and legislation that affect people with disabilities to ensure that State government is accessible, accountable and responsive to people with disabilities.

(3) Serve as a resource to all departments, commissions and agencies under the Governor's jurisdiction to ensure that these government entities are cognizant of the needs of people with disabilities and that their respective services and programs are accessible to those individuals.

(4) Work with the Administration and agencies to monitor the hiring, retention and promotion practices of the Commonwealth relating to the employment of people with disabilities to ensure that there are no discriminatory practices within this Commonwealth.

**§ 6.302. Governor's Advisory Committee for People with Disabilities.**

(a) *Establishment and responsibilities.* The Governor's Advisory Committee for People with Disabilities (Committee) is established and shall serve in an advisory capacity to the Governor's Cabinet for People with Disabilities in matters regarding people with disabilities in this Commonwealth.

(b) *Membership.* The Committee shall consist of the following members, with a Chairperson to be designated by the Governor:

(1) The Governor will appoint as members people with disabilities, including individuals from existing stakeholder groups, in a number as he deems appropriate.

(2) At a minimum, 60% of these members shall be people with disabilities or family members of people with disabilities.

(3) These Committee members serve at the pleasure of the Governor.

(c) *Compensation and expenses.* The members of the Committee do not receive a salary or per diem allowance for serving as members of the Committee, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties in accordance with Commonwealth policy. See 4 Pa. Code Chapter 40 (relating to travel and subsistence).

**§ 6.303. Responsibilities of Commonwealth agencies.**

Agencies under the jurisdiction of the Governor shall cooperate with and provide any necessary assistance to the Governor's Cabinet and Governor's Committee for People with Disabilities in performing their functions.

**§ 6.304. Reports and studies.**

The Cabinet for People with Disabilities may conduct studies and issue reports upon request and as it deems necessary on issues affecting people with disabilities in this Commonwealth.

**§ 6.305. Effective date.**

This subsection shall take effect immediately and remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 08-911. Filed for public inspection May 16, 2008, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CH. 6 ]**  
**[ EXECUTIVE ORDER NO. 2006-07 ]**  
**Governor's Pandemic Advisory Council**

July 27, 2006

*Whereas*, influenza pandemics have occurred three times in the last century, and history and science suggest that the country and the world could face one or more pandemics in this century;

*Whereas*, the Spanish Flu of 1918 was the most widely-reaching, lethal pandemic the world has ever known, and within 10 months, one in four Americans had contracted the disease and more than 675,000 Americans died, and globally, an estimated 20 to 40 million people died;

*Whereas*, influenza outbreaks can occur in many different locations simultaneously, causing severe illness, death and disruption throughout the country and the world;

*Whereas*, highly pathogenic H5N1 avian influenza in birds has demonstrated an ability to spread across National boundaries through both human and wild bird activity, and has the potential to have a detrimental impact on the Commonwealth's valuable poultry industry, as well as other industries, if and when it arrives here;

*Whereas*, preparing for an influenza pandemic requires coordinated action at all levels of Federal, State and local governments, and all sectors of society, including businesses, schools, faith-based and community organizations, families and individuals;

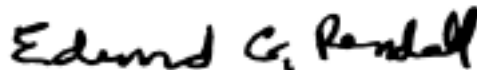
*Whereas*, Pennsylvania is committed to being a leader in pandemic preparation by monitoring international and domestic outbreaks, by providing funding and technical assistance to foster State and local preparedness and by stockpiling and distributing vaccines and antivirals;

*Whereas*, states and local communities are responsible for responding to an outbreak within their jurisdictions and having comprehensive pandemic preparedness plans and measures in place to protect their citizens;

*Whereas*, response planning for pandemic influenza should be integrated into the Commonwealth's and its State agencies' all-hazards response plan and be consistent with the National Response Plan, the National Incident Management System and the Incident Command System; and

*Whereas*, all-hazard preparedness will help communities address any type of medical emergency and will have lasting benefits for the health of our Nation.

*Now Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby create the Governor's Pandemic Advisory Council (hereafter referred to as "Council") as the Commonwealth's entity to provide guidance to the Commonwealth's action and activities for pandemic planning and preparedness.



*Governor*

**Fiscal Note:** GOV 06-07. (1) General Fund; (2) Implementing Year 2006-07 is \$7,503; (3) 1st Succeeding Year 2007-08 is \$11,549; 2nd Succeeding Year 2008-09 is \$11,780; 3rd Succeeding Year 2009-10 is \$12,016; 4th Succeeding Year 2010-11 is \$12,256; 5th Succeeding Year 2011-12 is \$12,501 assumed 2% cost increases for succeeding years; (4) 2004-05 Program—\$74,434,000; 2005-06 Program—\$65,963,000; 2006-07 Program—\$80,750,000; (7) Executive Authorization—Public Health Emergency Preparedness and Response; (8) recommends adoption.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**  
**CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**  
**Subchapter Y. GOVERNOR'S PANDEMIC ADVISORY COUNCIL**

Sec.	
6.321.	Functions.
6.322.	Composition and appointments.
6.323.	Compensation and expenses.
6.324.	Terms.
6.325.	Relationship with other agencies.
6.326.	Procedure.

**§ 6.321. Functions.**

The functions of the Governor's Pandemic Advisory Council (Council) are to:

(1) Make recommendations to the Governor on policies, procedures, regulations and legislation that would aid in increasing pandemic preparedness.

(2) Assist in raising preparedness levels by participating in local planning, outreach, exercises and regional summits.

(3) Create a communications and outreach subcommittee to serve as a resource to the Governor to:

(i) Review pandemic preparedness education and outreach efforts and recommend within 180 days of the first meeting of the Council additional methods to enable citizens to better understand the risks and how they should be prepared.

(ii) Serve as a resource to all Pennsylvanians to ensure that Pennsylvanians are cognizant of the issues surrounding pandemic planning and preparedness and are prepared to respond.

(4) Create a volunteer recruitment and coordination subcommittee to serve as a resource to the Pennsylvania Emergency Management Agency, the Department of Agriculture and the Department of Health, and to develop a volunteer coordination and recruitment strategy to ensure resources are available locally to meet the needs of the citizens.

(5) Prepare an annual report to the Governor on the status of pandemic preparedness.

**§ 6.322. Composition and appointments.**

The Governor's Pandemic Advisory Council (Council) shall be composed of the following individuals:

(1) Governor's Chief of Staff, who shall serve as Chairperson of the Council.

(2) Secretary of Agriculture.

(3) Secretary of Health.

(4) Director of the Bureau of Community Health Systems, Department of Health.

(5) Secretary of Administration.

(6) Secretary of Policy and Planning.

(7) Commissioner of the Pennsylvania State Police.

(8) Director of the Pennsylvania Emergency Management Agency.

(9) Director of Homeland Security.

(10) Adjutant General.

(11) At least 25 individuals including representatives of the following entities, as appointed by the Governor:

(i) Four representatives of local government.



(ii) Three representatives of the Department of Agriculture's Bureau of Animal Health and Diagnostic Services.

(iii) Two representatives of county or local government emergency preparedness communities.

(iv) Two representatives of universities/colleges.

(v) One representative of secondary education.

(vi) Three representatives of hospitals.

(vii) Three representatives of business/industry, to include one representative from a financial institution.

(viii) Three representatives of human service agencies.

(ix) Two representatives of faith-based organizations.

(x) One representative of a media/communication entity.

(xi) One representative of a utility company.

**§ 6.323. Compensation and expenses.**

The members of the Governor's Pandemic Advisory Council (Council) do not receive a salary or per diem allowance for serving as members of the Council but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties in accordance with Commonwealth policy. The Department of Health will provide staff resources and funding support to the Council. See 4 Pa. Code Chapter 40 (relating to travel and subsistence).

**§ 6.324. Terms.**

(a) The terms of the members of the Governor's Pandemic Advisory Council (Council) shall be 3 years, but an individual may not be term limited.

(b) Council members, other than those serving by virtue of their office, shall be appointed by, and serve at the pleasure of, the Governor.

**§ 6.325. Relationship with other agencies.**

Agencies under the jurisdiction of the Governor shall cooperate with and provide any necessary assistance to the Governor's Pandemic Advisory Council in performing its functions.

**§ 6.326. Procedure.**

The Governor's Pandemic Advisory Council is authorized to establish subcommittees, rules and procedures for the effective implementation of its functions consistent with this subchapter.

[Pa.B. Doc. No. 08-912. Filed for public inspection May 16, 2008, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**

**[ 4 PA. CODE CH. 6 ]**

**[ EXECUTIVE ORDER NO. 2006-06 ]**

**Pennsylvania Abraham Lincoln Bicentennial Commission**

June 30, 2006

*Whereas*, Abraham Lincoln, the sixteenth President of the United States of America led the Nation with both courage and compassion during one of the most turbulent periods of American history; and

*Whereas*, Abraham Lincoln delivered his transformational speech in Gettysburg on November 19, 1863, invoking the basic principles of human equality espoused in the Declaration of Independence, thereby redefining the objective of the American Civil War from saving the union to fostering "a

new birth of freedom” and refocusing the underlying purpose of government to be an institution “of the people, by the people and for the people”; and

*Whereas*, Abraham Lincoln took inspiration from the phrase in the Declaration of Independence signed at Independence Hall, Philadelphia, in 1776, that “all men are created equal” by leading the effort to fulfill the promise of this great Nation in order to bring an end to slavery; and

*Whereas*, Lincoln’s Gettysburg Address joins the Declaration of Independence and the United States Constitution, each crafted in Pennsylvania, as one of the most significant articulations of the purpose and promise of the American people; and

*Whereas*, Abraham Lincoln traveled widely throughout the Commonwealth of Pennsylvania, including when he traveled to Erie, Pittsburgh, Lancaster, Philadelphia and Harrisburg on his way to his inauguration; and

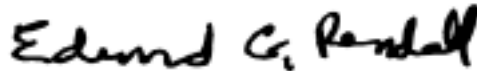
*Whereas*, events in Pennsylvania before and during Lincoln’s Administration profoundly affected Lincoln’s presidency; and

*Whereas*, the year 2009 will mark the bicentennial of the birth of Abraham Lincoln on February 12, 1809; and

*Whereas*, there is a National effort underway to commemorate the bicentennial anniversary of Abraham Lincoln’s birth and to honor the legacy of his service and sacrifice to his country; and

*Whereas*, in recognition of the prominent role that Pennsylvania and Pennsylvanians played in the life and times of Abraham Lincoln, Pennsylvania historical, tourist and civic groups are preparing events and activities to commemorate the bicentennial of Lincoln’s birth.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do formally establish the Pennsylvania Abraham Lincoln Bicentennial Commission and do order and direct as follows.



*Governor*

**Fiscal Note:** GOV 06-06. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 4. ADMINISTRATION**

#### **PART I. GOVERNOR’S OFFICE**

#### **CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**

##### **Subchapter X. PENNSYLVANIA ABRAHAM LINCOLN BICENTENNIAL COMMISSION**

Sec.	
6.311.	Establishment and purpose.
6.312.	Membership.
6.313.	Purpose and responsibility.
6.314.	Termination.

#### **§ 6.311. Establishment and purpose.**

(a) The Pennsylvania Abraham Lincoln Bicentennial Commission (Commission) is established to organize, arrange and coordinate bicentennial tributes to Abraham Lincoln in this Commonwealth and to coordinate those activities with the Abraham Lincoln Bicentennial Commission (National Commission) of the Federal government as well as other interested parties.

(b) The Commission shall be based at Gettysburg College (College). The Commission shall receive support from the College, which shall be assisted by the Commonwealth, including, as necessary, the Office of the Governor, the Pennsylvania Historical and Museum Commission, the Pennsylvania Department of Community and Economic Development, the Pennsylvania

Department of Education and other agencies of State government as the Governor deems appropriate to be involved in planning and organizing bicentennial celebrations.

**§ 6.312. Membership.**

The Abraham Lincoln Bicentennial Commission (Commission) shall include the following individuals or their respective designees:

- (1) Governor.
- (2) President of Gettysburg College.
- (3) Director of the Civil War Institute at Gettysburg College.
- (4) Speaker of the Pennsylvania House of Representatives.
- (5) Minority Leader of the Pennsylvania House of Representatives.
- (6) President Pro Tempore of the Pennsylvania Senate.
- (7) Minority Leader of the Pennsylvania Senate.
- (8) Secretary of the Community and Economic Development.
- (9) Secretary of Education.
- (10) Secretary of the Conservation and Natural Resources.
- (11) Executive Director of the Pennsylvania Historical and Museum Commission.
- (12) Executive Director of the Pennsylvania Council on the Arts.
- (13) Executive Director of the Pennsylvania Public Television Network.
- (14) Executive Director of the Pennsylvania Humanities Council.
- (15) Superintendent of the Gettysburg National Military Park.
- (16) President of the Board of the Philadelphia Area Consortium of Special Collections Libraries.
- (17) President of the Senator John Heinz Pittsburgh Regional History Center.
- (18) Executive Director of the Abraham Lincoln Foundation of the Union League of Philadelphia.
- (19) President of the Pittsburgh Cultural Trust.
- (20) Six members from the general public representing areas of academia, business, arts, community development, historic preservation and civil rights. The Governor will appoint the Chairperson of the Commission. Members serve without compensation, but may be reimbursed for expenses. See 4 Pa. Code Chapter 40 (relating to travel and subsistence).

**§ 6.313. Purpose and responsibility.**

The purpose and responsibilities of the Abraham Lincoln Bicentennial Commission include the following:

- (1) Lead Pennsylvania's planning efforts to commemorate the significance of Abraham Lincoln to our State and National history.
- (2) Make recommendations outlining the most effective and appropriate means for the Commonwealth to commemorate the Abraham Lincoln Bicentennial Celebration.
- (3) Identify and pursue resources necessary to effectively communicate and implement commemorative activities.
- (4) Implement recommendations by working with the Office of the Governor, appropriate State and local government agencies, members of the General Assembly and organizations that are interested in commemorating the life of Abraham Lincoln.
- (5) Coordinate communications with the Abraham Lincoln Bicentennial Congressional Caucus to ensure that this Commonwealth will be a significant state for events recognizing the contributions of Abraham Lincoln.

(6) Coordinate scheduling of Pennsylvania Abraham Lincoln bicentennial activities and coordinate activities with the National Commission.

(7) Submit an annual report to the Governor and the General Assembly summarizing its activities and findings and making recommendations for Abraham Lincoln commemorative activities.

(8) Consider sponsoring an event on November 19, 2006, in Gettysburg, Pennsylvania to commemorate the Bicentennial of Abraham Lincoln's birthday of February 12, 1809.

**§ 6.314. Termination.**

This subchapter shall take effect immediately and expire December 31, 2009.

[Pa.B. Doc. No. 08-913. Filed for public inspection May 16, 2008, 9:00 a.m.]

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# THE COURTS

## Title 255—LOCAL COURT RULES

### ARMSTRONG COUNTY

#### Adoption of New Local Rules of Court—2002; No. 2002-0189-Misc.

##### Order

*And Now*, this 29th day of April, 2008, it is hereby *Ordered* as follows:

1) An amended Local Rule of Civil Procedure numbered 205.4 is hereby promulgated to read as follows.

#### **Rule 205.4. Limited Electronic Filing and Service of Legal Papers.**

The Prothonotary of Armstrong County is hereby authorized to accept for filing, legal papers as defined in subsection (a) of this Rule, by electronic transmission.

(a) As used in this rule, the following words shall have the following meanings:

“electronic filing,” the electronic transmission of legal papers by means other than facsimile transmissions,

“filing party,” an attorney, party or other person who files a legal paper by means of electronic filing, and

“legal paper,” a writ of summons or a complaint in civil action.

(b) A legal paper shall be presented for filing in the format of Adobe PDF.

(c)(1) The electronic filing of a legal paper shall be accomplished via the web site designated by the Prothonotary and accessible at [www.landata.com](http://www.landata.com).

(2) All parties, including those who are not attorneys, shall qualify for access to the electronic filing system at the designated web site, by complying with the following:

(i) create, and thereafter use, a Username and Password;

(ii) provide account information for the financial institution from which each transaction shall automatically deduct the filing cost; and

(iii) download the required software.

(3) A legal paper electronically submitted by all parties who qualify for access as outlined in Section (2) shall be electronically time stamped upon submission. All legal papers electronically submitted will be accepted on a twenty-four (24) hour basis, however, filing a legal paper electronically does not alter the filing deadline for that document. Unless otherwise ordered, filing must be completed before midnight local time in order to be considered timely filed that day. Legal paper electronically submitted are deemed to be filed on the date and time stated on the time stamp, however, if received on a Weekend Day or Courthouse Holiday it shall be deemed to have been filed on the next business day.

(d) Any lawyer or any non-lawyer party will qualify for access to the electronic filing system at the designated web site by

1) creating, and thereafter using, a username and password;

2) providing the Prothonotary with sufficient account information and consents to enable an automatic deduction from the filer's bank account for the filing fee; and

3) downloading the required software.

(e) An electronically filed legal paper shall be electronically time stamped immediately upon its filing. The electronic filing of a legal paper may be accomplished at any time of day. Filing shall be deemed to occur at the time of a successful submission. Any successful submission accomplished before 11:59:59 P.M. shall be deemed to have been accomplished during the Prothonotary's regular business hours of that same day.

(f) A filing party shall pay the cost of the electronic filing of a legal paper by an Automated Clearing House (ACH) debit.

(g) A filing party shall be responsible for any delay, disruption or interruption, and assumes the risk of improper or untimely filing as set forth in Pa.R.C.P. No. 205.4(e).

(h) Immediately after an attempt to file a legal paper electronically, the Prothonotary shall inform the submitter of whether the attempt was successful or whether it failed. The acknowledgement of a successful submission shall recite the time of filing. If an attempt to file was unsuccessful, the Prothonotary shall immediately inform the submitter of the reason therefore.

(i) As soon as practicable after an electronic filing, the Prothonotary shall electronically provide the filer with a printable version of the legal paper bearing an imbedded seal.

(j) The Prothonotary need not maintain a hard copy of any legal paper filed electronically except as required to comply with Pa.R.C.P. No. 205.4(b)(2)(ii).

(k) The filing party shall provide a valid return email address with a legal paper transmitted.

2) A new Local Rule of Civil Procedure numbered 2039 is hereby promulgated to read as follows.

#### **Rule 2039. Compromise, Settlement, Discontinuance. Distribution. Petition. Contents.**

(a) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance of an action for injury to the person of a minor shall contain a description of the injury, a brief account of the circumstances under which it was sustained, a statement of the nature of the evidence relied on to establish liability, any limits on the defendant's financial responsibility, a list of the expenses incurred, the fees of counsel, and arrangements for payment of unpaid bills. The petition shall be accompanied by a written report of the attending physician stating the extent of the injury, the treatment given and the prognosis for the injured party.

(b) The minor shall be present in Court at the time of the presentation of the petition unless excused by the Court for cause shown.

(c) If the petition is not joined in or consented to by both parents or co-guardians, its presentation shall be in accordance with L.R.C.P. 208.3(a) pertaining to Motions Procedure. Notice of such presentation shall be given in accordance therewith to the non-joining or non-consenting parent or co-guardian. If the whereabouts of such person are unknown, the petition shall so state.

## Comment

The Petition will preferably be presented at a duly scheduled session of Motions Court.

3) An amended Local Rule of Orphans Court Procedure numbered 1.2D is hereby promulgated to read as follows.

**Rule 1.2D. Petitions Requiring Notice After Filing. Proof of Service. Answers.**

(a) Except as provided in subsection (d), below, notice of the filing of a petition shall be given to all parties in interest whose consents are not attached. A copy of the petition shall be attached to the notice. The notice shall be substantially in the form prescribed by Appendix M of these Local Rules. The notice shall state that the party in interest has twenty (20) days after the date of its service upon him to file an answer to the petition; provided, however, that the Court may set a shorter period of time within which an answer may be filed or may set a date certain by which the same may be done, for good cause alleged in the petition itself.

(b) The petitioner shall file a proof of service of notice.

(c) A party in interest may file a written answer to the petition at any time within the time limit set forth in the notice. "Answer," as the term is used in this rule, includes not only a formal answer admitting or denying the factual averments of the petition, but also a preliminary objection or any other objection or disagreement with the petition or the relief being sought. All answers shall be filed with the Clerk. A copy of the answer shall be served upon the petitioner or petitioner's attorney. A proof of service shall be filed thereafter.

(d) The provisions of this rule shall not apply to petitions

(i) where all parties in interest are petitioners or consent to the granting thereof;

(ii) when notice requirements are dispensed with by pertinent rule or statute, or when good cause is shown for dispensing with notice requirements;

(iii) seeking the issuance of a citation;

(iv) seeking the appointment of a guardian for an alleged incapacitated person;

(v) for termination of parental rights;

(vi) for adoption; and

(vii) for compromise, settlement, and distribution of a minor's claim.

Notice of petitions described in clauses (iii), (iv), (v) and (vi) shall be given as prescribed by applicable rule or statute. Notice of petitions described in clause (vii) shall be given as prescribed by L.O.C.R. 12.16.

4) A new Local Rule of Orphans Court Procedure numbered 12.16 is hereby promulgated to read as follows.

**Rule 12.16. Compromise, Settlement, Discontinuance. Distribution. Petition. Contents.**

(a) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance of an action for injury to the person of a minor shall contain a description of the injury, a brief account of the circumstances under which it was sustained, a statement of the

nature of the evidence relied on to establish liability, any limits on the defendant's financial responsibility, a list of the expenses incurred, the fees of counsel, and arrangements for payment of unpaid bills. The petition shall be accompanied by a written report of the attending physician stating the extent of the injury, the treatment given and the prognosis for the injured party.

(b) The minor shall be present in Court at the time of the presentation of the petition unless excused by the Court for cause shown.

(c) If the petition is not joined in or consented to by both parents or co-guardians, its presentation shall be in accordance with L.R.C.P. 208.3(a) pertaining to Motions Procedure. Notice of such presentation shall be given in accordance therewith to the non-joining or non-consenting parent or co-guardian. If the whereabouts of such person are unknown, the petition shall so state.

## Comment

The Petition will preferably be presented at a duly scheduled session of Motions Court.

5) A new Local Rule of Orphans Court Procedure numbered 14.1G is hereby promulgated to read as follows.

**Rule 14.1G. Annual Guardianship Reports.**

The annual reports required by 20 Pa.C.S.A. § 5521(c) shall be in such form as prescribed by the Pennsylvania Orphans' Court Rules: Form G-02—Annual report of the Guardian of the Estate; Form G-03—Annual Report of the Guardian of the Person. The Guardian, as an alternative, may utilize the form prescribed by the Department of Veteran's Affairs—Federal Fiduciary's Account, VA Form 21-4706(b) November 2002, or any amendments thereof.

6) An amended Local Rule of Orphans Court Procedure numbered 15.1A is hereby promulgated to read as follows.

**Rule 15.1A. Filing.**

(a) All papers in adoption matters, including petitions for voluntary and involuntary termination, shall be filed with the Clerk. Every petition shall have a proposed order fixing a hearing date attached thereto. Notice regarding adoption-related petitions shall be given in accordance with statute.

(b) Petitioners seeking more than one involuntary or voluntary termination or more than one adoption must file separate petitions for each child involved. A filing fee is payable for each such petition.

7) The Court Administrator shall take all steps required by Pa.R.J.C.P. No. 121 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

8) The amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court,*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 08-914. Filed for public inspection May 16, 2008, 9:00 a.m.]

## MONROE COUNTY

## Administrative Order 2008; No. AD 17-2008

**Order**

*And Now*, this 14th day of April, 2008 *It Is Ordered*, that pursuant to the provisions of 42 Pa.C.S. 1725.1(c)(5), relating to unclassified costs, a ten (\$10.00) dollar partial payment processing fee to cover administrative costs related to such processing, be and is hereby imposed for all summary cases within the magisterial district courts of the Forty Third Judicial District when the defendant in the summary case requests and is permitted to make installment payments as provided in Pa.R.Crim.P. 454(E)(1), Trial in Summary Cases.

*It Is Further Ordered* that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one

(1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts—Criminal of the Court of Common Pleas of Monroe County.

*It Is Further Ordered* that this fee shall be imposed as to each installment payment plan instituted on or after August 1, 2008.

*By the Court,*

RONALD E. VICAN,  
*President Judge*

[Pa.B. Doc. No. 08-915. Filed for public inspection May 16, 2008, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 215, 221, 225, 230 AND 240 ]

#### Radiological Health

The Environmental Quality Board (Board) by this order amends Chapters 215, 221, 225, 230 and 240. These amendments update and correct Federal citations incorporated by reference from 10 CFR Part 71 (relating to packaging and transportation of radioactive material) concerning the transportation and packaging of radioactive material and remove references to obsolete regulatory provisions that were deleted in previous rulemakings. The amendments update references to guidance and standards for radon testing and mitigation, restore a written reporting requirement concerning Department of Environmental Protection (Department) notification of incidents involving the malfunction of shielded room radiography equipment and remove the requirement for notarization of radon service permit applications. Additional changes are also included to clarify requirements for X-ray use in the healing arts as well as the assessment of civil penalties to recover abatement costs incurred by the Department. The amendments also clarify the healing-arts screening requirements for facilities operating under the Federal Mammography Quality Act Standards.

This order was adopted by the Board at its meeting of December 18, 2007.

#### A. Effective Date

These amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. Contact Persons

For further information contact Louis Ray Urciuolo, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-3720, or Richard Morrison, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department's web site [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. Statutory Authority

This final-form rulemaking is being made under the authority of sections 301 and 302 of the Radiation Protection Act (act) (35 P. S. §§ 7110.301 and 7110.302), which, respectively, direct the Department to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation sources and radiation source users, and delegates to the Board the power to adopt the regulations of the Department to implement the act.

These amendments are also made under section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department and under the Radon Certification Act (63 P. S. §§ 2001—2014).

#### D. Background of the Amendments

In 2001, the Board updated chapters of its radiological health regulations to provide for compatibility with other states and to serve as a basis for the Commonwealth to assume authority from the United States Nuclear Regulatory Commission (NRC) for radioactive material licensees in this Commonwealth under the Agreement State program. These updates were published at 31 Pa.B. 5239 (September 15, 2001) and 31 Pa.B. 6280 and 6282 (November 17, 2001). Subsequently, in 2004, the Board published a final-form rulemaking at 34 Pa.B. 3823 (July 17, 2004) that corrected cross-references in the regulations for radiological health that were no longer accurate.

In the period following the 2004 amendments to the regulations for radiological health, there have been substantive changes to Federal regulations incorporated by reference, most notably 10 CFR Part 71. It is required that these references be corrected for the Commonwealth to have consistent regulations that are compatible with the NRC for submission as part of its application, which is currently under review by the NRC, to become an agreement state and assume authority over Federally-regulated radioactive materials. Under the Energy Policy Act of 2005 (Pub. L. No. 109-58, 119 Stat. 594), the Commonwealth may otherwise lose authority over accelerator-produced radioactive materials and discrete radium sources in 2009 if agreement state status is not attained. This final-form rulemaking also takes advantage of the opportunity to provide further clarification of the regulations in general regarding X-ray use and radon.

As required by section 301(c)(14) of the act, the Department provided the Radiation Protection Advisory Committee (RPAC) with an opportunity to review the proposed amendments and to advise the Department prior to submittal to the Board. On October 27, 2005, and December 26, 2005, the RPAC met and reviewed the proposed amendments. The RPAC accepted the regulations as proposed without issue and with minimal discussion. The RPAC, by letter dated December 29, 2005, from the chairperson, recommended that the amendments to the radiological health regulations be sent to the Board as proposed rulemaking. The unchanged proposed amendments were presented to the RPAC as final-form on July 19, 2007, and August 21, 2007. At the August 21, 2007, meeting, RPAC approved the final-form rulemaking and recommended the Department submit the final rulemaking to the Board for action.

No public meetings were held. The proposed regulations were published at 36 Pa.B. 7028 (November 18, 2006) with a 30 day comment period. No comments were received during the public comment period.

The regulations regarding transportation of radioactive material currently affect about 480 licensees of naturally occurring and accelerator produced isotopes. Approximately 720 licensees of the NRC in this Commonwealth are already subject to these regulations. Failure to enact the final-form rulemaking may delay or prevent the NRC approving the Commonwealth's application for agreement state. This could delay overall cost savings and efficiency under state rule for NRC licensees. Without agreement status, the Commonwealth will lose its authority to regulate all radioactive material in 2009, except diffuse naturally occurring radioactive material. The final-form rulemaking for radon reduces the regulatory burden and cost for about 600 certificate holders by removing the



requirement for notarization of permit applications. This also streamlines the application process. The remaining changes to the regulations for clarity and consistency are a general benefit to some 12,000 X-ray registrants and radon service certificate holders.

#### E. *Summary of Changes to the Proposed Rulemaking*

The final-form rulemaking is unchanged from the proposed version.

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

No comments were received regarding the proposed rulemaking.

#### G. *Benefits, Costs and Compliance*

##### *Benefits*

The primary benefits of this final-form rulemaking are to: (1) correct references that are no longer accurate as a result of changes in previous rulemakings and changes in the regulations of the NRC incorporated by reference to provide compatibility necessary to be an agreement state and to provide additional clarity and consistency; (2) restore shielded room radiography equipment malfunction report requirements so appropriate regulatory response can be considered and others in the regulated community potentially affected can be alerted; and (3) relieve radon services applicants of the unnecessary burden of attestation and to provide updated references to approved radon standards and protocols and reporting intervals. This is part of a comprehensive effort to provide additional clarity to the regulations for radiological health to make it easier for the regulated community to understand and comply. Compatible regulations are necessary for an agreement state that will eventually result in a net savings to the regulated community by eliminating duplicative State and NRC licenses, reducing the net burden on the regulated community for licensing fees, decreasing time lost to inspection and providing more responsive local regulation. Changes to the healing arts screening regulations will allow the Department to make more informed decisions regarding applications for approval to conduct screenings. The removal of notary requirements for radon service applications will speed up the application process and potentially save on application costs.

##### *Compliance Costs*

The majority of final-form amendments represent clarifications of requirements. Thus, the underlying requirements have not actually changed so there is no additional cost to comply. The failure of shielded room radiography equipment is not common and the additional cost to supply a written report should be negligible since a facility would investigate any serious failure anyway.

##### *Compliance Assistance Plan*

The majority of final-form amendments clarify references and definitions are self-explanatory. The updated guidance on radon measurement protocols and standards is freely available. There is a free radon hotline for additional assistance with radon guidance and applications.

##### *Paperwork Requirements*

Most of the final-form rulemaking is not associated with paperwork requirements. The time to report an equipment malfunction involving shielded room radiography of 30 days should not be a burden. The removal of notary requirements from radon services applications lessens the paperwork requirements for filing an application.

#### H. *Sunset Review*

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

#### I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 2, 2006, the Department submitted a copy of the proposed rulemaking, published at 36 Pa.B. 7028 (November 18, 2008), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees are to be provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has received no comments to consider.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 19, 2008, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective March 19, 2008.

#### J. *Findings of the Board*

The Board finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposal published at 36 Pa.B. 7028.

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

#### K. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 215, 221, 225, 230 and 240, are amended by amending §§ 215.1, 215.2, 215.23, 221.2, 221.13, 221.30, 221.32a, 221.71, 221.201, 225.102, 230.3, 240.103, 240.113, 240.123, 240.133, 240.303 and 240.308; and by deleting § 221.3 to read as set forth in Annex A, with ellipses referring the existing text of the regulations.

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

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

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

(e) This order shall take effect immediately upon publication.

KATHLEEN A. MCGINTY,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 1906 (April 19, 2008).)

Fiscal Note: Fiscal Note 7-402 remains valid for the final adoption of the subject regulations.

Annex A

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

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE V. RADIOLOGICAL HEALTH
CHAPTER 215. GENERAL PROVISIONS

GENERAL PROVISIONS

§ 215.1. Purpose and scope.

\* \* \* \* \*

(e) Title 10 Chapter I (Nuclear Regulatory Commission) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and §§ 150.1, 150.2, 150.3, 150.11 and 150.20 of the CFR are incorporated by reference with the exceptions set forth in paragraphs (1)–(13). Notwithstanding the requirements incorporated by reference, nothing in this article relieves or limits a person from complying with the laws of the Commonwealth, including the act and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101–7130.905).

\* \* \* \* \*

(13) Sections 71.2, 71.6, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99, 71.100, 71.101(c)(2), (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123 and 71.125 are not incorporated.

\* \* \* \* \*

§ 215.2. Definitions.

The definitions in 10 CFR Chapter 1, Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and 150 are incorporated by reference in this article unless indicated otherwise. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Radiation source—An apparatus, device, equipment, radiation-producing machine or material, other than a nuclear power reactor and nuclear fuel located on a plant site, emitting or capable of emitting ionizing radiation.

\* \* \* \* \*

PROHIBITIONS AND RESTRICTIONS

§ 215.23. Penalties.

A person who violates this article is subject to the civil and criminal penalties in the act. At a minimum, civil penalties may be assessed in an amount sufficient to

recover the costs expended by the Department in the correction of the violation or abatement of the resulting radiological nuisance.

CHAPTER 221. X-RAYS IN THE HEALING ARTS

GENERAL PROVISIONS

§ 221.2. Definitions.

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

AAPM—American Association of Physicists in Medicine.

Aluminum equivalent—The thickness of type 1100 aluminum alloy—the nominal chemical composition of type 1100 aluminum alloy is 99% minimum aluminum, .12% copper—affording the same attenuation, under specified conditions, as the material in question.

\* \* \* \* \*

Beam-limiting device—A device providing a means to restrict the dimensions of the X-ray field.

Certified components—Components of X-ray systems which are subject to regulations promulgated under the Radiation Control for Health and Safety Act of 1968 (42 U.S.C.A. §§ 263b–263n).

\* \* \* \* \*

Diagnostic X-ray system—An X-ray system designed for irradiation of a part of the human body for the purpose of diagnosis or visualization.

\* \* \* \* \*

Entrance exposure rate—The exposure in air per unit time at the point where the center of the useful beam enters the patient.

\* \* \* \* \*

Portable X-ray system—See X-ray equipment.

\* \* \* \* \*

Protective barrier—A barrier of radiation absorbing material used to reduce radiation exposure. The term includes the following types:

(i) Primary protective barrier—Material used to reduce radiation exposure from the useful beam.

(ii) Secondary protective barrier—Material used to reduce exposure from stray, leakage or scattered radiation.

Radiation therapy simulation system—A radiographic or fluoroscopic X-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

\* \* \* \* \*

Research—One of the following:

(i) Theoretical analysis, exploration or experimentation.

(ii) The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental testing of models, devices, equipment, materials and processes. The term includes the external administration of X-ray radiation to human

beings for diagnostic or therapeutic purposes or in an equivalent manner as a diagnostic or therapeutic procedure.

*SSD*—The distance between the source and the skin of the patient.

\* \* \* \* \*

*Useful beam*—The radiation which passes through the tube housing port and the aperture of the beam-limiting device when the exposure switch or timer is activated.

*Visible area*—The portion of the input surface of the image receptor over which incident X-ray photons are producing a visible image.

\* \* \* \* \*

### § 221.3. (Reserved).

#### ADMINISTRATIVE CONTROLS

### § 221.13. Information to be submitted by persons requesting approval to conduct healing arts screening.

(a) The Department will consider efficacy as a factor in evaluating healing arts screening procedures. In its review, the Department will consider National medical organization consensus statements as well as peer reviewed scientific and medical literature that addresses the efficacy of the proposed screening procedures. The review may also consider relevant information from appropriate Federal agencies. For procedures that result in an individual organ dose or deep dose equivalent greater than 1 mSv (100 mrem) to a screened individual the Department will consult with the Department of Health (DOH) for assistance in reviewing the efficacy of the proposed procedures but the final decision will remain that of the Department. The DOH will have access to all relevant materials when rendering its review.

(b) A person requesting that the Department approve a healing arts screening program other than mammography shall submit in writing the following information for evaluation by the Department. If information submitted to the Department becomes invalid or outdated, the registrant shall immediately notify the Department.

(1) The name and address of the applicant and, if applicable, the names and addresses of agents within this Commonwealth.

(2) The diseases or conditions for which the X-ray examinations are to be used.

(3) The description in detail of the X-ray examinations proposed in the screening program.

(4) A description of the population to be examined in the screening program—age, sex, physical condition and other appropriate information.

(5) An evaluation of all known alternate methods that could achieve the goals of the screening program and why these methods are not used in preference to the proposed X-ray examinations.

(6) An evaluation by a qualified expert of the X-ray systems to be used in the screening program. The evaluation must show that the systems satisfy the requirements of this article. The evaluation must include a measurement of patient entrance exposures and calculation of the maximum shallow dose, deep dose equivalent and organ dose from the X-ray examinations to be performed.

(7) A description of the diagnostic X-ray quality control program.

(8) A copy of the technique chart for the X-ray examination procedures to be used if exposure parameters are set manually or a description of how exposure parameters are determined.

(9) The qualifications of all individuals who will be operating the X-ray systems.

(10) The qualifications of the physician who will be supervising the operators of the X-ray systems. The extent of supervision and the method of work performance evaluation shall be specified.

(11) The name, address and qualifications of the individual who will interpret the screening procedure results.

(12) A description of the information and procedure for advising the individuals screened of the potential for false positive or negative results and the implications for the patient; the procedure for recording informed consent for the procedure following disclosure of this information; and the procedure for advising the individuals screened and their private practitioners of the healing arts of the results of the screening procedure and further medical needs indicated.

(13) A description of the procedures for the retention or disposition of the diagnostic images, data and other records pertaining to the X-ray examination.

(14) An approximation of the frequency of screening activities and duration of the entire screening program.

(c) Mammography facilities shall comply with 21 CFR Part 900 (relating to mammography).

#### DIAGNOSTIC INSTALLATIONS GENERAL REQUIREMENTS

### § 221.30. Exposure reproducibility for noncertified systems.

The coefficient of variation of exposure reproducibility may not exceed 0.10 when technique factors are held constant. This requirement shall be deemed to have been met when four exposures are made. This requirement applies when either manual techniques or automatic exposure control is used.

### § 221.32a. Radiographic beam limitation.

(a) The useful beam shall be limited to the area of clinical interest.

(b) The beam limiting device shall do one of the following:

(1) Indicate numerically the field size in the plane of the image receptor to which it is adjusted to within 2% of the SID.

(2) Provide for visually defining the perimeter of the X-ray field except for systems designed for one image receptor size. The total misalignment of the edges of the visually defined field with the respective edges of the X-ray field may not exceed 2% of the distance from the source to the center of the visually defined field when the surface upon which it appears is perpendicular to the axis of the X-ray beam.

(c) A means shall be provided for stepless (continuous) adjustment of the size of the X-ray field except for systems which use removable fixed operation beam limiting devices.

(d) A means shall be provided to:

(1) Indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor if the angle between the axis of the X-ray beam and the plane of the

image receptor is variable. This paragraph does not apply to portable, mobile or intraoral dental units.

(2) Align the center of the X-ray field with respect to the center of the image receptor to within 2% of the SID.

(3) Indicate the SID to within 2%.

(e) Intraoral dental X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit SSD to not less than either of the following:

(1) Eighteen centimeters if operable above 50 kVp.

(2) Ten centimeters if not operable above 50 kVp.

(f) Indication of field size dimensions and SIDs shall be specified so that aperture adjustments result in X-ray field dimensions in the plane of the image receptor which correspond to those indicated by the beam-limiting device to within 2% of the SID when the beam axis is indicated to be perpendicular to the plane of the image receptor.

(g) Intraoral dental systems designed for use with an intraoral image receptor shall be provided with a means to limit the X-ray beam so that:

(1) Eighteen centimeters or more, the X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 7 centimeters.

(2) Less than 18 centimeters, the X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 6 centimeters.

(h) When positive beam limitation is used, the following conditions shall be met:

(1) The radiation beam may not be larger than the linear dimensions of the image receptor being used.

(2) The positive beam limitation device shall allow the operator to further reduce the size of the radiation field.

(i) Mobile or portable X-ray systems, other than intraoral dental X-ray systems, shall be provided with a means to limit the source-to-skin distance to at least 30 centimeters.

(j) Radiographic equipment designed for one or more image receptor sizes at a fixed SID shall be provided with a means to accomplish one of the following:

(1) Limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor and align the center of the X-ray field with the center of the image receptor to within 2% of the SID.

(2) The X-ray field shall be sized and aligned so that at the plane of the image receptor, it does not extend beyond the edge of the image receptor by more than 2% of the SID.

**THERAPEUTIC X-RAY SYSTEMS WITH ENERGIES LESS THAN 1 MEV**

**§ 221.71. Equipment requirements.**

(a) When the tube is operated at its leakage technique factors, the leakage radiation may not exceed:

(1) One hundred milliroentgens (25.8 $\mu$ C/kg) per hour at 5 centimeters from the surface of the tube housing assembly for contact therapy systems.

(2) One roentgen (.258 mC/kg) per hour at 1 meter from the source for 0-150 kVp systems manufactured or installed prior to December 19, 1987.

(3) One hundred milliroentgens (25.8 $\mu$ C/kg) per hour at 1 meter from the source for 0-150 kVp systems manufactured on or after December 19, 1987.

(4) One roentgen (.258 mC/kg) per hour at 1 meter from the source for 151 to 500 kVp systems.

(5) One-tenth percent of the exposure rate of the useful beam 1 meter from the source for 501 to 999 kVp systems at 1 meter from the source.

(b) Fixed diaphragms or cones used for limiting the useful beam must provide at least the same protection as required by the tube housing assembly.

(c) Beam limiting devices may, for the portion of the useful beam blocked by these devices, transmit not more than 5% of the original X-ray beam intensity at the maximum voltage and maximum treatment filter. This requirement does not apply to auxiliary blocks or materials placed in the useful beam to shape the useful beam to the individual patient.

(d) The filter system shall be designed so that:

(1) Filters cannot be accidentally displaced from the useful beam at any possible tube orientation.

(2) The radiation at 5 centimeters from the filter insertion slot opening does not exceed 30 roentgens (7.74 mC/kg) per hour under operating conditions.

(3) A filter is marked as to its material of construction and its thickness. For wedge filters, the wedge factor and wedge angle shall appear on the wedge or wedge tray.

(4) On equipment purchased after January 1, 1971, a filter indication system shall be used on therapy machines using changeable filters. The system must indicate from the control panel the presence or absence of a filter and be designed to permit easy recognition of an added filter in place.

(5) An X-ray system equipped with a beryllium or other low-filtration window shall be clearly labeled as such upon the tube housing assembly and at the control panel.

(e) The tube housing assembly shall be immobilized during stationary treatments.

(f) The tube housing assembly shall be so marked that it is possible to determine the location of the focal spot to within 5 millimeters, and the marking shall be readily accessible for use during calibration procedures.

(g) Contact therapy tube housing assemblies shall have a removable shield of at least .5 millimeter lead equivalency at 100 kVp that can be positioned over the entire useful beam exit port during periods when the beam is not in use.

(h) Systems of greater than 150 kVp manufactured after December 19, 1987, must have a beam monitor system which meets the following requirements:

(1) Not allow irradiation until a preselected value of exposure has been made at the treatment control panel.

(2) Independently terminate irradiation when the preselected exposure has been reached.

(3) Be designed so that, in the event of a system malfunction or electrical power failure or other interruption, the dose administered to a patient prior to the interruption can be accurately determined.

(4) Have a control panel display which maintains the reading until intentionally reset to zero.

(5) Have a control panel display which does not have scale multiplying factors and utilizes a design so that increasing dose is displayed by increasing numbers.

(i) The following apply to timers on the equipment:

(1) A timer shall be provided which has a display at the control panel. The timer must be graduated in minutes and fractions of minutes. The timer must have a preset time selector and an elapsed time indicator.

(2) The timer must be a cumulative timer which activates with the radiation and retains its reading after irradiation is interrupted or terminated. After irradiation is terminated and before irradiation can be reinitiated, it shall be necessary to reset the timer to zero.

(3) The timer must terminate irradiation when a preselected time has elapsed if a dose monitoring system present has not previously terminated irradiation.

(4) The timer must permit accurate presetting and determination of exposure time as short as 1 second.

(5) The timer may not permit an exposure if set at zero.

(6) The timer may not activate until the shutter is opened when patient irradiation is controlled by a shutter mechanism.

(j) The control panel, in addition to the displays required in this section, must have:

- (1) An indication of power status.
- (2) An indication of X-ray production.
- (3) The means of indicating X-ray tube current and voltage.
- (4) The means of terminating an exposure.

(k) When a control panel may energize more than one X-ray tube, the following requirements shall be met:

- (1) It must be possible to activate only one X-ray tube at one time.
- (2) There must be an indication at the control panel identifying which X-ray tube is energized.
- (3) There must be an indication at the tube housing assembly when that tube is energized.
- (l) There must be a means of determining the SSD to within 5 millimeters.

(m) Unless it is possible to bring the X-ray output to the prescribed exposure parameters within 5 seconds, the entire useful beam shall be automatically attenuated by a shutter having a lead equivalency not less than that of the tube housing assembly.

(1) After the unit is at operating parameters, the shutter shall be controlled electrically by the operator from the control panel.

(2) An indication of shutter position must appear at the control panel.

**COMPUTED TOMOGRAPHY X-RAY SYSTEMS**

**§ 221.201. Definitions.**

In addition to the definitions of §§ 215.2 and 221.2 (relating to definitions), the following words and terms, when used in this section and §§ 221.202—221.205, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*CT conditions of operation*—The selectable parameters governing the operation of a CT X-ray system including, but not limited to, nominal tomographic section thickness, filtration and the technique factors as defined in this chapter.

*Detector*—A device that provides a signal or other indication suitable for measuring one or more quantities of incident radiation.

*Elemental area*—The smallest area within a tomogram for which the X-ray attenuation properties of a body are depicted.

\* \* \* \* \*

**CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS**

**Subchapter B. RADIATION-PRODUCING MACHINES**

**RADIATION-PRODUCING MACHINE REQUIREMENTS**

**§ 225.102. Shielded room X-ray radiography.**

(a) A room used for shielded room X-ray radiography shall be shielded so that every location on the exterior meets conditions for an unrestricted area and the only access to the room is through openings which are interlocked so that the radiation source will not operate unless all openings are securely closed and meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

(b) The operator shall conduct a physical radiation survey to determine that the radiation source is deenergized prior to each entry into the radiographic exposure area.

(c) As an alternative to subsection (b), the registrant may use an independent radiation monitoring system that displays the radiation intensity or displays when radiation levels have returned to their pre-irradiation levels.

(d) With the exception of the provisions in §§ 225.4a, 225.76 and 225.84 (relating to radiation safety program; reporting requirements; and operating and emergency procedures), shielded room radiography is exempt from all other provisions of this chapter.

**CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL**

**Subchapter A. SCOPE AND DEFINITIONS**

**§ 230.3. Incorporation by reference.**

(a) Except as provided in this chapter, the requirements of 10 CFR Part 71 (relating to packaging and transportation of radioactive material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 71.2, 71.6, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99, 71.100, 71.101(c)(2), (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123 and 71.125 are not incorporated by reference.

**CHAPTER 240. RADON CERTIFICATION**

**Subchapter B. CERTIFICATION**

**CERTIFICATION FOR RADON TESTING**

**§ 240.103. Radon testing application contents.**

An application for radon testing certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and must contain:

(1) Evidence that the applicant has the certification prerequisites in § 240.102 (relating to prerequisites for radon testing certification), including the services offered and experience in each. If the applicant is a firm, the application must also include the duties assigned to the certified individual.

(2) A nonrefundable fee of \$200 for individuals, \$500 for firms.

(3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Copies of reporting forms, information distributed to potential clients and recent advertisements.

(6) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon testing.

(7) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

**CERTIFICATION FOR RADON MITIGATION**

**§ 240.113. Radon mitigation application contents.**

An application for mitigation certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and must contain:

(1) Evidence that the applicant has the certification prerequisites contained in § 240.112 (relating to prerequisites for radon mitigation certification), including the services offered and experience in each. If the applicant is a firm, the applicant shall also include the duties assigned to the certified individual.

(2) A nonrefundable fee of \$200 for individuals, \$500 for firms.

(3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon mitigation.

(6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

**CERTIFICATION FOR RADON LABORATORY**

**§ 240.123. Radon laboratory application contents.**

An application for radon laboratory certification shall be submitted to the Department in writing on forms provided by the Department and must contain:

(1) Evidence that the applicant has the certification prerequisites contained in § 240.122 (relating to prerequisites for radon laboratory certification), including the services offered and experience in each. If the applicant is a firm, the applicant shall also include the duties assigned to the certified individual.

(2) A nonrefundable fee of \$250 for individuals, \$500 for firms.

(3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to laboratory analysis of radon samples.

(6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

**CERTIFICATION FOR PERSONS CERTIFIED IN ANOTHER STATE**

**§ 240.133. Certification application contents.**

A person who has a certification from a state with which the Department has entered into a reciprocal agreement, and who intends to conduct the radon-related activity in this Commonwealth for at least 90 days a year, shall obtain certification from the Department. The application must be in writing and contain:

(1) A copy of the certification from foreign state.

(2) A nonrefundable fee of \$200.

(3) The applicant's name, address and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications, or technical or administrative information related to radon testing, mitigation of radon contamination or laboratory analysis of radon samples.

(6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief.

**Subchapter D. OPERATION REQUIREMENTS****§ 240.303. Reporting of information.**

(a) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing the service shall submit to the Department in a format approved by the Department the results of testing, including screening measurements, follow-up measurements, premitigation measurements, postmitigation measurements and the method used to mitigate against radon contamination. At a minimum, these results will be retained for 2 years. The information must include:

- (1) The name of the person providing the service.
- (2) The name and address of the owner or occupant of the building involved.
- (3) The address and location of the building involved, including street and number, post office, full zip code and county.
- (4) The date each measurement was taken, or the mitigation performed.
- (5) The type of house or building, the types of measurements, location within the building of specific measurements, and the results in picocuries per liter or in working levels.

(6) The type and price of mitigation system installed.

(b) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing radon-related services shall report in writing to the owner or occupier of the building the results in picocuries per liter and when appropriate in working levels of radon measurements taken in the building. If a person provides the service through a certified intermediary, it is the responsibility of the intermediary to report the results.

(c) For a person performing mitigation, each building shall be tested for radon levels before and after the mitigation is performed. Each test must be at least 48 hours in duration and follow EPA- or DEP-approved protocols. The postmitigation test shall be conducted no sooner than 24 hours after completion of the mitigation. The results of radon testing shall be reported in accordance with this section.

**§ 240.308. Testing and mitigation protocols.**

A person conducting radon testing or mitigation for radon contamination shall conduct the testing and mitigation in accordance with EPA- or DEP-approved protocols and shall comply with applicable statutes, regulations, ordinances and building codes. The following protocols, "Protocols for Radon and Radon Decay Product Measurements in Homes," "Indoor Radon and Radon Decay Product Measurement Device Protocols" and "Pennsylvania Radon Mitigation Standards" are available upon request from the following sources:

Environmental Protection Agency  
Office of Radiation Programs  
Washington, D.C. 20460

Department of Environmental Protection  
Bureau of Radiation Protection  
Rachel Carson State Office Building, 13th Floor  
400 Market Street  
Post Office Box 8469  
Harrisburg, Pennsylvania 17105-8469

[Pa.B. Doc. No. 08-916. Filed for public inspection May 16, 2008, 9:00 a.m.]

**Title 40—LIQUOR****LIQUOR CONTROL BOARD**

[ 40 PA. CODE CHS. 3, 5, 7 AND 13 ]

**License Applications and Management Contracts**

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)) has amended Chapters 3, 5, 7 and 13.

*Purpose*

The Board has reviewed its regulations and determined that these revisions are necessary to conform to changes in the Liquor Code, update obsolete regulations and implement new procedures to improve service to the public.

*Summary of Amendments*

The regulatory amendments rescind regulations concerning the "Points System," the enabling legislation for which has expired. Other changes permit the Board to conduct tasting events in its stores. Finally, obsolete and repetitive regulations are updated and consolidated.

- The rulemaking rescinds regulations concerning the "Points System."
- It consolidates two separate regulations about the appointment of managers for licensed establishments.
- It corrects a regulation relating to license transfers upon death of a licensee.
- It amends regulations on the safekeeping of licenses to parallel recent changes in the Liquor Code.
- It permits the Board to conduct tasting events in its stores.

*Affected Parties*

The final-form rulemaking will affect licensees and customers of the Board's wine and spirits stores.

*Paperwork Requirements*

The final-form rulemaking will not significantly increase paperwork for the agency or the regulated community.

*Fiscal Impact*

No fiscal impact is expected.

*Effective Date*

This rulemaking shall become effective upon its publication as final-form in the *Pennsylvania Bulletin*.

*Contact Person*

Requests for information should be addressed to James F. Maher, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on December 6, 2007, the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 6932 (December 29, 2007), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Liquor Control Committee on December 6, 2007, and Senate Committee on Law and Justice on December 6, 2007, for review and comment.

Under section 5(c) of the act, the Board is required to provide IRRC and the Committees with copies of the

comments received during the public comment period, as well as other documents when requested. No comments from IRRC, the Committees or the public were received.

Under section 5.1(j.2) of the act, on March 19, 2008, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5(g) of the act, the final-form regulations were deemed approved by IRRC effective March 19, 2008.

*Findings*

The Commission finds that:

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

(2) The amendments to the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the Liquor Code.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapters 3, 5, 7 and 13 are amended by amending §§ 5.23, 7.5, 7.31, 7.32, 13.221 and 13.227; and by deleting §§ 3.121, 3.122 and 5.16 to read as set forth at 37 Pa.B. 6932.

(b) The Executive Director of the Board shall certify this order and 37 Pa.B. 6932 and deposit them with the Legislative Bureau as required by law.

(c) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK J. STAPLETON, III,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 1905 (April 19, 2008).)

**Fiscal Note:** Fiscal Note 54-64 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 08-917. Filed for public inspection May 16, 2008, 9:00 a.m.]

**Title 58—RECREATION**  
**PENNSYLVANIA GAMING CONTROL BOARD**  
**[ 58 PA. CODE CH. 437a ]**  
**Vendor Certification and Registration**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. §§ 1202(b)(30) and 1321 (relating to general and specific powers; and additional licenses and permits and approval of agreements) amends Chapter 437a (relating to vendor certification and registration) to read as set forth in Annex A.

*Purpose of the Proposed Rulemaking*

These amendments modify provisions related to registration of vendors, clarify which individuals must obtain certification and update the names of several forms.

*Explanation of Amendments to Chapter 437a*

Currently, applications for certification or registration of vendors must be submitted by an applicant for or

holder of a slot machine license. These amendments give applicants for registration as a vendor the option to file their applications directly with the Board. This simplifies the application process and is expected to increase the number of registered vendors on the Board's approved vendor list. Because slot machine applicants and licensees may use any vendor on the Board's approved list, this will increase the vendors' opportunities to provide services and give slot machine applicants and licensees more vendors to choose from.

In § 437a.4 (relating to individual certifications and investigations), minor revisions clarify who will be required to file for certification.

Additionally several references to forms have been updated throughout the chapter to reflect the current names of the applicable forms.

*Comment and Response Summary*

Notice of proposed rulemaking was published at 37 Pa.B. 6420 (December 8, 2007).

The Board did not receive any comments during the public comment period. No comments were received from the Standing Committees and by letter dated February 6, 2008, the Independent Regulatory Review Commission (IRRC) notified the Board that IRRC had no objections, comments or recommendations to offer on these amendments.

No changes have been made to the proposed regulation in this final-form regulation.

*Affected Parties*

Applicants for vendor registration will benefit from having another option for applying for registration as a vendor. Slot machine applicants and licensees may benefit by having more vendors to choose from.

There are currently 11 slot machine licensees, 5 applicants for slot machine licenses and 244 registered vendors.

*Fiscal Impact*

*Commonwealth*

There will be no new costs to the Board or other Commonwealth agencies as a result of this regulation. Because the application for an unsponsored vendor registration does not require a Slot Machine Licensee/Applicant's Verification form, there will be some minor savings to the Board related to review of vendor registration applications submitted directly by vendors.

*Political Subdivisions*

This final-form rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

*Private Sector*

The Board anticipates that there may be some small direct savings to slot machine applicants and licensees and to applicants for vendor registrations as a result of having another option for applying for registration as a vendor.

Because the Board anticipates an increase in the number of vendors, slot machine applicants and licensees may benefit from increased competition for their business.

*General Public*

This final-form rulemaking will have no fiscal impact on the general public.



*Paperwork requirements*

These amendments eliminate the need for a Slot Machine Licensee/Applicant's Verification form as part of the vendor registration application when the vendor applies directly.

*Effective Date*

The rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

*Contact Person*

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review, at (717) 214-8111.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on November 28, 2007, the Board submitted a copy of the proposed rulemaking, published at 37 Pa.B. 6420, and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development.

Under section 5(c) of the act (71 P. S. § 745.5(c)), IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational

Development on April 2, 2008. Under section 5(g) of the act (71 P. S. § 745.5(g)), the final-form rulemaking was deemed approved by IRRC effective April 2, 2008.

*Findings*

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapter 437a, are amended by amending §§ 437a.2—437a.5, 437a.9 and 437a.10 to read as set forth at 37 Pa.B. 6420.

(b) The Chairperson of the Board shall certify this order and 37 Pa.B. 6420 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

MARY DIGIACOMO COLINS,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 1905 (April 19, 2008).)*

**Fiscal Note:** Fiscal Note 125-74 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-918. Filed for public inspection May 16, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[ 7 PA. CODE CH. 113 ]

### General Provisions for Seed Certification

The Department of Agriculture (Department), under the authority conferred by 3 Pa.C.S. Chapter 71 (relating to the Seed Act) (act) and under the specific authority of sections 7111 and 7117 of the act (relating to powers and duties of secretary and department; and rules and regulations) proposes to amend Chapter 113 (relating to general provisions for seed certification). The act replaces The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—258-11).

Section 7111 of the act authorizes and empowers the Department to enforce the provisions of the Act and to "... prescribe, modify and enforce such reasonable rules, regulations, standards, tolerances and orders as in the judgment of the secretary shall be necessary to carry out the provisions of [the act]." See 3 Pa.C.S. § 7111(a). In addition, section 7111 of the act establishes specific powers and duties of the Department and provides for delegation of such authority. See 3 Pa.C.S. §§ 7111(b) and (c). Section 7117 of the act specifically delineates that the Department "... shall promulgate and enforce rules and regulations necessary for administration and implementation of [the act]." See 3 Pa.C.S. § 7117 Therefore, consistent with that authority and to establish regulations which are consistent with the act, the Department hereby proposes the following amendments to Chapter 113.

#### Background

The proposed amendments are made necessary by and are established under the authority of, and in accordance with, the act.

The major features and amendments to the proposed amendments are summarized as follows:

#### Summary of Major Features and Amendments

##### § 113.1. Definitions.

The Department added and amended several definitions to be consistent with and clarify the provisions of the act.

##### § 113.3. Responsibility and applicability.

The Department deleted the Pennsylvania Seedsman's Association from the list of cooperating entities in subsection (b) and added PennAg Industry Association's Seed Council to the list and clarified subsection (d) with regard to the Association standards to be utilized when no standards exist in this Commonwealth.

##### § 113.4. Classes and sources of seed.

The Department added another class or seed source to the classes of seed recognized for seed certification. This is to assure the regulations are consistent with the act.

##### § 113.6. Limitations of generations for certified seed.

The Department added a section to establish limitations on generations for certified seed. This is consistent with the act and industry standards.

##### § 113.22. Completion of application.

The Department added subsections (b) and (c) to the application provisions. Subsection (b) requires applicants

to maintain genetic purity and identity of a crop at all stages of the certification process. Subsection (c) requires an applicant to furnish maps identifying the location of the fields of the crop to be inspected. This is now an ongoing process, because crops tend to be rotated. Therefore, the old provisions—in § 113.23 (relating to new applications)—requiring mapping only at the time of a new application have been deleted and this change implemented. These provisions will help assure proper enforcement of the act.

##### § 113.23. New applications.

This provision was rescinded because the mapping criteria was combined with the application provisions of § 113.22.

##### § 113.26. Fees.

This entire section, including the table of fees, was deleted because the fees are now set forth in the act. New language was added stating the applicant shall be responsible for payment of fees as outlined in the act.

##### § 113.34. Reinspection

The Department revised paragraph (1) to allow a grower to request reinspection from the inspector "or the Certification Office."

##### § 113.42. Color code for tags.

The Department amended this section by further segregating seed classes and adding tag colors for different types of registered and certified seed. These standards are more in line with National standards.

##### § 113.43. Two-tag system.

The Department amended subsection (c) to reference the current act.

##### § 113.44. Attachment of tags and labels.

The Department added a provision to require that tags and labels be attached in a manner which will prevent obvious removal and reattachment.

##### § 113.51. Handling and blending of seed—conditioner's responsibilities.

The Department added language to subsection (f) to make it clear that the applicant is the responsible party.

##### § 113.53. Seed testing.

The Department amended language in subsection (c) to assure the regulation properly cites the current act.

#### Fiscal Impact

##### Commonwealth

The proposed amendments will not impose additional fiscal impacts upon the Commonwealth for administration and enforcement. The amendments will not require the Department to commit an additional amount of time or manpower to the enforcement of the act or regulations.

##### Political Subdivisions

The proposed amendments will impose no additional costs and have no fiscal impact upon political subdivisions. The proposed amendments do not impose any additional burden of enforcement or review on political subdivisions.

*Private Sector*

The proposed amendments will not impose additional costs on the regulated community, which is part of the private sector or any other part of the private sector. Any additional fees are set forth in the act and merely referenced in the regulations. There are no new certification or licensure requirements and any new labeling requirements are merely consistent with the act and will not impose additional costs on the regulated community.

*General Public*

The proposed amendments will impose no costs and have no fiscal impact on the general public.

*Paperwork Requirements*

The proposed amendments will not result in a substantial increase of paperwork.

*Public Comment Period*

Interested persons are invited to submit written comments regarding the proposed amendments within 30 days following publication in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Department submitted a copy of these proposed amendments on May 2, 2008, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

If the IRRC has any objections to any portion of the proposed amendments, it will notify the Department within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regular Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

*Contact Person*

Further information is available by contacting the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attention: Joe Garvey, (717) 787-4843.

*Effective Date*

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

DENNIS C WOLFF,  
*Secretary*

**Fiscal Note:** 2-157. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART V. BUREAU OF PLANT INDUSTRY**

**CHAPTER 113. GENERAL PROVISIONS FOR SEED CERTIFICATION**

**PRELIMINARY PROVISIONS**

**§ 113.1. Definitions.**

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

\* \* \* \* \*

**Field**—An individual area of land for the crop under inspection, which is clearly defined by distinct lines of demarcation, such as fences, roads, natural barriers, other crops, mowed or an uncropped area. **A field is the basic unit of certification.**

\* \* \* \* \*

**Inbred line**—A relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of back-crossing to a recurrent parent with selection, or its equivalent, for specific characteristics.

\* \* \* \* \*

**Open-pollination**—Pollination that occurs naturally as opposed to controlled pollination, such as by detasseling, cytoplasmic male sterility, self-incompatibility or similar processes.

\* \* \* \* \*

**Seed Act**—3 Pa.C.S. Chapter 71 (relating to the Seed Act).

\* \* \* \* \*

**§ 113.3. Responsibility and applicability.**

\* \* \* \* \*

(b) In conducting the seed certification program, the Department and the Bureau of Plant Industry will cooperate with the Pennsylvania State University, College of Agriculture, Pennsylvania Foundation Seed Coop., the [ **Pennsylvania Seedsmen's Association** ] **Seed Council of PennAg Industries Association** and seed growers.

\* \* \* \* \*

(d) In cases where there are no crop standards in this Commonwealth, the standards being used by a member of the [ **official seed certifying agencies** ] **Association of Official Seed Certifying Agencies** will be used.

**§ 113.4. Classes and sources of seed.**

The following classes of seed are recognized for seed certification:

\* \* \* \* \*

**(6) Foundation G1-Foundation G7 seed potato classes.**

**§ 113.6. Limitations of generations for certified seed.**

The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner and may not exceed two generations beyond the Foundation seed class with the following exceptions which may be made with the permission of the originating plant breeder, institution or a designee:

(1) Recertification of the Certified class may be permitted when no foundation seed is being maintained.

(2) The production of an additional generation of the Certified class may be permitted on a 1-year basis only when an emergency is declared by any official seed certifying agency stating that the Foundation and Registered seed supplies are not adequate to plant the needed Certified acreage of

the variety. The additional generation of Certified seed to meet the emergency need is ineligible for recertification.

**APPLICATIONS**

**§ 113.22. Completion of application.**

\* \* \* \* \*

(b) *Maintaining genetic purity and identity.* An applicant is responsible for maintaining genetic purity and identity of the crop at all stages of certification including seeding, harvesting, conditioning and labeling.

(c) *Field maps.* Applications shall be accompanied by maps showing the location of the fields and the boundaries of the crop to be inspected.

(d) *Requirements for Prenuclear seed potato certification.* An applicant for certification of Prenuclear seed potatoes shall file the following:

\* \* \* \* \*

**§ 113.23. [ New applications ] (Reserved).**

[ For those persons making application for the first time, a map of the location of the farm shall be included. ]

**§ 113.26. Fees.**

[ (a) A current schedule listing application, inspection, tag and label fees shall be sent annually to each applicant.

(b) The application fee for each crop shall accompany the application. Fees shall be paid by check made payable to the "Commonwealth of Pennsylvania." Fees will not be refunded.

(c) The field inspection fee is based on the total acres inspected or, in the case of grass and legumes, the pounds of clean seed produced. An invoice stating the amount of the fee will be sent to the applicant.

(d) Acreage or plants withdrawn by the applicant prior to the actual inspection may not be included, except as provided in § 113.32(b) (relating to procedure for inspections).

(e) The fee schedule is as follows:

**(1) Application and inspection fees.**

<i>Crop</i>	<i>Application Fee</i>	<i>Inspection Fee</i>
Potatoes (other than Prenuclear seed potatoes)	\$25	\$10 per acre
Prenuclear seed potatoes (Greenhouse)	25	15¢ per sq. ft., assessed once per crop
Prenuclear seed potatoes (Laboratory)	25	\$50 assessed annually
Tobacco	25	50 (minimum)
Winter barley, wheat, rye	25	3 per acre
Hybrid field corn	25	7 per acre
Spring barley, oats	25	3 per acre
Soybean	25	3 per acre
Grass, legume	25	4¢ per pound production fee. Any field inspection \$3 per acre
Turfgrass sod	25	4 per acre (preplant inspection) 7 per acre (final inspection)
Trees	25	Fees based on the actual administrative costs incurred by the Department

(2) *Tag and label fees.* The Department may charge the following maximum fees for certification tags and labels. Although the Department may periodically change these fees through publication of notice in the *Pennsylvania Bulletin*, it will not charge certification tag and label fees higher than the following amounts:

	<i>Tag</i>	<i>Label</i>
Pennsylvania Certified Seed	10¢	10¢
Interagency Certified Seed	15¢	15¢
Pennsylvania Certified Sod	—	20¢
Pennsylvania Certified Seed Potatoes	10¢	—

(3) *Official interagency samples.* There shall be a \$25 per lot fee charged for each official interagency sample taken.

(4) *Shipping inspection fee.* The shipping inspection fee for potatoes is \$30 per inspection.

(5) *Laboratory testing fees.* An applicant who is responsible to pay the costs of laboratory tests conducted or performed by the Department shall pay testing fees as are established by the Department. The Department will establish the fee for a particular laboratory test by multiplying the average labor cost (salary and benefits) of the person performing the test by the average labor time which it takes to complete the test, and then adding to that product the average cost of material required for the test. The Department will maintain, and provide upon request, a schedule of the current values of the variables in this mathematical formula. The Department may establish laboratory testing fees, or may change the fees for established tests through publication in the *Pennsylvania Bulletin* of the schedule of the current values of the variables justifying the fees under the mathematical formula described in this paragraph. The fee for

a particular laboratory test will not be increased, but may be decreased, within 9 months of a prior fee increase with respect to that same laboratory test.] The applicant shall be responsible for the payment of fees as outlined in the Seed Act.

INSPECTIONS

§ 113.34. Reinspection.

A crop not meeting the appropriate field, greenhouse or laboratory inspection requirements in certain respects at the time of the initial inspection may be reinspected in accordance with the following:

- (1) A grower desiring reinspection shall make a request to the inspector or the Certification Office.

\* \* \* \* \*

CONTAINERS, LABELS AND TAGS

§ 113.42. Color code for tags.

- (a) Agricultural seed.

(1) White tags shall designate the Foundation class of seed [ and the Prenuclear seed potato class ].

[(b)] (2) Lilac tags shall designate the Registered class of seed.

[(c)] (3) Blue tags shall designate the Certified class of seed.

(4) Green tags shall designate the Quality Assurance class of seed.

- (b) Seed potatoes.

(1) White tags shall designate the Prenuclear class of seed potatoes.

(2) Blue tags shall designate the Foundation class of seed potatoes.

(3) Green tags shall designate the Certified class of seed potatoes.

- (c) Tree seed.

(1) Green tags shall designate the Selected class of tree seed.

(2) Yellow tags shall designate the Source Identified class of tree seed.

§ 113.43. Two-tag system.

\* \* \* \* \*

(c) Second, or analysis, tags shall be supplied by the grower and contain [ such ] information such as variety, lot number, purity percentage, germination percentage, date of test and other information as required by the [ act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297) ] Seed Act.

§ 113.44. Attachment of tags and labels.

\* \* \* \* \*

(e) Tags and labels shall be attached in a manner which will prevent obvious removal and reattachment.

GENERAL REQUIREMENTS

§ 113.51. Handling and blending of seed—conditioner's responsibilities.

\* \* \* \* \*

(c) [ — ]The following apply to the blending of seeds:

\* \* \* \* \*

(f) Conditioners shall designate an individual who is responsible to the [ certification office ] Certification Office for performing the duties required by the office. In the absence of any other designated individual, the applicant shall be the responsible individual.

§ 113.53. Seed testing.

\* \* \* \* \*

(b) Seed samples will be drawn, tested and analyzed in accordance with Chapter 111 (relating to seed testing, labeling and standards). The applicant will be charged the fee established in [ Chapter 111 ] the Seed Act for the tests. In the event of unforeseen problems, samples may be sent to another laboratory approved by the Department.

\* \* \* \* \*

[Pa.B. Doc. No. 08-919. Filed for public inspection May 16, 2008, 9:00 a.m.]

[ 7 PA. CODE CH. 111 ]

Seed Testing, Labeling and Standards

The Department of Agriculture (Department), under the authority of 3 Pa.C.S. Chapter 71 (relating to Seed Act) (act) and under the specific authority of sections 7111 and 7117 of the act (relating to powers and duties of secretary and department; and rules and regulations) proposes to amend Chapter 111 (relating to seed testing, labeling and standards). This act replaces The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11).

Section 7111 of the act authorizes and empowers the Department to enforce the provisions of the act and to "... prescribe, modify and enforce such reasonable rules, regulations, standards, tolerances and orders as in the judgment of the secretary shall be necessary to carry out the provisions of [the act]." See 3 Pa.C.S. § 7111(a). In addition, section 7111 of the act establishes specific powers and duties of the Department and provides for delegation of such authority. See 3 Pa.C.S. § 7111(b) and (c). Section 7117 of the act specifically delineates that the Department "... shall promulgate and enforce rules and regulations necessary for administration and implementation of [the act]." See 3 Pa.C.S. § 7117. Therefore, consistent with that authority and to establish regulations which are consistent with the provisions of the act, the Department hereby proposes the following amendments to Chapter 111.

Background

The proposed amendments are made necessary by and are established under the authority of, and in accordance with, the act.

The major features and amendments of the proposal are summarized as follows:

Summary of Major Features and Amendments

§ 111.1. Sampling and testing of seeds.

The Department proposes to delete the part of the language of the last sentence of this section related to

receiving a copy of the rules which states, "A copy of the rules may be obtained from the current Secretary-Treasurer of the association (AOSA), or from: Botany and Seed Division, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, at cost. The proposal would delete the final portion of that sentence, starting with "or from . . ."

*§ 111.2. Condition of seeds for testing.*

The Department proposes to delete parts of subsection (a) related to nontesting of seed samples of any kind and add language to deny testing of mixed seeds "when the percentage of analysis is not provided."

*§ 111.3. Fees and schedule of charges.*

The Department amended subsection (a) to allow for billing of the testing fee and amended subsection (b) in a manner that will no longer allow for cash payment of the fees. A minor and a major amendment were made to subsection (c). First, the word "all" was removed because it is implied and therefore redundant. Second, the Department deleted the chart containing the cost of purity analysis, germination testing and combined testing because that chart and those fees now appear in section 7109(b)(5) of the act (relating to unlawful seed sales).

*§ 111.4. Prohibitions and requirements.*

The Department deleted subsection (c), which referred to the pricing table that was deleted from § 111.3.

*§ 111.11. General labeling requirements.*

In subsection (a), the Department deleted old citations to the act and replaced them with the proper citations to the new act. In subsection (a)(1), language was added to clarify the names "and classification" used shall be consistent with the Rules for Seed Testing by the Association of Official Seed Analysts.

*§ 111.12. Labeling of flower seeds.*

The Department deleted old citations to the act and replaced them with the proper citations to the new act. In addition, the Department added paragraph (3). The new paragraph clarifies labeling requirements for vegetable and flower seeds.

*§ 111.13. Labeling of lawn or turf grasses and mixtures.*

The Department deleted subsections (a) and (b) and replaced them with language consistent with the provisions of the act related to lawn and turf grasses. See section 7104(b)(2) of the act (relating to labels and labeling).

*§ 111.15. Misleading labeling.*

The Department rescinded this section because the issues addressed (related to the labeling of lawn and turf grasses and mixtures) are now covered by the act and the revisions to § 111.13.

*§ 111.16. Responsibility for labeling.*

The Department amended the substantive provisions of the section to assure the citations to the act are correct and to add a provision relating to the expiration time period for lawn and turf grass analysis.

*§ 111.17. Labeling of seeds for sprouting.*

The Department amended the substantive provisions of the section to clarify what salad and culinary purposes are and to address hard seed germination when applicable.

*§ 111.21. Weed seeds classified.*

The Department rescinded this section classifying and regulating weed seeds. Seed classifications are covered by the AOSA's Rules for Testing Seed included in § 111.11(a).

*§ 111.22. Prohibited noxious weed seeds.*

The Department amended this section by adding additional species to the list of prohibited noxious weed seeds.

*§ 111.23. Restricted noxious weed seeds.*

The Department amended subsection (a)(1) by adding additional species to the list of noxious weed seeds and added canary grass to subsection (a)(3). In addition, the Department amended subsection (b)(1) to include a reference to "Restricted Noxious Weed Seeds."

*§ 111.41. Stop sale procedures.*

The Department amended the citations in this provision to assure they were consistent with the act.

*Fiscal Impact*

*Commonwealth*

The proposed amendments will not impose additional fiscal impacts upon the Commonwealth for administration and enforcement. The amendments will not require the Department to commit an additional amount of time or manpower to the enforcement of the provisions of the act or regulations.

*Political Subdivisions*

The proposed amendments will impose no additional costs and have no fiscal impact upon political subdivisions. The amendments do not impose any additional burden of enforcement or review on political subdivisions.

*Private Sector*

The proposed amendments will not impose additional costs on the regulated community, which is part of the private sector or any other part of the private sector. Any additional fees are set forth in the act and merely referenced in the regulations. There are no new certification or licensure requirements and any new labeling requirements are merely consistent with the act and will not impose additional costs on the regulated community.

*General Public*

The proposed amendments will impose no costs and have no fiscal impact on the general public.

*Paperwork Requirements*

The proposed amendments will not result in a substantial increase of paperwork.

*Public Comment Period*

Interested persons are invited to submit written comments regarding the proposed amendments within 30 days following publication in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on May 2, 2008, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a

detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed amendments, it will notify the Department within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final-form publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

*Contact Person*

Further information is available by contacting the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attention: Joe Garvey, (717) 787-4843.

*Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

DENNIS WOLFF,  
*Secretary*

**Fiscal Note:** 2-156. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART V. BUREAU OF PLANT INDUSTRY**

**CHAPTER 111. SEED TESTING, LABELING AND STANDARDS**

**GENERAL PROVISIONS**

**§ 111.1. Sampling and testing of seeds.**

The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining

agriculture, vegetable, flower, tree and shrub seeds, and lawn and turf mixtures and the tolerance allowed thereof shall be those adopted by the Association of Official Seed Analysts (**AOSA**), effective October 1, 1981, as amended, except that tolerance will not be allowed for prohibited noxious weed seeds. A copy of the rules may be obtained from the current Secretary-Treasurer [ **of the association ( ) AOSA( )** ], or from: **Botany and Seed Division; Bureau of Plant Industry; Department of Agriculture; 2301 North Cameron Street; Harrisburg, Pennsylvania 17110, at cost** ] or at [www.aosaseed.com](http://www.aosaseed.com).

**§ 111.2. Condition of seeds for testing.**

(a) Dirty or uncleaned seeds[ , ] and mixed seed [ **samples or samples sent by nonresidents of this Commonwealth** ] kinds when a percentage of analysis is not provided will not be tested.

\* \* \* \* \*

**§ 111.3. Fees and schedule of charges.**

(a) The testing fee shall accompany the sample [ **and no test shall be made until the fee is paid.** ] or the cost of testing will be billed at the first of every month. A fee will be considered past due when payment is not received within 30 days from day of billing.

(b) Fees shall be paid by check or money order made payable to the Commonwealth of Pennsylvania. Cash will not be accepted [ **through the mails but is accepted in the laboratory** ].

(c) A Pennsylvania Noxious Weed Seed Examination shall be included with [ **all** ] purity analyses.

*Kind of Seed*

Alfalfa  
Barley  
Beans, Garden  
Beans, Lima  
Bentgrass  
Big bluestem  
Birdsfoot trefoil  
Bluegrass  
Brome  
Buckwheat  
Clovers  
Corn  
Crownvetch  
Deertongue grass  
Fescues  
Flatpea  
Millets

[ *Purity Analysis (including Pennsylvania State Noxious Weed Seed Examination)*

*Germination Test*

*Combined Purity Analysis and Germination Test*

\$ 7.00	\$5.50	\$12
7.00	5.50	12
6.00	6.50	12
6.00	7.50	13
14	8.00	21.50
26	8.00	33.50
7.00	5.50	12
15	8.00	22.50
10	7.50	17
7.00	5.50	12
7.00	5.50	12
5.00	6.50	11
8.00	6.50	14
10	7.50	17
10	7.50	17
6.00	7.50	13
8.50	6.50	14.50

<i>Kind of Seed</i>	<i>[ Purity Analysis (including Pennsylvania State Noxious Weed Seed Examination)</i>	<i>Germination Test</i>	<i>Combined Purity Analysis and Germination Test</i>
Oats (including fluorescence test)	8.00	5.50	13
Orchardgrass	12	7.00	18.50
Peas	5.00	6.50	11
Redtop	14	8.00	21.50
Reed Canarygrass	9.00	6.50	15
Rye	7.00	5.50	12
Ryegrass	9.00	6.00	14.50
Ryegrass (including fluorescence test)	9.00	10.50	19
Sorghums	8.00	6.50	14
Soybeans	6.00	7.50	13
Sudangrass	8.00	6.50	14
Timothy	7.00	5.50	12
Tobacco	8.00	6.50	14
Vetch	8.00	6.50	14
Wheat	7.00	5.50	12
Flowers	8.00	6.50	14
Vegetables and Herbs, except beans, corn and peas	8.00	5.50	13
Tree, Forb and Shrub:			
without embryo excision	8.00	9.00	16.50
with embryo excision	8.00	20	27
with embryo excision and removal of pits	8.00	22	29
Mixtures:			
Lawn and Turf:			
Two components	22	16.00	36
Each additional component	8.00	8.00	15
Germination only			8.00 extra
Pasture, hay and conservation:			
Two components	12	14	25
Each additional component	5.00	7.00	11
Germination only		6.00 extra	
Miscellaneous charges:			
Interstate Noxious Weed Examinations:			
Lawn and turf, with purity		6.00 extra	
Lawn and turf, without purity		20	
All others, with purity		5.00 extra	
Pennsylvania Noxious Weed Seed Examination:			
Lawn and Turf Grasses and Mixtures		15	
All Others		4.00	
Cold test		10	
Varietal test		12	
Moisture test		3.00	
Tetrazolium test		12.50	
Bio-assay for seed treatment		6.00	



**Kind of Seed**

**Phenol test:**

Bluegrass, ryegrass

Cereals

**Embryo excision test**

**Rush**

**Extra laboratory report**

Tests not listed, special procedures, extra time, etc.

[ *Purity Analysis  
(including  
Pennsylvania  
State Noxious  
Weed Seed  
Examination)*

*Germination  
Test*

*Combined  
Purity  
Analysis and  
Germination  
Test*

7.00

6.00

15

4.00

2.00

12 per hour ]

**§ 111.4. Prohibitions and requirements.**

\* \* \* \* \*

(c) [ During the months of February to May not more than five samples per firm or corporation shall be tested, unless the number of official law enforcement samples permit a larger number. No more than one of the five samples will be a mixture as provided for in § 111.3(c)(7) (relating to fees and schedule of charges).

(d) ] Samples to be tested shall be sent to the Bureau of Plant Industry at least 30 days before the seeds are to be planted or sold.

[ (e) ] (d) Procedures for sampling are as follows:

\* \* \* \* \*

**LABELING**

**§ 111.11. General labeling requirements.**

(a) In labeling the kind of agriculture, vegetable, flower, tree or shrub seeds as required in [ section 3 of The Pennsylvania Seed Act of 1965 (3 P. S. § 285-3) ] 3 Pa.C.S. § 7104 (relating to labels and labeling), of the following [ shall ] apply:

(1) Names and classifications (that is “crop” or “weed”) used shall be those specified in the Rules for Seed Testing by the Association of Official Seed Analysts.

\* \* \* \* \*

(4) The following kinds of agricultural seed are generally labeled as to variety and shall be labeled to show either the variety name or the words “Variety Not Stated” or “VNS”:

\* \* \* \* \*

**§ 111.12. Labeling of flower seeds.**

[ Section 3 of The Pennsylvania Seed Act of 1965 (3 P. S. § 285-3) requires ] The provisions in 3 Pa.C.S. § 7104 (relating to labels and labeling) require that flower seeds be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by the Department of Agriculture. This provision shall be complied with as follows:

\* \* \* \* \*

(3) It is permissible to label vegetable and flower seed kinds in containers of 1 pound or less with the statement: “Packed for (YY)” and “Sell by (12/YY)”

and an identifying lot number for the calendar year in which they are being offered for sale.

**§ 111.13. Labeling of lawn or turf grasses and mixtures.**

(a) [ In labeling lawn and turf seeds, the following information shall be provided:

(1) The commonly accepted name of the kind or kind and variety of each agricultural seed component in excess of 5.0% of the whole and the percentage by weight of pure seed in the order of its predominance. Where more than one component is required to be named, the word, “mixture,” or the word, “mixed,” shall be stated. Percentages of pure seed for mixtures shall be listed under the headings, “Pure Seed.”

(2) The percentage by weight of all agricultural seed other than those required to be labeled.

(3) The percentage by weight of inert matter not to exceed 10%, except that 15% inert matter is permitted in Kentucky bluegrass labeled without a variety manner. Foreign material, other than material used for coating or pelleting to enhance the planting value, not common to grass seed may not be added.

(4) The percentage by weight of all weed seeds, not to exceed 1.0%.

(5) Noxious weed seeds shall be listed under the heading “Noxious Weed Seeds” or as otherwise specified.

(6) The percentage of germination, exclusive of hard seed; hard seed, if present, and the calendar month and year that the germination test was completed. If a single test date is used for mixtures, it shall be that of the oldest tested component.

(7) Percentages of germination for mixtures shall be listed under the headings, “Germination” or “Germ.”

(b) In addition to this section, labeling of lawn and turf mixtures shall comply with the requirements of section 3 of The Pennsylvania Seed Act of 1965 (3 P. S. § 285-3). ]

It is permissible to label cool season lawn and turf grass mixtures that include less than 5% white or ladino clover with a “Sell By Date” and 15 month germination period not including the month of test.

(b) Unless otherwise stated as to use, all those kinds listed under cool season lawn and turf grasses and their mixes must have a "Sell by MM/YY" which may be no more than 15 months from the date of test, exclusive of month of test. Those labeled as: "For Forage Use" or "For Pasture Use" or "For Conservation Use" or some type of qualifying statement indicating that the mixture is not for lawn or turf purposes will require a 9 month date of test not including the month of test and no "Sell By MM/YY" is required.

§ 111.15. [ Misleading labeling ] (Reserved).

[ (a) Notwithstanding § 111.13 (relating to labeling of lawn or turf grasses and mixtures) white clover may be claimed as a component of a mixture in quantities of 1.0% or more and redtop may be claimed as a component in mixtures, other than for lawn and turf, in quantities of 3.0% or more. The germination percentage of each shall be given.

(b) Other components of less than 5.0% shall be totaled and this sum listed as "other crop seed."

(c) Labeling not complying with this section may be considered as misleading. ]

§ 111.16. Responsibility for labeling.

\* \* \* \* \*

(b) The person or dealer shall also be responsible for procuring a new germination test and subsequently attaching new analysis tags before the expiration date of the required [ nine ] 9-month period or 15 months for cool season lawn and turf grasses as provided in [ section 4 of The Pennsylvania Seed Act of 1965 (3 P. S. § 285-4) ] 3 Pa.C.S. § 7104 (relating to labels and labeling). Tests shall be made according to the Rules for Testing Seed published by the Association of Official Seed Analysts, and no test may be considered official unless the rules are followed.

§ 111.17. Labeling of seeds for sprouting.

The following information shall be indicated on labels of seeds sold for sprouting for salad or culinary purposes (otherwise known as health food):

\* \* \* \* \*

(4) Percentage of germination of a pure seed component and hard seed if applicable.

\* \* \* \* \*

WEED SEEDS

§ 111.21. [ Weed seeds classified ] (Reserved).

[ The following shall be classified as weed seeds in this Commonwealth and shall be labeled as such:

- (1) Black medic (*Medicago lupulina*).
- (2) Small hop clover (*Trifolium dubium*).
- (3) Large hop clover (*Trifolium procumbens*).
- (4) Carpet grass (*Axonopus affinis*).
- (5) Annual bluegrass (*Poa annua*). When present in agricultural, vegetable and flower seeds other than those lawn and turf grasses and mixtures listed in § 111.23(b)(1) (relating to restricted noxious weed seeds).
- (6) Bulbous bluegrass (*Poa bulbosa*) ]

§ 111.22. Prohibited noxious weed seeds.

It shall be unlawful to sell or offer for sale seeds that contain the following prohibited weed seeds:

- (1) Bindweed, field (*Convolvulus [ spp. ] arvensis*).
- (2) Bindweed, hedge (*Calystegia sepium*).
- (3) Quackgrass ([ *Agropyron* ] *Elytrigia repens*).
- [ (3) ](4) \* \* \*
- [ (4) ](5) \* \* \*
- [ (5) ](6) Johnsongrass (*Sorghum halepense*), its crosses with other grasses [ and other grasses ] which produce seed which are not readily distinguishable from Johnsongrass.
- (7) Shattercane (*Sorghum bicolor*).
- (8) Marijuana (*Cannabis sativa*).
- (9) Mile-a-minute (*Polygonum perfoliatum*).
- (10) Kudzu-vine (*Pueraria lobata*).
- (11) Purple Loosestrife and cultivars (*Lythrum salicaria*).
- (12) Giant Hogweed (*Heracleum mantegazzianum*).
- (13) Goatsrue (*Galega officinalis*).
- (14) Jimsonweed (*Datura stramonium*).

§ 111.23. Restricted noxious weed seeds.

(a) [ Presence ] The presence of restricted noxious weed seeds in agricultural, vegetable and flower seed, other than lawn and turf grasses, and mixtures thereof listed in subsection (b)(1) shall be governed by the following:

(1) List. The seeds of the following plants shall be restricted noxious weed seeds and shall be listed on the tag or label under the heading "Noxious Weed Seeds" by name and number per pound:

\* \* \* \* \*

- (x) Bull Thistle (*Cirsium vulgare*).
- (xi) Musk Thistle (*Carduus nutans*).

\* \* \* \* \*

(b) [ Presence ] The presence of restricted noxious weed seeds in lawn and turf grasses and mixtures thereof shall be governed by the following:

(1) Except as provided in paragraph (3), the seeds of the following plants shall be restricted noxious weed seeds and shall be listed on the tag or label under the heading "Undesirable Grass Seeds" or "Restricted Noxious Weed Seeds" by name and number per pound when present in bentgrass, Kentucky bluegrass, chewings fescue, hard fescue, red fescue, varieties of named turf type tall fescue, varieties of perennial ryegrass or mixtures containing these grasses:

\* \* \* \* \*

MISCELLANEOUS PROVISIONS

§ 111.41. Stop sale procedures.

(a) The owner or custodian of any lot of seeds held under "stop sale" shall be allowed 90 days to correct deficiencies so that the lot conforms to the requirements of this chapter and [ The Pennsylvania Seed Act of 1965 (3 P. S. § 285-1— 285-10) ] 3 Pa.C.S. Chapter 71 (relating to the Seed Act).

\* \* \* \* \*

(e) [ **Section 2 (22) of The Pennsylvania Seed Act of 1965 ( 3 P. S. § 2852(22)) containing** ] **The provisions in 3 Pa.C.S. § 7113 (relating to stop-sale orders) contain** further requirements for “stop sale” notice, shall be followed.

[Pa.B. Doc. No. 08-920. Filed for public inspection May 16, 2008, 9:00 a.m.]

[ **7 PA. CODE CH. 115** ]  
**Standards for Seed Certification**

The Department of Agriculture (Department), under 3 Pa.C.S. Chapter 71 (act) (relating to the Seed Act) and under the specific authority of sections 7111 and 7117 of the act (relating to powers and duties of secretary and department; and rules and regulations), proposes to amend Chapter 115 (relating to standards for seed certification). The act replaces The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—258-11).

Section 7111 of the act authorizes and empowers the Department to enforce the provisions of the act and to “. . . prescribe, modify and enforce such reasonable rules, regulations, standards, tolerances and orders as in the judgment of the secretary shall be necessary to carry out the provisions of [the act].” See 3 Pa.C.S. § 7111(a). In addition, section 7111 of the act establishes specific powers and duties of the Department and provides for delegation of such authority. See 3 Pa.C.S. §§ 7111(b) and (c). Section 7117 of the act specifically delineates that the Department “. . . shall promulgate and enforce rules and regulations necessary of administration and implementation of [the act].” See 3 Pa.C.S. § 7117. Consistent with that authority and to establish regulations which are consistent with the provisions of the act, the Department hereby proposes the following amendments to Chapter 115.

*Background*

The proposed amendments are made necessary by and are established under the authority of, and in accordance with, the act.

The major features and amendments to the proposed amendments are summarized as follows:

*Summary of Major Features and Amendments*

*§ 115.71. Definitions.*

The Department amended the definition of commercial hybrid field corn, by deleting “modified single cross” as a type of commercial hybrid field corn and replacing it with “top cross.” In addition, the Department added two more types (inbred line and open-pollination) to the definition of commercial hybrid field corn.

*§ 115.82. Isolation requirements.*

The Department deleted the current table, in subsection (d), related to the minimum number of border rows required for fields of various sizes and replaced it with an updated table.

*§ 115.211. Seed standards.*

The Department added the word “restricted” to the last sentence of this section.

*§ 115.271. Seed source.*

The Department added language clarifying that seed potatoes will be limited to 8 generations. In accordance

with that change, the Department changed the language stating that foundation G3 was the minimum acceptable source to produce certified G4 to foundation G7 being the minimum acceptable source to produce certified G8.

*§ 115.282. Diseases.*

The Department reduced the tolerance allowed for diseases in Leaf Roll G4 through G8 from 2% to 1%.

*§ 115.283. Varietal mixtures.*

The Department added G4 through G8 to the chart related to pre-nuclear varietal mixtures.

*§ 115.293. Eligibility factors for tags.*

The Department expanded the generations eligible for production and tagging by deleting the language limiting the generations to generations 1—3 and adding language which makes generations 1—7 eligible for production and tagging.

*§ 115.302. Treatment for diseases.*

The Department rescinded this section.

*§ 115.321. Preplanting.*

The Department amended a grammatical error in subsection (c) by changing “is” to “are.” In addition, the Department modified the language of subsection (c)(4) to assure the citation to the act was correct.

*§ 115.444. Harvesting.*

The Department amended subsection (a)(5) to assure the citation to the act was correct.

*Subchapter T. Interagency Turf Grass*

The Department added a full subchapter to deal with interagency turf grass standards and seed certification. Turf grass requirements are set forth in section 7104(b)(2) of the act (relating to labels and labeling) but are not covered by the current regulations.

*§ 115.451. Purpose.*

The purpose of this section is to provide a system for maintaining the genetic and mechanical purity of certified seed when repackaged or combined in mixtures of kinds and varieties. The requirements of this subchapter apply when the Department participates with an out-of-State certification agency in the seed certification process.

*§ 115.452. Definitions.*

The Department established definitions which are important to clarify and understand the substantive provisions of this section.

*§ 115.453. Interagency standards and procedures.*

This section delineates varieties which are eligible for interagency certification, the agencies or organizations which may certify this variety of seeds and the procedures and documentation necessary for final certification.

*§ 115.454. Prior approval of cooperation.*

This provision delineates that prior approval is not necessary unless the original certifying agency prohibits or limits the certification by a statement on its tag.

*§ 115.455. Conditioner's application and requirements.*

These provisions set forth the application requirements for conditioners of seed.

*§ 115.456. Conditioner's facilities.*

This section establishes standards which a conditioner's facilities must meet.

*§ 115.457. Conditioner's required records.*

This section delineates specific recordkeeping requirements for conditioners.

*§ 115.458. Inspection of conditioning operations.*

These provisions set forth the Department's authority to inspect conditioning operations, their seed stocks and their records.

*§ 115.459. Appointment of responsible individual.*

This section requires approved conditioners to designate an individual who will be responsible for performing the duties as may be required by the Department.

*§ 115.460. Sampling and testing by the Department.*

The provisions of this section delineate the sampling and testing techniques and standards to be carried out by the Department.

*§ 115.461. Mixing procedures for certified turfgrass.*

This section sets forth the mixing procedures which must be followed and adhered to by conditioners when mixing certified turfgrasses.

*§ 115.462. Minimum seed standards for interagency certification of turfgrass seed.*

The provisions of this section establish specific standards for certified turfgrass seed and establish an emergency provision for use of substandard turfgrass mixtures.

*§ 115.463. Interagency certification tags and tagging.*

This section sets the standards for turfgrass certification tags or labels.

*§ 115.464. Rejection of interagency certification components' seed lots.*

These provisions delineate the specific reasons for which the Department may or shall reject any certified component seed lot for interagency certification.

*§ 115.465. Fees.*

This section informs the regulated community that fees for interagency certification or established in section 7109 of the act (relating to fees).

*Fiscal Impact*

*Commonwealth*

The proposed amendments will not impose additional fiscal impacts upon the Commonwealth for administration and enforcement. The amendments will not require the Department to commit an additional amount of time or manpower to the enforcement of the provisions of the act or regulations.

*Political Subdivisions*

The proposed amendments will impose no additional costs and have no fiscal impact upon political subdivisions. The amendments do not impose any additional burden of enforcement or review on political subdivisions.

*Private Sector*

The proposed amendments will not impose additional costs on the regulated community, which is part of the private sector or any other part of the private sector. Any additional fees are set forth in the act and merely referenced in the amendments. There are no new certification or licensure requirements and any new labeling requirements are merely consistent with the provisions of the act and will not impose additional costs on the regulated community.

*General Public*

The proposed amendments will impose no costs and have no fiscal impact on the general public.

*Paperwork Requirements*

The proposed amendments will not result in a substantial increase of paperwork.

*Public Comment Period*

Interested persons are invited to submit written comments regarding the proposed amendments within 30 days following publication in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on May 2, 2008, to the Independent Regulatory Review Commission (Commission) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee (Committees). In addition to submitting the proposed amendments, the Department has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Department within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of objections raised.

*Contact Person*

Further information is available by contacting the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attention: Joe Garvey, (717) 787-4843.

*Effective Date*

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

DENNIS C WOLFF,  
*Secretary*

**Fiscal Note:** 2-158. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART V. BUREAU OF PLANT INDUSTRY**

**CHAPTER 115. STANDARDS FOR SEED CERTIFICATION**

**Subchapter D. CORN—COMMERCIAL HYBRIDS**

**GENERAL REQUIREMENTS**

**§ 115.71. Definitions.**

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

*Commercial hybrid field corn*—Corn planted for the production of corn for food or feed purposes, or for other commercial or farm use except for seed. It may consist of any one of the following:

\* \* \* \* \*

(iv) [ *Modified Single Cross*—A cross in which either the male, female or both parents are sister line crosses. For example:  $(A_1 \times A_2) \times B$  or  $(A_1 \times A_2) \times (B_1 \times B_2)$  or  $A \times (B_1 \times B_2)$  ] *Top Cross*—The first generation hybrid of a cross between an inbred line and an open-pollinated variety or the first generation hybrid between a single cross and an open-pollinated variety.

(v) *Inbred line*—A relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of backcrossing to a recurrent parent with selection, or its equivalent, for specific characteristics.

(vi) *Open-pollination*—Pollination that occurs naturally as opposed to controlled pollination, such as by detasseling, cytoplasmic male sterility, self-incompatibility or similar processes.

\* \* \* \* \*

**FIELD STANDARDS**

**§ 115.82. Isolation requirements.**

\* \* \* \* \*

(d) The following table indicates the minimum number of border rows required for fields of various sizes, when located at different distances from other corn:

*Minimum Numbers of Male Border Rows Required*

[ <i>Minimum Distance From Contaminant</i>	<i>0-9 acres</i>	<i>10-19 acres</i>	<i>20-29 acres</i>	<i>30-39 acres</i>	<i>40-acres</i>
600	2	—	—	—	—
540	4	4	2	—	—
480	6	4	4	4	2
420	8	8	6	6	6
360	10	10	8	8	8
300	12	10	10	10	8
240	12	12	12	10	10
180	14	14	12	12	12 ]

<i>Minimum Distance From Contaminant</i>	<i>0-20 Acres</i>	<i>&gt;20 Acres</i>
660	0	0
570	4	2
490	6	2
410	8	4
330	10	6
270	12	8
210	14	10
150	16	12
90	18	14
<90	24*	16**

\*minimum of 60' including border rows.  
 \*\*minimum of 40' including border rows.

\* \* \* \* \*

**Subchapter G. DEERTONGUE GRASS**

**SEED STANDARDS—DEERTONGUE GRASS**

**§ 115.211. Seed standards.**

The following seed standards apply:

*Certified Class*

Pure Seed (minimum)	97%
Other crop seed	2%
*Weed seeds	1%
Inert matter (maximum)	3%
Germination (minimum)	70%

\*A maximum of nine **restricted** noxious weed seeds per pound is allowed.

\* \* \* \* \*

**Subchapter J. POTATO**

**GENERAL STANDARDS**

**§ 115.271. Seed source.**

Seed potatoes grown in this Commonwealth will be limited to 8 generations. [ **Foundation—G3** ] **Foundation G7** is the minimum acceptable source to produce [ **certified—G4** ] **Certified G8**. When out-of-State source is used, tags shall indicate generation. Signed documentation will be accepted in lieu of tag. Plantlets and mini-tubers entered shall come from an authorized source. Inspections of plantlets shall be made at the discretion of the certification office.

**FIELD STANDARDS**

**§ 115.282. Diseases.**

(a) *Potatoes other than Prenuclear seed potatoes.* The Department will inspect fields of potatoes at least twice during the growing season. Other inspections, which may

include digging, may be made. A final inspection shall be made at shipping time for grade.

\* \* \* \* \*

(3) Seed lots will be rejected if found to contain more than the following diseases:

*Maximum Percent Allowed*

Disease	G1 & G2	G3	G4-G8
Mosaic	.25	.5	2
Leaf Roll	.25	.5	[ 2 ] 1
Spindle Tuber	.25	.5	1
Yellow Dwarf	.25	.5	1
Total Virus including Mosaic, Leaf Roll, Spindle Tuber and Yellow Dwarf	.50	1.0	3
Ring Rot	.00	.00	.00

\* \* \* \* \*

**§ 115.283. Varietal mixtures.**

The maximum percentage of varietal mixture allowed is as follows:

Prenuclear	0%
G1	0%
G2	0%
G3	.25%
G4-G8	.25%

**SEED STANDARDS**

**§ 115.293. Eligibility factors for tags.**

(a) To be eligible to produce and tag generation 1 [ , 2 and 3 ] through 7 for recertification, the entire farm production shall be in the Certification Program.

\* \* \* \* \*

**Subchapter K. SMALL GRAIN**

**GENERAL STANDARDS**

§ 115.302. [ Treatment for diseases ] (Reserved).

[ The seed should be treated before planting to control seed-borne diseases as recommended by the County Agricultural Extension Agent located at each county seat. ]

**Subchapter L. SOD**

**INSPECTIONS**

**§ 115.321. Preplanting.**

\* \* \* \* \*

(c) The seed standards for sod quality grass seed [ is ] are as follows:

\* \* \* \* \*

(4) A sod seed analysis based on the rules of the Association of Official Seed Analysts, c/o Illinois State Seed Laboratory, Post Office Box 4906, 801 Sangamen Avenue, Springfield, Illinois 62706 and section [ 3 of The Pennsylvania Seed Act of 1965 (3 P. S. § 285.3) ] 3 Pa.C.S. § 7104 (relating to labels and labeling) shall be the basis of determining seed standards.

\* \* \* \* \*

**Subchapter S. TREES  
FIELD REQUIREMENTS**

**§ 115.444. Harvesting.**

(a) The following requirements apply to harvesting seed material:

\* \* \* \* \*

(5) The analysis tag shall state the weight of seed in the container in addition to information required by [ The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285.11) ] 3 Pa.C.S. Chapter 71 (relating to the Seed Act).

\* \* \* \* \*

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

**Subchapter T. INTERAGENCY TURFGRASS**

Sec.

- 115.451. Purpose.
- 115.452. Definitions.
- 115.453. Interagency standards and procedures.
- 115.454. Prior approval of cooperation.
- 115.455. Conditioner's application and requirements.
- 115.456. Conditioner's facilities.
- 115.457. Conditioner's required records.
- 115.458. Inspection of conditioning operations.
- 115.459. Appointment of responsible individual.
- 115.460. Sampling and testing by the Department.
- 115.461. Mixing procedures for certified turfgrass.
- 115.462. Minimum seed standards for interagency certification of turfgrass seed.
- 115.463. Interagency certification tags and tagging.
- 115.464. Rejection of interagency certification components' seed lots.
- 115.465. Fees.

**§ 115.451. Purpose.**

(a) The purpose of this subchapter is to provide a system for maintaining the genetic and mechanical purity of certified seed when repackaged or combined in mixtures of kinds and varieties.

(b) The requirements of this subchapter apply when the Department participates with an out-of-State certification agency in the seed certification process.

**§ 115.452. Definitions.**

In addition to the definitions found in § 113.1 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise:

*Component*—A specific lot of a single variety that is used in a mixture.

*Interagency certified mixture*—Different kinds or varieties of seed certified by the state of origin that have been mixed under the Department's supervision and found by the Department to have met the specific minimum seed standards in this subchapter.

*Mixing report*—A form used by the Department to list each component of a specific mixture and the lots and amounts used in the mixture.

*Official sample*—A sample taken by a representative of the Department using sampling techniques recognized by the Association of Official Seed Certifying Agencies.

*Sod quality*—Seed which has met the quality standards established by the state of origin for use in cultivated sod and has been so labeled by the state of origin.

**§ 115.453. Interagency standards and procedures.**

(a) Varieties eligible for interagency certification shall be those approved by a member of the Association of Official Seed Certifying Agencies.

(b) Only seed certification by member agencies of the Association of Official Seed Certifying Agencies or agencies recognized by it may be used in the interagency certification program.

(c) The seed certification standards as adopted by the Department for the kinds to be certified shall be applied to interagency certified seed. These standards are found in the provisions of this subchapter which relate to the kind of seed in question. In the absence of Pennsylvania standards, the seed standards of the state in which the seed was grown and certified shall be applied.

(d) Seed will not be recognized for final certification by the Department unless it is received in containers carrying documentary evidence of its eligibility supplied by another certifying agency including:

- (1) Variety and kind.
- (2) Amount of seed.
- (3) Class of seed.

(4) Inspection or lot number traceable to the previous certifying agency's records.

**§ 115.454. Prior approval of cooperation.**

The Department will not require advance approval of another certifying agency to engage in interagency certification activities unless the original certifying agency prohibits or limits the certification by a statement on its tag.

**§ 115.455. Conditioner's application and requirements.**

(a) Conditioners desiring interagency certification of seed shall apply annually to the Department and shall meet the requirements of this subchapter.

(b) Conditioners shall notify the Department far enough in advance of the date of mixing to allow for sampling and testing of component lots by the Department.

(c) Conditioners shall be responsible for all applicable fees for application, sampling and testing according to the 3 Pa.C.S. Chapter 71 (relating to the Seed Act).

(d) The identity of the seed shall be maintained at all times.

**§ 115.456. Conditioner's facilities.**

(a) Facilities shall be available to perform the function requested without introducing contaminants or admixtures.

(b) Equipment used for making mixtures of turf grasses shall have all areas which come into direct contact with the seed accessible for thorough cleaning by the conditioner and inspection by the Department.

**§ 115.457. Conditioner's required records.**

(a) Records of all movement of seed and procedures must be adequate to account for all incoming seed and seed that has passed final certification. The following records shall be included:

- (1) Receiving records consisting of:
  - (i) Variety and kind.
  - (ii) Name and address of shipper.
  - (iii) Shipper's lot number or inspection number.
  - (iv) Date of shipment.
  - (v) Date received.
  - (vi) Weight received.
  - (vii) Receiving lot number assigned by consignee.
  - (viii) Name and address of delivering carrier.
- (2) Records of mixing or rebagging consisting of:

- (i) Variety and kind of each component.
- (ii) Lot number of each component.
- (iii) Lot number and name assigned to each mixture.
- (iv) Weight of each bag and number of bags used in each component.
- (v) Weight of each bag and number of bags in completed lot.
- (vi) Date of mixing or rebagging.
- (3) Disposition or stock records of completed lot consisting of:
  - (i) Name of mixture and lot number.
  - (ii) Weight of bags and number of bags in final lot.
  - (iii) Invoice number and weight of each shipment made from the lot.
  - (iv) Balance of lot remaining after each shipment.
- (4) Invoice or other sales records consisting of:
  - (i) Name of mixture and lot number.
  - (ii) Name and address of buyer or consignee.
  - (iii) Date sold or shipped.
  - (iv) Number of bags and weight of bags sold or shipped.

(b) Conditioners shall permit inspection by the Department of all records of all lots of the kind of seed certified, including both certified and noncertified lots.

**§ 115.458. Inspection of conditioning operations and records.**

The Department will make as many inspections of both seed and records as may be required to ascertain that only seed meeting the requirements of this subchapter is labeled with interagency certification tags.

**§ 115.459. Appointment of responsible individual.**

Approved conditioners who have met the requirements in §§ 115.456—115.458 (relating to conditioner's facilities; conditioner's required records; and inspection of conditioning operations and records) shall designate an individual who shall be responsible to the Department for performing duties that may be required.

**§ 115.460. Sampling and testing by the Department.**

(a) When mixing lots of seed for certification, the conditioner shall use only lots of seed preapproved by the Department. Before approving of a lot, the Department will:

- (1) Take an official sample of each component.
- (2) Perform tests necessary to verify the eligibility of each component lot.

(b) After the different components have been mixed under the supervision of the Department, the conditioner shall permit the Department to take an official sample of each mixture to retain for reference.

(c) Samples of component lots and certified mixes will be retained by the Department for 3 years.

**§ 115.461. Mixing procedures for certified turfgrass.**

- (a) Before mixing, the conditioner shall ensure that:
  - (1) Mixing equipment, pallets, scales and floor area adjacent to and around the mixing area are clean and free from seed and foreign material.
  - (2) Sufficient quantities of new containers are marked with the name of the mixture.

(3) Sufficient quantities of properly completed analysis tags are prepared.

(4) Analysis test reports for purity, germination and sod quality, if applicable, from the state of origin shall be supplied for the Department's records for each lot of each component used in the mixture.

(5) A mixing report shall be completed for the Department with the following information:

(i) The business name, address and phone number of the conditioner.

(ii) The lot number, state of origin and percentage of each component used.

(iii) The name, lot number and date of the mixture.

(iv) The weight of each package of the mixture and the total number of packages in the mixture.

(v) The starting and ending numbers of the certification labels used and the total number of certification labels issued.

(vi) A copy of the analysis label either printed on or attached to the report.

(vii) The signature of the designated representative of the conditioner and the signature of the Department's representative at the completion of the mixing and packaging process.

(6) Each component used is assembled in close proximity to the mixing area.

(7) Each container of each component is clean and sealed, with a certification tag attached.

(8) Damaged containers are not accepted.

(9) Sufficient personnel are available to complete the mixing process.

(b) Before mixing, a Department representative will do the following:

(1) Inspect the equipment for cleanliness.

(2) Inspect the mixing area for cleanliness.

(3) Inspect the new containers provided for the mixture to ensure that they are appropriate.

(4) Inspect the analysis tags for completeness and accuracy.

(5) Inspect each component to ensure that the correct lots are present in the proper amounts, and that all containers of seed to be used in certified mixtures bear a certification tag.

(c) A Department representative shall be present during the mixing process and supervise the loading and bagging of the mixed lot after the components have been thoroughly mixed for the appropriate length of time.

(d) A Department representative will have the sole responsibility to:

(1) Draw an official sample of the completed mixture.

(2) Determine whether the mixer should be cleaned before the next seed mixture is made.

**§ 115.462. Minimum seed standards for interagency certification of turfgrass seed.**

(a) Turfgrass mixtures intended for use in Pennsylvania certified sod and other states certified sod must meet the following requirements:

(1) Component lots shall be those designated as sod quality by the state of origin; the minimum seed standards found in § 115.321 (relating to preplanting); or the standards required by the state into which the mixture is to be shipped.

(2) Varieties and mixtures of varieties may be approved for use by the state in which they are to be shipped.

(3) It is the responsibility of the conditioner to inform the Department that a certain mixture is to comply with a certain states' standards.

(4) The seed analysis tag must bear the statement "Eligible for \_\_\_\_\_ Certified Sod," when appropriate.

(b) For certified mixtures made for sod growers, other than those in subsection (a), the components used shall be sod quality.

(c) The components for all other mixtures must comply with the following seed standards:

<i>Kind</i>	<i>Min. Purity</i>	<i>Max. Other Varieties</i>	<i>Min. Germ</i>	<i>Max. Other Crop*</i>	<i>Max. Weed+</i>
Kentucky Bluegrass	96%	2%	80%	.25%	.2%
Red Fescues	97%	2%	85%	.25%	.2%
Hard Fescues	97%	2%	85%	.25%	.2%
Tall Fescue	97%	2%	85%	.25%	.2%
Perennial Ryegrass	97%	2%	85%	.50%	.2%
Bentgrass**	98%	3%	85%	.25%	.2%
Rough Bluegrass	96%	2%	80%	.25%	.2%

\*Up to 18 seeds per pound is the maximum amount of the following species: Annual bluegrass (*Poa annua*), Big Bluegrass (*Poa ampla*), Rough bluegrass (*Poa trivialis*), Meadow fescue (*Festuca elatior*), Tall Fescue (*F. arundinacea*—except in lots containing tall fescue), Ryegrass (*Lolium spp.*—except in lots containing ryegrass), Bentgrass (*Agrostis spp.*—except in lots containing bentgrass), Timothy (*Phleum pratense*), Smooth Brome (*Bromus inermis*), Wild oat (*Avena fatua*), Foxtail (*Setaria spp.*) Panicum spp., Nutsedge (*Cyperus spp.*), Bermudagrass (*Cynodon dactylon*), Velvetgrass (*Holcus lanatus*), Orchardgrass (*Dactylis glomerata*). Up to 90 seeds per pound is the maximum amount permitted of the following objectionable weed seeds; Dock and Sorrel (*Rumex spp.*), Plantain (*Plantago spp.*), Black medic (*Medicago lupulina*), Chickweeds (*Cerastium spp.* and *Stellaria spp.*), Field Pennycress (*Thlaspi arvense*), Wild carrot (*Daucus carota*), Speedwell (*Veronica spp.*), Spurge (*Euphorbia spp.*), Wood sorrel (*Oxalis stricta*), Yarrow (*Achillea millefolium*), Clover (*Trifolium spp.*). In addition, no noxious weed seeds are permitted.

\*\*Bentgrass purity and germination standards may be 96% minimum pure seed and 80% germination for specific varieties as determined by the certifying agency of the state of origin.



(d) In an emergency, and at the discretion of the Department, seed lots failing to meet these standards for other than genetic reasons may be used for interagency certified mixtures. Use of those lots shall be made only when the Department determines that there is a serious shortage of seed meeting these standards.

**§ 115.463. Interagency certification tags and tagging.**

(a) Certification tags issued by the Department for interagency certified seed will be serially numbered and show class of seed.

(b) The analysis tags supplied by the conditioner must carry the name of the mixture and the number of the lot, show clearly the certifying agencies involved and the kinds and varieties of seed, as well as conform with 3 Pa.C.S. § 7104 (relating to labels and labeling).

**§ 115.464. Rejection of interagency certification components' seed lots.**

The Department will reject any certified component seed lot for interagency certification that fails to meet the seed standards as described in this subchapter or that exhibits seed damage or contamination. This damage or contamination may include:

- (1) Rodent or insect damage.
- (2) Moisture damage.
- (3) Disease.
- (4) Weed seed.
- (5) Other crop seeds.
- (6) Inert matter.

**§ 115.465. Fees.**

Fees for interagency certification are set forth in 3 Pa.C.S. § 7109 (relating to fees).

[Pa.B. Doc. No. 08-921. Filed for public inspection May 16, 2008, 9:00 a.m.]

**[ 7 PA. CODE CHS. 21, 23, 25 AND 27 ]**

**Withdrawal of Dog Law Enforcement Regulations**

The Department of Agriculture withdraws the notice of proposed rulemaking, which would have amended the Dog Law Enforcement regulations in 7 Pa. Code Chapters 21, 23, 25 and 27. This proposed regulation was published at 36 Pa.B. 7596 (December 16, 2008).

Further information is available by contacting Jessie Smith, Special Deputy Secretary, Bureau of Dog Law Enforcement at (717) 214-3447.

DENNIS C WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-922. Filed for public inspection May 16, 2008, 9:00 a.m.]

# DEPARTMENT OF HEALTH

[ 4 PA. CODE CH. 255 ]

**Solicit Comments on Changes made to the Confidentiality of Patient Records and Information**

The Department of Health (Department) is publishing a notice of draft final rulemaking for the draft final-form regulation at 4 Pa. Code § 255.5 (relating to projects and coordinating bodies: disclosure of client-oriented information) to solicit comment on changes made to the proposed rulemaking, which was published at 37 Pa.B. 6529 (December 15, 2007). The changes recommended to the proposed rulemaking are based on comments received during the public comment period for the proposed rulemaking, which occurred from December 15, 2007, to January 14, 2008, and comments received from the Independent Regulatory Review Commission. The changes are also based on comments received during the April 16, 2008, meeting of the Advisory Council on Drug and Alcohol Abuse, from whom the Department has sought written advice and consultation, and the Department's review of other related information.

*Contact Person, Availability of Draft Final Rulemaking and Submission of Comments*

The Department is requesting specific written comments on the draft final rulemaking for 4 Pa. Code § 255.5 sent by mail, hand-delivery or facsimile. Comments will not be accepted by e-mail, telephone or voicemail. Written comments must include the commentator's name and address. Written comments must be received no later than 5 p.m. on Wednesday, July 23, 2008. Direct comments to Janice Staloski, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104-1579, fax (717) 787-3188.

A copy of the draft final rulemaking was posted in "PDF" format on April 25, 2008, at [www.health.state.pa.us/draftregs](http://www.health.state.pa.us/draftregs), and will remain available through the end date for comments. For ease of review, all editing markups which may have appeared in previous documents have been removed.

A Frequently Asked Questions (FAQ) document is also posted to provide some answers to questions which have been presented to the Department through comments to the proposed rulemaking and in subsequent discussions. The FAQ document may be updated if additional questions are raised and the Department believes that answers may assist commenters in the submission of comments and the development of final rulemaking. Interested persons should check this web site regularly for updates.

Individuals may also request a copy of the draft final rulemaking or FAQs by contacting the Bureau of Community Program Licensure and Certification at (717) 783-8665. Persons with a disability who wish to submit comments, suggestions or objections regarding the draft final rulemaking may do so by using the previous number or address. Speech or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document may contact Janice Staloski so that necessary arrangements may be made.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-923. Filed for public inspection May 16, 2008, 9:00 a.m.]

# PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 441a ]  
Slot Machine Licensing

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1205 and 1206 (relating to license or permit application hearing process; public input hearings; and Board minutes and records) proposes to amend Chapter 441a (relating to slot machine licenses) to read as set forth in Annex A.

### *Purpose of the Proposed Rulemaking*

This proposed rulemaking amends the provisions related to licensing hearings for applicants for slot machine licenses.

### *Explanation of Amendments to Chapter 441a*

Section 441a.7 (relating to licensing hearings for slot machine licenses) lays out the procedures for the conduct of slot machine licensing hearings. Through this proposed rulemaking, the Board is expanding these provisions.

Specifically, the Board will require the Bureau of Investigations and Enforcement to report any information concerning an applicant that was obtained from sources in the public domain at the licensing hearing.

Additionally, the Board may request, on the record, that an applicant respond to questions that relate to confidential information at the licensing hearing. The applicant will have the option of waiving the right to confidentiality and answering the questions at the public hearing or requesting that the matter be heard in executive session. If the applicant provides sufficient reason to justify the invocation of confidentiality, the Board will hear the responses to the Board's questions in executive session.

The proposed rulemaking also makes it clear that under no circumstances will an applicant be required to waive the right to confidentiality as a condition to receiving a slot machine license.

Adoption of these new provisions will provide additional guidance to applicants for slot machine licenses on the conduct of the licensing hearings and ensure that all information permitted by law will be contained in the public record.

### *Affected Parties*

Applicants for slot machine licenses will be affected by this regulation.

### *Fiscal Impact*

#### *Commonwealth*

There will be no new costs or savings to the Board or other Commonwealth agencies as a result of this proposed rulemaking.

### *Political Subdivisions*

This proposed rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

### *Private Sector*

Applicants for slot machine licenses will not experience any increased costs or savings as a result of this proposed rulemaking.

### *General Public*

This proposed rulemaking will have no fiscal impact on the general public.

### *Paperwork requirements*

There are no new paperwork or reporting requirements associated with this proposed rulemaking.

### *Effective Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-86.

### *Contact Person*

The contact person for questions about this proposed rulemaking is Richard Sandusky, Director of Regulatory Review, at (717) 214-8111.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on May 1, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (Commission) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

MARY DIGIACOMO COLINS,  
*Chairperson*

**Fiscal Note:** 125-86. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 58. RECREATION**

#### **PART VII. GAMING CONTROL BOARD**

#### **Subpart C. SLOT MACHINE LICENSING**

#### **CHAPTER 441a. SLOT MACHINE LICENSES**

\* \* \* \* \*

#### **§ 441a.7. Licensing hearings for slot machine licenses.**

\* \* \* \* \*

**(r) Information obtained by BIE during an applicant's background investigation based upon public record or upon information otherwise in the public domain will be heard by the Board during the licensing hearing. Information submitted by an applicant under 4 Pa.C.S. § 1310(a) (relating to slot**

machine license application character requirements) or obtained by the Board or BIE as part of a background investigation from any source not in the public domain is considered confidential. The Board may not require an applicant to waive any confidentiality provided for in 4 Pa.C.S. § 1310(a) as a condition for the approval of a slot machine license or any other action of the Board. The Board may request that an applicant respond to inquiries related to confidential information during a licensing hearing to promote transparency in the regulation of gaming in the Commonwealth. An applicant who does not waive the right to confidentiality shall:

(1) Request, at the licensing hearing, that the matter be heard in executive session.

(2) Provide sufficient reason on the record to justify the invocation of the confidentiality.

(s) At its discretion, the Board may terminate, recess, reconvene and continue the licensing hearing.

[ (s) ] (t) \*\*\*  
\* \* \* \* \*

[ (t) ] (u) \*\*\*

[ (u) ] (v) \*\*\*

[ (v) ] (w) \*\*\*

[ (w) ] (x) \*\*\*

[ (x) ] (y) \*\*\*

[ (y) ] (z) \*\*\*  
\* \* \* \* \*

[ (z) ] (aa) \*\*\*

[Pa.B. Doc. No. 08-924. Filed for public inspection May 16, 2008, 9:00 a.m.]

# STATE BOARD OF EDUCATION

[ 22 PA. CODE CH. 4 ]

## Academic Standards and Assessment

The State Board of Education (Board) proposes to amend Chapter 4 (relating to academic standards and assessment) to read as set forth in Annex A. The Board is acting under the authority of sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 2604-B).

### Purpose

Chapter 4 sets forth requirements for State academic standards and assessments and State high school graduation requirements for this Commonwealth's public schools.

### Background

Pennsylvania, like other states in the 1990s, increased its educational standards and high school graduation requirements by adopting State academic standards and establishing a Statewide accountability system designed to measure student and school performance. Yet 9 years later, these reforms have not yielded consistent results at

the high school level. One-quarter of our students do not graduate from high school on time. Nearly 40% of those who graduate—57,000 students each year—are awarded diplomas without having passed the State's reading, writing and math tests. Less than half of our high school graduates enroll in college upon graduation and only 37% make it to their sophomore year. Only one-third graduate from college on time.

These results severely limit economic opportunity for thousands of graduates to earn a living wage; they erode this Commonwealth's overall competitiveness for jobs, and reduce our future tax base thereby reducing resources available for vital government services. Every student must graduate from high school with the knowledge and skills that are essential for college and career success if this Commonwealth's economy is to fulfill its promise.

As social and economic forces have demanded a more highly educated citizenry, the Board has responded by increasing the State's high school graduation requirements over time. In 1963, the Board required students to successfully complete 13 credit units of study in grades 10—12. Over the next 3 decades, the Board increased State high school graduation requirements, eventually to require successful completion of 21 course credits in grades 9—12. Then, in 1993, the Board eliminated high school course and credit requirements and replaced them with 56 student learning outcomes—the precursor to today's State academic standards. The student learning outcomes describe what students should know and be able to do upon graduation. School districts were charged with developing the assessment systems that would determine whether students achieved the student learning outcomes. At the same time, a State assessment system was established to assess the academic performance of each school.

In 1999, the Board established the State academic standards, which provide a clear and detailed description of what students were expected to know and be able to do. The Pennsylvania System of School Assessment (PSSA) was redesigned to measure both school and individual student achievement of the State academic standards. The Board also required school district high school graduation policies to address: course completion and grades; completion of a culminating project and results of local assessments aligned with the academic standards. The policy also required students, beginning in 2002-2003, to demonstrate proficiency in reading, writing and mathematics on the PSSA or local assessments aligned with State academic standards and State assessment at the proficient level or above to graduate.

At the time, the Board believed this policy reflected a reasonable approach that honored the tenets of local control. However, as stated at the time in the *Pennsylvania Bulletin*:

*Graduation requirements.* The Senate Committee, members of the House Committee and staff of IRRC sought greater clarity in the graduation requirements including a determination of whether and when a proficient level on State assessments is required for graduation. Language in § 4.24(a) (relating to high school graduation requirements) was amended in the final-form version to clarify that students graduating in 2002-2003 must demonstrate the attainment of academic standards in reading, writing and mathematics at the proficient level on State assessments or local assessments aligned with the academic standards and State assessments.

\* \* \* \* \*

*Comparability of local assessment.* Members of the House and Senate Committees and IRRC staff recommended that there be established a process for determining the comparability of local assessment. Language under § 4.24(a) was changed so that local assessments must be aligned with academic standards and State assessments. The most certain evidence of the comparability or degree of alignment between these assessments will come from repeated administrations of State assessments and local assessments. If it becomes apparent that large numbers of students not achieving at the proficient level on State assessments are deemed proficient by local assessments, regulation and administrative review will become important. Until then, the Board does not feel the extra administrative burden for schools and the Department is warranted.

29 Pa.B. 399 (January 16, 1999).

Over the past several years it has become clear that the concerns raised by the House and Senate Education Committees and IRRC as expressed in their comments to the Board were indeed valid.

To address this concern, in September 2005 Governor Rendell established a Commission on College and Career Success. The Commission was given a charge to: define "college and career ready" in mathematics, English and science; examine and make specific recommendations for better alignment of academic standards and assessments across the secondary and post-secondary educational sectors, as well as industry in Pennsylvania; encourage local school districts to adopt a core high school curriculum for all Pennsylvania students; present to the Governor a legislative and regulatory package that would address the needs outlined in their findings; and to investigate policies and programs that ensure a higher number of prepared students enter and remain in our colleges and universities.

The Commission delivered its report to the Governor in December 2006. The proposed regulations, with several modifications, implement the Commission's recommendations. The modifications are based on input the Board received at six regional public roundtable meetings, one public hearing and five public committee meetings.

#### *Requirements of the Proposed Rulemaking*

The proposed rulemaking would amend the following items:

§ 4.3 (*relating to definitions*). The Board proposes to add definitions of the two State assessments: "Pennsylvania System of School Assessment" and "Graduation Competency Assessments" (GCA).

§ 4.4(e) (*relating to general policies*). The Board proposes to add requirements that the Department of Education (Department) provide the supports and assistance necessary for school districts and area vocational-technical school (AVTS) to assist students to attain proficiency in the State academic standards, including the development of a voluntary model curriculum; effective student tutoring, remediation and extended instructional time programs; and continuing professional education for teachers.

§ 4.24 (*relating to high school graduation requirement*). The Board proposes to continue the existing State high school graduation requirements through the 2012-2013 school year. Beginning in the 2013-2014 school year, each school district and AVTS, including charter schools, would be required to specify requirements for high school gradu-

ation in their strategic plan. At a minimum, these requirements would include: course completion and grades; culminating project; demonstration of proficiency in each of the academic standards not assessed by the State; and proficiency in reading, writing, math, science and social studies using one or any combination of the following—PSSA, GCAs, Advanced Placement/International Baccalaureate exams or validated local assessments. The Board also proposes to require school entities to provide any student who does not score proficient or above on the 11th grade PSSA or GCA administered in any grade with supplemental instructional support to assist the student to attain proficiency in the State academic standards.

The Board proposes to eliminate the Pennsylvania Certificates of Proficiency and Distinction. Since under the new high school graduation requirements every student awarded a high school diploma would meet State standards, the certificates are no longer necessary. The Board also proposes to add GCA scores and locally validated assessment scores to each student's academic transcript. Regulations in place since 2001 have required that a student's PSSA scores be included on the student's transcript.

§ 4.51 (*relating to State assessment system*). To distinguish between different State assessments, the Board proposes to revise the term "State assessment" as used in subsections (b) and (d) to mean the "PSSA." A new proposed subsection (e) would direct the Department to develop GCAs in math (3), language arts (2), social studies (3) and science (2). The new requirement would provide that GCAs be offered at least three times each year and that the scores of candidates for graduation be provided to the student's school at least 10-calendar days prior to graduation. Proposed language also would require the GCAs to be designed as modules of sequenced, related content, so that students who do not score proficient need only retake those portions of the test in which they did not score proficient. Proposed language also would direct the Department to provide guidance to school entities regarding appropriate accommodations for students with disabilities and English language learners.

§ 4.52 (*relating to local assessment system*). The Board proposes to add language that allows schools to use GCAs in place of traditional final exams administered at the middle or high school level.

#### *Affected Parties*

The proposed rulemaking would affect the students and professional employees of the public schools of this Commonwealth.

#### *Cost and Paperwork Estimates*

Direct costs to the Commonwealth include the cost to develop the GCAs which is estimated at \$15 million over 3 years. Costs to the Commonwealth to administer, score and report the ten tests are estimated at \$40.0 million each year. The cost to the Commonwealth to develop the voluntary model curriculum in 10 subjects is estimated at \$5.9 million over 3 years.

#### *Effective Date*

The proposed rulemaking would become effective upon final publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

The Board will review the effectiveness of Chapter 4 every 4 years in accordance with the Board's policy and practice respecting all of its regulations. Thus, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on May 2, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

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

*Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, [jbuckheit@state.pa.us](mailto:jbuckheit@state.pa.us). Comments must be submitted within 30 days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367.

JIM BUCKHEIT,  
*Executive Director*

**Fiscal Note:** 6-312. (1) General Fund;

	<i>PA Assessment</i>	<i>Teacher Professional Development</i>
(2) Implementing Year 2007-08 is	\$ 0	\$ 0
(3) 1st Succeeding Year 2008-09 is	\$15,000,000	\$ 4,200,000
2nd Succeeding Year 2009-10 is	\$15,000,000	\$ 1,300,000
3rd Succeeding Year 2010-11 is	\$43,000,000	\$ 417,000
4th Succeeding Year 2011-12 is	\$40,000,000	\$ 0
5th Succeeding Year 2012-13 is	\$40,000,000	\$ 0
(4) 2006-07 Program—	\$20,094,000	\$23,367,000
2005-06 Program—	\$20,356,000	\$13,867,000
2004-05 Program—	\$20,356,000	\$ 3,867,000
(7) PA Assessment and Teacher Professional Development; (8) recommends adoption.		

**Annex A**

**TITLE 22. EDUCATION**

**PART I. STATE BOARD OF EDUCATION**

**CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT**

**GENERAL PROVISIONS**

**§ 4.3. Definitions.**

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

\* \* \* \* \*

**GCAs—Graduation competency assessments.**

\* \* \* \* \*

**§ 4.4. General policies.**

\*\*\*\*\*

**(e) The Department will provide support to school districts and AVTSs in developing educational programs that enable students to attain academic standards under § 4.12. Department support will include:**

**(1) Establishment of a voluntary model curriculum aligned with State academic standards in each of the content areas assessed by the GCAs under § 4.51(c) (relating to State assessment system).**

**(2) Assistance in the development of effective student tutoring, remediation and extended instructional time programs.**

**(3) Opportunities for continuing professional education designed to improve instruction in each of the content areas assessed by the GCAs under § 4.51(e).**

**CURRICULUM AND INSTRUCTION**

**§ 4.24. High school graduation requirements.**

**(a) Requirements through the 2012-2013 school year:** Each school district, including a charter school, shall specify requirements for graduation in the strategic plan under § 4.13 (relating to strategic plans). Requirements **through the 2012-2013 school year** must include course completion and grades, completion of a culminating project, **[ and ]** results of local assessments aligned with the academic standards **[. Students shall demonstrate ] and a demonstration of proficiency** in reading, writing and mathematics on either the State assessments administered in grade 11 or 12 or local assessment aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

**(b) [ Beginning in the 2002-2003 school year, students who attain a score at the proficient level on any State assessed discipline administered in grade 10, 11 or 12 shall be granted a Pennsylvania Certificate of Proficiency for that discipline. Students with disabilities who meet the required proficiency level on State assessments with appropriate accom-**

modations shall be granted a Pennsylvania Certificate of Proficiency. ] *Requirements beginning in the 2013-2014 school year.*

(1) *General.* Beginning in the 2013-2014 school year, each school district and AVTS, including charter schools, shall specify requirements for high school graduation in the strategic plan under § 4.13 that, at a minimum, include:

(i) Course completion and grades.

(ii) Completion of a culminating project in one or more areas of concentrated study under the guidance and direction of the high school faculty. The purpose of the project, which may include research, writing or some other appropriate form of demonstration, is to assure that the student is able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding. Projects may be undertaken by individual students or groups of students.

(iii) Demonstration of proficiency, as assessed and determined by the school district or AVTS (including charter schools), in each of the State academic standards not assessed by a State assessment under § 4.51 (relating to State assessment system).

(iv) Demonstration of proficiency or above in each of the following State academic standards: reading, writing and mathematics (Appendix A); science and technology and environment and ecology (Appendix B), as assessed through any one or a combination of the following:

(A) The PSSA administered in 11th grade or 12th grade retest.

(B) The English composition and literature GCAs, any two mathematics GCAs and either science GCA.

(C) Locally administered, validated criterion referenced assessments comparable to the GCAs. The local assessments shall be independently and objectively validated by a vendor selected by the school entity from a list of approved vendors published every 5 years by the Secretary after obtaining the approval of the Board.

(D) Advanced Placement or International Baccalaureate exams that include academic content comparable to the appropriate GCA at a score established by the Secretary to be comparable to the proficient level on the appropriate GCA.

(v) Demonstration of proficiency or above in the State academic standards in civics and government or history in any one of the social studies GCAs as provided in § 4.51(e)(3), a validated local assessment under subparagraph (iv)(C), or a comparable Advanced Placement or International Baccalaureate exam.

(2) *Validation of local assessments.*

(i) In developing and selecting the list of approved vendors that may validate locally administered assessments described by paragraph (1)(iv)(C), the Secretary will employ a competitive request-for-qualifications process that includes consideration of:

(A) Organizational and staff experience in the validation of State and local assessments.

(B) Appropriate use of generally accepted psychometric statistical methods, practices and analysis.

(C) References.

(D) Cost.

(ii) With the concurrence of the Board, the Secretary may issue an additional request for qualifications prior to the end of the 5-year period prescribed by paragraph (1)(iv)(C), if the demand for validation services exceeds the capacity of approved vendors.

(iii) The school entity shall contract and pay the cost of validating each local assessment.

(iv) Each local assessment shall be validated by an approved vendor every 5 years. Except for replacement of individual test items of comparable rigor, a new validation is required for any material changes to the assessment or revision of the assessed State academic standards.

(v) Approved vendors shall include the following criteria when determining whether the local assessment is comparable to the GCAs under § 4.51(e):

(A) Assessments are internally consistent and replicable.

(B) Assessments adequately measure and are aligned with the academic content specified in the State academic standards assessed by the GCAs.

(C) Level of difficulty of assessment items is greater than or equal to those assessed on the GCAs.

(D) Proficiency level cut scores are greater than or equal to that of the GCAs.

(E) Results of local assessments correlate positively and significantly with related National and State criterion referenced assessments.

(F) Test administration, security and scoring regimes ensure that the integrity and validity of the local assessment is maintained.

(G) Policy for annually updating assessment items ensures compliance with clauses (A)—(F).

(c) [ Beginning in the 2002-2003 school year, students who attain a score at the advanced level of proficiency on any State assessed discipline administered in grade 10, 11 or 12 shall be granted a Pennsylvania Certificate of Distinction for that discipline. Students with disabilities who meet the required proficiency level on State assessments with appropriate accommodations shall be granted a Pennsylvania Certificate of Distinction. ] *Supplemental instruction.* A student who does not score proficient or above on a PSSA administered in 11th grade or GCA administered in any grade shall be provided supplemental instructional support by the student's school entity. The supplemental instructional support must assist the student to attain proficiency in the State academic standards.

(d) **Strategic plan.** Each school district, including a charter school, shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of [ subsection ] subsections (a) and (b).

(e) **Special education students.** Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school district of residence. This subsection applies if the special education program of a child with a disability does not otherwise meet [ all ] the requirements of this chapter. [ Children with disabilities who meet the required proficiency level on State assessments shall be granted the appropriate Certificate of Proficiency or Distinction. ]

(f) **Demonstration of proficiency.** [ The Department will develop Pennsylvania Certificates of Proficiency and Distinction for each of the State assessed disciplines. The Department will distribute the certificates to each school district in sufficient quantity for the school district to issue to its students who have earned the Certificates. School districts shall enter student names on the appropriate certificate as described in subsections (b) and (c) and present the certificates to the student. ] For purposes of this section, students shall be deemed proficient in the State-assessed standards whenever they demonstrate proficiency through any of the assessment options in subsection (b), regardless of the student's grade level or age.

(g) [ The Department will develop, or cause to be developed, Certificates of Proficiency so as to acknowledge and recognize those students who attain a level of at least proficient in all State assessed disciplines. The certificates must be distinctive and differentiated from the certificates described in subsection (f). The certificates shall be awarded to students as appropriate in lieu of those prescribed in subsection (b). ]

(h) The Department will develop, or cause to be developed, Certificates of Distinction so as to acknowledge and recognize those students who attain a score at the advanced level of proficiency in all State assessed disciplines. The certificates must be distinctive and differentiated from the certificates described in subsection (f). The certificates shall be awarded to students as appropriate in lieu of those prescribed in subsection (c).

(i) [ **Transcripts.** Beginning in the 2003-[ 04 ] 2004 school year, PSSA scores in each assessed discipline, and beginning in the 2013-2014 school year, GCA or validated local assessment scores, shall be included on student transcripts and may be released only with the permission of the student and parent or guardian, or the student only if the student is 18 years of age or older. ]

[ (j) ] (h) **Release of scores.** This section does not allow for the release of individual student PSSA or GCA scores to the Department or other Commonwealth entities in accordance with § 4.51(c) [ (relating to State assessment system) ].

ASSESSMENT

§ 4.51. State assessment system.

\* \* \* \* \*

(b) [ State assessment ] All PSSA instruments administered in reading, writing and mathematics in grades 5, 8 and 11 will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats[, ] and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

(1) Performance on [ State ] PSSA reading assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages and by their written responses to in-depth comprehension questions about the passages.

(2) Performance on [ State ] PSSA mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions that require a written solution to a problem.

(3) Performance on [ State ] PSSA writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing.

(4) Performance on PSSA science assessments shall be demonstrated by students' responses to grade appropriate content and by the quality of their responses to questions that demonstrate knowledge of each category of the standards for science and technology and environment and ecology.

(5) Levels of proficiency shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

(c) The Department will develop or cause to be developed [ State ] PSSA assessments based on academic standards in mathematics, reading [ and ], writing and science under § 4.12 and contained in Appendix A. In developing assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment. To ensure that information regarding student performance is available to parents and teachers, State assessments developed under this section [ shall ] must include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress. The Department or other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district.

\* \* \* \* \*

(e) Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be

provided one additional opportunity in grade 12 to demonstrate a proficient level on [ State ] the PSSA assessments.

(f) The Department will develop or cause to be developed GCAs as follows:

(1) Three assessments aligned with the mathematics standards, contained in Appendix A, that assess the academic content traditionally included in Algebra I, Algebra II and Geometry courses.

(2) Two assessments aligned with select reading, writing, speaking and listening standards, contained in Appendix A, that assess academic content traditionally included in high school literature and composition courses.

(3) Three assessments aligned with select History and Civics and Government standards, contained in Appendix C, that assess content traditionally included in high school level American history, World history and civics and government courses.

(4) Two assessments aligned with select standards for science and technology and environment and ecology, contained in Appendix B, that assess academic content traditionally included in high school level biology and chemistry courses.

(5) GCAs shall be offered at least 3 times each year, once each in the fall, spring and summer. GCAs shall be reviewed and scored so that the

scores for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation.

(6) Students shall be permitted to retake any GCA, or GCA module, in which the student did not score proficient or above at the next available testing date.

(7) Each GCA may be designed into modules that reflect distinct, related academic content that is common to the traditional progression of coursework to allow students who do not score proficient or above to retake those portions of the test in which they did not score proficient or above.

(8) The Department will provide guidance to school entities as to the appropriate accommodations school entities shall provide to students with disabilities and English language learners, when appropriate.

[ (f) ] (g) \* \* \*

[ (g) ] (h) \* \* \*

\* \* \* \* \*

[ (h) ] (i) \* \* \*

[ (i) ] (j) \* \* \*

[ (j) ] (k) \* \* \*

[Pa.B. Doc. No. 08-925. Filed for public inspection May 16, 2008, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 436b ]

#### Use of Funds Allocated to Horsemen's Organizations

The Pennsylvania Gaming Control Board (Board), at its October 25, 2006, public meeting, adopted guidelines for the use of funds allocated to horsemen's organizations. These funds are to be used to finance programs to benefit horsemen of this Commonwealth. These guidelines were codified as a statement of policy and published at 36 Pa.B. 7294 (December 2, 2006).

Subsequent to that publication, the Board adopted the permanent regulations in Chapter 441a (relating to slot machine licenses) which replaced the Board's temporary Chapter 441 regulations. This amendment replaces citations to Chapter 441 with the appropriate citations to Chapter 441a.

#### *Fiscal Impact*

This amendment to the statement of policy merely updates citations. Since there are no changes to the substance of this statement of policy, this amendment will not impose any costs on slot machine licensees, horsemen's organizations or the Board.

#### *Contact Person*

The contact person for questions about this statement of policy is Richard Sandusky, Director of Regulatory Review, (717) 214-8111.

#### *Effective Date*

This statement of policy took effect April 24, 2008.

MARY DIGIACOMO COLINS,  
*Chairperson*

*(Editor's Note: Title 58 of the Pa. Code is amended by amending a statement of policy in § 436b.6 to read as set forth in Annex A.)*

**Fiscal Note:** 125-90. No fiscal impact; (8) recommends adoption

#### Annex A

#### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### SUBPART B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

#### CHAPTER 436b. USE OF FUNDS ALLOCATED TO HORSEMEN'S ORGANIZATIONS— STATEMENT OF POLICY

#### § 436b.6. Responsibilities of Category 1 licensees.

Category 1 licensees conducting live racing and who receive distributions from the Fund for distribution to purses shall file the following report with the Board no later than the 20th day of the month following the end of each calendar quarter:

- (1) Quarterly report of funds received from the Fund.
- (2) Quarterly report of funds deposited into a separate, interest-bearing purse account established by and for the benefit of the horsemen under 4 Pa.C.S. § 1406(a)(1)(i) (relating to distributions from Pennsylvania Race Horse Development Fund) and § 441a.22(b)(3)(i) (relating to Category 1 slot machine licensees).
- (3) Quarterly report of funds distributed to the horsemen's organization representing the owners and trainers at the racetrack at which the licensed racing entity operates for health and pension benefits under 4 Pa.C.S. § 1406(a)(1)(iii) and § 441a.22(b)(3)(ii).
- (4) Quarterly report of expenditures for backside improvements in conformity with 4 Pa.C.S. § 1404 (relating to distributions from licensee's revenue receipts).

[Pa.B. Doc. No. 08-926. Filed for public inspection May 16, 2008, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### Public Hearings

The Department of Aging (Department) is making the draft 2008-2012 State Plan on Aging (Plan) available for public review and comment. Comments on this document will be used to formulate the Department's final Plan submitted to the Federal Administration on Aging in order for the Commonwealth to receive Federal funds under the Older Americans Act of 1965.

The Department develops a Plan every 4 years. The current Plan being proposed will guide the Department during the Federal Fiscal Years October 1, 2008, through September 30, 2012. The purpose of the Plan is to structure the Department's priorities and to set an aging agenda for the Commonwealth.

Citizens, local government officials and interested organizations in the Commonwealth are invited to submit comments on the Plan. Persons wishing to submit written comments must do so by June 17, 2008. Comments should be addressed to Rocco Claroni, Department of Aging, Systems Planning and Consultation Division, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919.

The Department will hold the following public hearings on the Plan:

<i>Date</i>	<i>Location</i>	<i>Time</i>
June 3, 2008	Community College of Allegheny County South Campus Auditorium in Building B 1750 Clairton Road West Mifflin, PA 15122	1 p.m.—3 p.m.
June 4, 2008	The Oaks Community Room 200 Rachel Drive Pleasant Gap, PA 16823	10 a.m.—12 p.m.
June 6, 2008	New Courtland Germantown Home Education Building, Auditorium 6950 Germantown Avenue Philadelphia, PA 19119	1 p.m.—3 p.m.

Persons who wish to speak must call to schedule a time to give oral testimony at the hearings. Testimony is limited to 10 minutes per person. To provide oral testimony, or if persons have a disability and require an accommodation to attend one of the public hearings, contact Nicole Hooper at (717) 772-0473 no later than May 29, 2008.

Copies of the draft Plan are available upon request from the Department of Aging, Systems Planning and Consultation Division, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919, (717) 772-0473. Copies are also available on the Department's web site at [www.aging.state.pa.us](http://www.aging.state.pa.us) or may be viewed at your local public library or local Area Agency on Aging.

NORA DOWD EISENHOWER,  
*Secretary*

[Pa.B. Doc. No. 08-927. Filed for public inspection May 16, 2008, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Healthy Farms and Healthy Schools Matching Grant Program

Notice is hereby given of the commencement of an application period for grants under the Healthy Farms and Healthy Schools Grant Program (Program) administered by the Department of Agriculture (Department). The agreement period is July 1, 2008—June 30, 2009. The application period is May 1, 2008—June 17, 2008. The statement of policy describing the Program is available at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

In summary, the Program provides matching funds to educational institutions located in this Commonwealth that have a kindergarten program, whether they be public, private or charter schools. The purpose of the Program is to educate kindergarten students and their families about the importance of choosing healthy, locally produced foods while increasing awareness of Pennsylvania agriculture. The application, work plan and budget should reflect a project completion date of June 30, 2009.

Applications for the Program will be accepted by the Department beginning the date of publication in the *Pennsylvania Bulletin* and will continue through Tuesday, June 17, 2008. Applications must be received by 4 p.m. in the Bureau of Market Development on the closing date. Information on this Program may be obtained from JoAnna Gresham, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110-9408. Application documents can be accessed at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 08-928. Filed for public inspection May 16, 2008, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending April 29, 2008.

## NOTICES

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-28-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	712 Broad Street Riverton Burlington County, NJ	Filed
4-28-2008	Meridian Bank Devon Chester County	60 East Uwchlan Avenue Lionville Chester County	Filed
4-28-2008	First Commonwealth Bank Indiana Indiana County	Cranberry Promenade Route 19 North Cranberry Township Butler County	Approved
4-28-2008	First Commonwealth Bank Indiana Indiana County	Butler Crossing Route 356 Butler Butler County	Approved
4-28-2008	Marquette Savings Bank Erie Erie County	3801 Sterrettania Road Millcreek Township Erie County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-22-2008	Northwest Savings Bank Warren Warren County	<i>To:</i> 730 Main Street Clarion Clarion County  <i>From:</i> 601 Main Street Clarion Clarion County	Filed
4-27-2008	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 780 South Valley Forge Road Lansdale Montgomery County  <i>From:</i> 1601 South Valley Forge Road Lansdale Montgomery County	Effective
4-29-2008	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 435 West Dekalb Pike King of Prussia Montgomery County  <i>From:</i> 338 West Dekalb Pike King of Prussia Montgomery County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-15-2008	Lafayette Ambassador Bank Easton Northampton County	2201 Northampton Street Easton Northampton County	Closed
4-29-2008	S & T Bank Indiana Indiana County	20001 Route 19 Cranberry Township Butler County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
Secretary

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 6, 2008.

#### BANKING INSTITUTIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-2008	Landmark Community Bank, Pittston, and Landmark Interim Bank, Pittston Surviving Institution: Landmark Community Bank, Pittston	Pittston	Filed
	Application filed in conjunction with the reorganization of Landmark Community Bank, Pittston, into a bank holding company form of business whereby Landmark Community Bank will become the wholly-owned subsidiary of Landmark Bancorp, Inc., a new holding company in formation.		
5-5-2008	Integrity Bank, Camp Hill, and Integrity Interim Bank, Camp Hill Surviving Institution: Integrity Bank, Camp Hill	Camp Hill	Approved
	Application filed in conjunction with the reorganization of Integrity Bank, Camp Hill, into a bank holding company form of business whereby Integrity Bank will become the wholly-owned subsidiary of Integrity Bancshares, Inc., a new holding company in formation.		

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-2-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	910 Haddonfield-Berlin Road Voorhees Camden County, NJ	Approved
5-2-2008	Harleysville Savings Bank Harleysville Montgomery County	41 County Line Road Souderton Bucks County	Approved
5-2-2008	Penn Liberty Bank Wayne Delaware County	1 West Lancaster Avenue Paoli Chester County	Approved
5-2-2008	Penn Liberty Bank Wayne Delaware County	543 North Lewis Road Limerick Montgomery County	Approved
5-5-2008	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	333 Allegheny Avenue Oakmont Allegheny County	Authorization Surrendered

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-21-2008	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> 8190 Derry Street Harrisburg Dauphin County  <i>From:</i> 6700 Derry Street Harrisburg Dauphin County	Effective

##### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-29-2008	NOVA Savings Bank Berwyn Chester County	Amendment to Article I of the Articles of Incorporation provides for a change of the name of the institution from "NOVA Savings Bank" to "NOVA Bank."	Approved and Effective

## NOTICES

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-1-2008	Pennsylvania State Employees Credit Union, Harrisburg, and GF Employees Credit Union, Camp Hill Surviving Credit Union: Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Effective

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-930. Filed for public inspection May 16, 2008, 9:00 a.m.]

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**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2008**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of June, 2008, is 6 1/2%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.06 to which was added 2.50 percentage points for a total of 6.56 that by law is rounded off to the nearest quarter at 6 1/2%

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-931. Filed for public inspection May 16, 2008, 9:00 a.m.]

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## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Weatherization Assistance Program State Plan; Public Hearing

The Department of Community and Economic Development (Department) will hold a public hearing at 10 a.m. on Thursday, May 29, 2008, in Conference Room 4 West, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the United States Department of Energy for the program year 2008-2009.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984.

Written comments may be submitted by JamesEtta Reed, Director, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on May 29, 2008.

Persons with a disability who wish to attend this hearing and you require auxiliary aid, services or other accommodations to participate in the proceedings should contact Yvonne Adams at (717) 787-1984 to discuss how the Department may accommodate your needs.

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 08-932. Filed for public inspection May 16, 2008, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 28, 2008, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

CLIFFORD C. DAVID, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 08-933. Filed for public inspection May 16, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0042170 (Minor Sewage)	Schuylkill County Municipal Authority 221 South Centre Street Pottsville, PA 17901	West Brunswick Township Schuylkill County	Pine Creek 3A	Y
PA0062600 (Industrial Waste)	Suburban Heating Oil Partners Schuylkill Haven Bulk Plant 444 Route 61 South Schuylkill Haven, PA 17972	Schuylkill County North Manheim Township	UNT to Mahonney Creek 3A	Y
PA0021547 (Minor Sewage)	Orwigsburg Borough Municipal Authority 209 North Warren Street Orwigsburg, PA 17961-1829	North Manheim Township Schuylkill County	Mahanon Creek 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020478 (Sew)	Bloomfield Borough P. O. Box 144 New Bloomfield, PA 17068	Perry County Bloomfield Borough	UNT to Little Juniata Creek 7-A	Y
PAR100303-R	Crosswinds Association Development Co., Inc. 336 West King Street Lancaster, PA 17603	Lancaster County West Earl Township	Conestoga River WWF	Y
PA0261017 Transfer 08-1 (Sew/Transfer)	Anna and Stanley Almony 302 Gemmill Road Delta, PA 17314-8867	York County Penn Township	Neill Run TSF 7-I	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>
PA0209520 Sewerage	LeRaysville Borough P. O. Box 42 LeRaysville, PA 18829-0042	LeRaysville Borough Bradford County	UNT Rockwell Creek 4-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>
PA0222381	Clearfield—Jefferson Counties Regional Airport Authority P. O. Box 299 Falls Creek, PA 15840	Jefferson County Washington Township	UNT to Keys Run 17-C	Y
PA0000213	Pennsylvania American Water Company 2733 Ellwood Road New Castle, PA 16101	Wetmore Township McKean County	Hubert Run 16-B	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PAS808301	CFJ Properties 246 Allegheny Boulevard Brookville, PA 15825	Brookville Borough Jefferson County	Clement Creek 17-C	Y

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

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

**PA0058602**, Industrial Waste, SIC 3273, **Delaware Valley Concrete Company, Inc.**, 248 East County Line Road, Hatboro, PA 19040. This proposed facility is located in Hatboro Borough, **Montgomery County**.

Description of Proposed Activity: for renewal of an NPDES permit to discharge stormwater from Delaware Valley Concrete, Inc. Hatboro Batch Plant and former Truck Washout facility in Hatboro Borough, Montgomery County. This is an existing discharge to tributary to Pennypack Creek.

The receiving stream, tributary to Pennypack Creek, is in the State Water Plan Watershed 3J and is classified for: TSF. There is no downstream public water supply intake.

The proposed effluent limits for Outfalls 001 (batch plant site) and 002 (former truck washout site), based on an average storm event, are as follows:

*Outfall 001:*

Parameter	Concentration Limitations (mg/l)		
	Average Annual	Maximum Daily	Instantaneous Maximum
Total Suspended Solids*	50	100	100
Oil and Grease	Monitor and Report	Monitor and Report	Monitor and Report
pH*	Within Limits of 6.0 to 9.0 Standard Units at all times		

\*These limitations are exempt during storm period exceeding 25-year, 24-hour event.

*Outfall 002:*

Parameter	Concentration Limitations (mg/l)		
	Average Annual	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	Monitor and Report	Monitor and Report	Monitor and Report
pH (Standard Units)	Monitor and Report	Monitor and Report	Monitor and Report

*Other Conditions:*

1. The EPA waiver is in effect.
2. Conditions for future permit modification.
3. Change in Ownership.
4. Stormwater Requirements.

**PA0051306**, Sewage, SIC 4952, **Camp Green Lane**, 1000 Germantown Pike, F-3, Plymouth Meeting, PA 19462. This proposed facility is located in Salford Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Camp Green Lane STP.

The receiving stream, Ridge Valley Creek, is in the State Water Plan Watershed 3E and is classified for: HQ-TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA Main System is located on Perkiomen Creek and is 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.042 mgd.

Parameters	Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
Ammonia as N		
(5-1 to 10-31)	4.0	8.0
(11-1 to 4-30)	8.0	16.0
Phosphorus as P	2.0	4.0
Fecal Coliform	#200/100 ml	#1,000/100 ml
Dissolved Oxygen		5.0
		(Instantaneous Minimum)



<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5	1.0
pH	6.0 to 9.0 Standard Units at all times	

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

1. Operator Notification.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change in Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Operator Certification.
10. I-max Limits.
11. 2/Month Sampling.
12. Laboratory Certification.
13. Fecal Coliform Reporting.
14. Seeding of Aeration Tank.

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

**Application No. PA0011169**, Industrial Waste, SIC Code 3351, **Brush Wellman, Inc.**, P. O. Box 973, Reading, PA 19603. This facility is located in Perry Township, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Borough of Pottstown Water and Sewer Authority located on the Schuylkill River, approximately 35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.144 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			6.0 to 9.0 at all times		
Total Suspended Solids	36	72	30	60	75
Oil and Grease	18		15	Report	XXX
Total Dissolved Solids	Report	16,925	Report	Report	44,115
Total Beryllium	Report	Report	Report	Report	
Total Copper	Report	Report	Report	Report	
Total Nickel	Report	Report	Report	Report	
NH <sub>3</sub> -N			20		40
CBOD <sub>5</sub>			25		50
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			

*Schuylkill River TMDL Requirements*

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Total PCB	Report	XXX	XXX	XXX

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

The EPA waiver is not in effect.

**Application No. PA0247189**, Concentrated Animal Feeding Operation (CAFO), **Willow Hill Farm**, 1261-A Creek Road, Fannettsburg, PA 17221. Country View Family Farms, LLC has submitted an NPDES permit renewal application for the Willow Hill Farm, an existing swine operation in Metal Township, **Franklin County**. The CAFO is situated near a UNT to West Branch Conococheague Creek, which is classified as a CWF. The CAFO has a target animal population of approximately 1,523 animal equivalent units consisting of 2,784 sows, 483 sows with litters, 864 gilts, 5,400 nursery pigs and 15 boars.

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

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

**Application No. PA0027405**, Sewage, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522. This facility is located in Ephrata Borough, **Lancaster County**.

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

The receiving stream, Cocalico Creek, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 16 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 3.8 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.35		1.1
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(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	

*Chesapeake Bay Requirements*

	<i>Concentration (mg/l)</i>	<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	79,049*
Net Total Phosphorus	XXX	Report	9,881*

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

Permit is being revoked/reissued to incorporate Final Chesapeake Bay permit language.

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

The EPA waiver is not in effect.

**Application No. PA0087181**, Sewage, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522. This facility is located in Ephrata Township, **Lancaster County**.

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

The receiving stream, Cocalico Creek, is in Watershed 7-J and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Ephrata Area Joint Authority is located on the Cocalico Creek, approximately 1.7 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH <sub>3</sub> -N (5-1 to 10-31)	4.0		8.0
(11-1 to 4-30)	12		24
Total Residual Chlorine	0.48		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (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		
<i>Chesapeake Bay Requirements</i>			
	<i>Concentration (mg/l) Monthly Average</i>	<i>Monthly</i>	<i>Mass (lbs) Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	54,550*
Net Total Phosphorus	XXX	Report	6,818*

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

Permit is being revoked/reissued to incorporate Final Chesapeake Bay permit language.

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

The EPA waiver is not in effect.

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

**PA0233552**, CAFO, SIC 0213 and 0211, **Todd Hiller**, 84 Hiller Lane, Allenwood, PA 17810. This existing facility is located in Gregg Township, **Union County**.

Description of Proposed Activity: Hiller Farms is an existing finishing hog and beef steer feedlot farm, totaling 610 animal equivalent units.

The water body nearest the finishing hog and beef steer feedlot facility is White Deer Hole Creek in the White Deer Creek Watershed (SWP-10C) and has a designated use of HQ-CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with state narrative water quality standards.

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

1. Compliance with the Farm's Nutrient Management Plan.
2. Compliance with the Farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

**PA0027243**, Sewage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642. This application is for renewal of an NPDES permit to discharge treated sewage from Youghiogheny STP in North Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, 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: Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 3.313 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>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0216275**, Sewage, **Jay A. Chapman**, 67 Seal Road, Eighty-Four, PA 15330-1828. This application is for renewal of an NPDES permit to discharge treated sewage from Hartman and Hartman STP in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary to North Branch of Pigeon 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: PA American-Aldrich Station.

*Outfall 001:* existing discharge, design flow of 0.015 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>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
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	0.7			1.7
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0253804**, Sewage, **Charles Goulding**, 2638 Glenchester Road, Wexford, PA 15090. This application is for issuance of an NPDES permit to discharge treated sewage from Goulding Property SRSTP in Franklin Park Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as East Branch Big Sewickley Creek, which are classified as a TSF 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: NOVA Chemical Company.

*Outfall 001:* new discharge, design flow of 0.0005 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>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0240133**, Industrial Waste, **Mahoning Distributors, Inc., Knox Service Station**, 35 Main Street, Corsica, PA 15829-6115. This proposed facility is located in Knox Borough, **Clarion County**.

Description of Proposed Activity: A new NPDES Permit for a new discharge of remediated groundwater contaminated with unleaded gasoline.

The receiving water is a UNT to Canoe Creek. The receiving stream is in State Water Plan 17-B and is classified for the following uses: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Parker City Water System intake, is located on the Allegheny River and is approximately 18.8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.012 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
Benzene	0.001		0.0025
Total BTEX	0.1		0.25
Toluene	0.01		0.025
Ethylbenzene	0.01		0.025
Total Zylenes	0.01		0.025
MTBE	XX		XX
pH	6.0 to 9.0 Standard Units at all times		
Oil and Grease	10		20
Dissolved Iron			0.9
Total Suspended Solids	10		20

XX—Monitor and report

The EPA waiver is in effect.

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

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

**WQM Permit No. 1508405**, Sewerage, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Valley Township, **Chester County**.

Description of Action/Activity: Construction of an office building, hotel and restaurant. Each building will be served by a gravity sewer to a central pumping station.

**WQM Permit No. 1508406**, Sewerage, **Honey Brook Township**, 495 Suplee Road, P. O. Box 1281, Honey Brook, PA 19344. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to serve the Honey Brook Township Municipal Complex.

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

**WQM Permit No. 2170410 08-1**, Sewerage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Seeking approval to upgrade treatment plant to include sludge dewatering systems and other improvements.

**WQM Permit No. 6707409**, Transfer 08-1, Sewerage, **Anna and Stanley Almony**, 302 Gemmill Road, Delta, PA 17314-8867. This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: Application for Transfer of Permit.

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

**WQM Permit No. WQG016161**, Sewerage, **Michael Sworden**, 3050 Bedillion Road, Washington, PA 15301. This proposed facility is located in South Franklin Township, **Washington County**.

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

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

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

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

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*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.  
Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025208006	Dingman Township 118 Fisher Lane Milford, PA 18337	Pike	Dingman Township	Raymond Kill HQ-CWF

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

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030608013	Kutztown Road Associates 6081 Fairway Lane Allentown, PA 18106	Berks	Maxatawny Township	Schaeffer Run-Little Lehigh Creek HQ-CWF
PAI036708001	Brett Peterson Adhesives Research 400 Seaks Run Road Glen Rock, PA 17327	York	Springfield Township	Seaks 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 (35 P. S. §§ 721.1—721.17)**

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

**Application No. 1508505**, Public Water Supply.

Applicant	<b>Warwick Administration Building</b>
Township	Elverson
County	<b>Chester</b>
Responsible Official	Rany S. Eddinger 1697 Swamp Pike Gilbertsville, PA 19525
Type of Facility	PWS
Consulting Engineer	Ruby Engineering 3605 Island Club Drive Unit No. 9 North Port, FL 34288-6611
Application Received Date	March 24, 2008
Description of Action	Addition of nitrate treatment of school district's Warwick Administration Building.

**Application No. 1508506**, Public Water Supply.

Applicant	<b>London Grove Township Authority</b>
Township	London Grove Township
County	<b>Chester</b>
Responsible Official	Rich Scott-Harper 372 Rose Hill Road West Grove, PA 19390
Type of Facility	PWS

Consulting Engineer Keystone Engineering Group, Inc.  
967 East Swedesford Road  
Suite 300  
Exton, PA 19341

Application Received Date April 10, 2008

Description of Action Water storage tank and booster pump station at London Grove Village.

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

**Application No. 5408503**, Public Water Supply.

Applicant **Schuylkill County Municipal Authority**  
Butler Township  
Schuylkill County

Responsible Official David J. Holley  
General Manager  
Schuylkill County Municipal Authority  
221 South Centre Street  
Pottsville, PA 17901

Type of Facility PWS

Consulting Engineer James C. Elliott, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106

Application Received Date April 25, 2008

Description of Action The application proposes the construction of a new well (Gordon Well), pump station, chemical treatment facilities, treatment building, detention main and distribution system facilities.

**Application No. 5408502**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc. (Oneida Water System)**  
East Union Township  
Schuylkill County

Responsible Official Patrick R. Burke  
Aqua Pennsylvania, Inc.  
50 East Woodhaven Drive  
White Haven, PA

Type of Facility Public Water System

Consulting Engineer CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA

Application Received Date March 28, 2008

Description of Action The installation of greensand filters at Oneida Well 2.

**Application No. 4808502**, Public Water Supply.

Applicant **Bethlehem Authority**  
Lehigh Township  
Northampton County

Responsible Official Steven Repasch, Executive Director  
Bethlehem Authority  
10 East Church Street  
Bethlehem, PA 18018

Type of Facility PWS

Consulting Engineer Craig Murray, P. E.  
Malcolm Pirnie, Inc.  
111 South Independence Mall, East  
Suite 1010  
Philadelphia, PA 19106-2526

Application Received Date April 9, 2008

Description of Action The proposed project consists of the replacement of two existing backwash pumps and discharge header (including a venturi flow meter) with a new 625,000 gallon backwash storage tank (including 800 LF of 30-inch waterline and an access driveway to the tank location), two new washwater pumps (including pump discharge header piping and two magnetic flow meters) and raising the weir height of the existing filter backwash troughs.

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

**Permit No. 0106516**, Public Water Supply.

Applicant **Colbier Farms, LLC**

Municipality Mt. Joy Township

County **Adams**

Responsible Official Charles T. Cole, Official President  
7 Sunnydale Way  
Reisterstown, MD 21136-6118

Type of Facility Public Water Supply

Consulting Engineer Joseph M. McDowell, P. E.  
Martin & Martin, Inc.  
37 South Main Street  
Chambersburg, PA 17201

Application Returned: March 26, 2008

Description of Action Construction of a new community water system with 2 wells, storage, disinfection, softening and uranium removal.

**Permit No. 0106509**, Public Water Supply.

Applicant **Oxen Country Meadows Development, LLC**

Municipality Oxford Township

County **Adams**

Responsible Official Randy B. Test, President  
1235 Abbottstown Pike  
Hanover, PA 17331

Type of Facility Public Water Supply

Consulting Engineer Janet R. McNally, P. E.  
William F. Hill & Assoc., Inc.  
207 Baltimore Street  
Gettysburg, PA 17325

Application Returned: May 2, 2008

Description of Action Development of a new community water system.

**Permit No. 0108506**, Public Water Supply.

Applicant **Poosum Valley Municipal Authority**

Municipality Menallen Township

County **Adams**

Responsible Official Daniel Shriver, Authority Chairperson  
P. O. Box 420  
Bendersville, PA 17306

Type of Facility Public Water Supply

Consulting Engineer Janet R. McNally, P. E.  
William F. Hill & Assoc., Inc.  
207 Baltimore Street  
Gettysburg, PA 17325

Application Received: March 11, 2008

Description of Action Installation of a 2nd membrane filtration unit, chlorine tolerant membranes in the existing unit and replacement of the finished water reservoir roof.

**Permit No. 2208502**, Public Water Supply.

Applicant **Pine Manor, LLC**

Municipality Londonderry Township

County **Dauphin**

Responsible Official Frank T. Perano, Manager  
Owner  
P. O. Box 677  
Morgantown, PA 19543-0677

Type of Facility Public Water Supply

Consulting Engineer James A. Cieri, Sr., P. E.  
Act One Consultants, Inc.  
2656 Walnut Street  
Harrisburg, PA 17103

Application Received: March 14, 2008

Description of Action Installation of booster pumps and a change in chlorine contact tanks.

**Permit No. 3608503**, Public Water Supply.

Applicant **Acorn Water Company**

Municipality Earl Township

County **Lancaster**

Responsible Official Greg Hurst, Managing Member  
P. O. Box 10  
Intercourse, PA 17534

Type of Facility Public Water Supply

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

Application Received: March 28, 2008

Description of Action Installation of an ortho/polyphosphate blend for lead and copper treatment.

**Permit No. 3808503**, Public Water Supply.

Applicant **The Bethel Point Foundation, d/b/a Hill Farm Estates**

Municipality North Annville Township

County **Lebanon**

Responsible Official Rick Pitre, President  
27315 Perch Lake Road  
Watertown, NY 13601

Type of Facility Public Water Supply

Consulting Engineer Thomas W. Schreffler, P. E.  
Light-Heigel & Associates, Inc.,  
430 East Main Street  
Palmyra, PA 17078

Application Received: April 9, 2008

Description of Action Installation of a disinfection system.

**Permit No. 3608505**, Public Water Supply.

Applicant **Mountain Top Mobile Home Park**

Municipality Caernorvon Township

County **Lancaster**

Responsible Official Martin Mancini, Facilities Manager  
1 Mark Lane  
Honey Brook, PA 19344

Type of Facility Public Water Supply

Consulting Engineer Brent W. Cowan, P. E.  
CSC Technology Inc.  
170 Netherwood Drive  
Coatesville, PA 19320

Application Received: May 1, 2008

Description of Action Addition of caustic soda for pH control for lead and copper corrosion control.

**Permit No. 0108507**, Public Water Supply.

Applicant **IFCO Systems North America, Inc.**

Municipality Butler Township

County **Adams**

Responsible Official Duke Holliway, General Manager  
3177 Biglerville Road  
Biglerville, PA 17307

Type of Facility Public Water Supply

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

Application Received: May 5, 2008

Description of Action Installation of arsenic treatment.



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

**Permit No. 0208503**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 P. O. Box 888  
 Hershey, PA 17033

Township or Borough City of Pittsburgh  
 Baldwin Borough

Responsible Official David Kaufman, Regional  
 Director of Engineering  
 Pennsylvania American Water  
 Company  
 800 West Hersheypark Drive  
 P. O. Box 888  
 Hershey, PA 17033

Type of Facility Pump station

Consulting Engineer Gannett Fleming, Inc.  
 207 Senate Avenue  
 Camp Hill, PA 17011-2316

Application Received Date April 30, 2008

Description of Action Construction of a 60 mgd raw  
 water pump station, intake,  
 intake chamber, two 42" intake  
 pipes, one 42" discharge main,  
 one 36" discharge main and  
 connections to existing raw  
 water transmission mains. The  
 proposed pump station will  
 convey water from the  
 Monongahela River to  
 Pennsylvania American Water  
 Company's Hays Mine Station  
 water treatment plant.

**Permit No. 0208502**, Public Water Supply.  
 Applicant **Plum Borough Municipal Authority**  
 4555 New Texas Road  
 Pittsburgh, PA 15239

Township or Borough Plum Borough

Responsible Official Howard Thies, Manager  
 Plum Borough Municipal  
 Authority  
 4555 New Texas Road  
 Pittsburgh, PA 15239

Type of Facility Water treatment plant

Consulting Engineer R. F. Mitall & Associates, Inc.  
 117 Sagamore Hill Road  
 Pittsburgh, PA 15239

Application Received Date April 14, 2008

Description of Action Replacement of two pumps and  
 associated fittings and valves.

**Permit No. 1108501**, Public Water Supply.  
 Applicant **East Taylor Municipal Authority**  
 403 Donruth Lane  
 Johnstown, PA 15909

Township or Borough East Taylor Township

Responsible Official Edward Ocipa, Chairperson  
 East Taylor Municipal Authority  
 403 Donruth Lane  
 Johnstown, PA 15909

Type of Facility Water treatment plant

Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501

Application Received Date May 1, 2008

Description of Action Installation of a booster pump  
 station and waterline.

**Permit No. 0208504**, Public Water Supply.  
 Applicant **Municipal Authority of the Borough of Oakmont**  
 721 Allegheny Avenue  
 Oakmont, PA 15139

Township or Borough East Taylor Township

Responsible Official Henry Buechli, Chairperson  
 Board of Governors,  
 Municipal Authority of the  
 Borough of Oakmont  
 721 Allegheny Avenue  
 Oakmont, PA 15139

Type of Facility Water treatment plant

Consulting Engineer NIRA Consulting Engineers, Inc.  
 950 Fifth Avenue  
 Coraopolis, PA 15108

Application Received Date April 23, 2008

Description of Action Addition of cationic pretreatment  
 injections, flocculant at the  
 filters and sludge dewatering at  
 the sludge pit.

**Permit No. 2682501A1**, Public Water Supply.  
 Applicant **Masontown Municipal Authority**  
 2 Court Street  
 Masontown, PA 15461

Township or Borough Masontown Borough

Responsible Official Frank McLaughlin, Vice  
 President  
 Masontown Municipal Authority  
 2 Court Street  
 Masontown, PA 15461

Type of Facility Water treatment plant

Consulting Engineer Fayette Engineering Company,  
 Inc.  
 2200 University Drive  
 P. O. Box 1030  
 Uniontown, PA 15401-1030

Application Received Date April 3, 2008

Description of Action Rerating of the water treatment  
 plant capacity and disinfection  
 contact time to utilize full plant  
 capacity.

**Permit No. 3008502**, Public Water Supply.

Applicant **Mt. Morris Water & Sewer Authority**  
P. O. Box 340  
Mt. Morris, PA 15349

Township or Borough Perry Township

Responsible Official George Russell Haines, President  
Mt. Morris Water & Sewer Authority  
P. O. Box 340  
Mt. Morris, PA 15349

Type of Facility Water treatment plant

Consulting Engineer Fayette Engineering Company, Inc.  
2200 University Drive  
P. O. Box 1030  
Uniontown, PA 15401-1030

Application Received Date April 24, 2008

Description of Action Construction of new transmission line.

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

**Application No. 1008501**, Public Water Supply.

Applicant **Slippery Rock Municipal Water Authority**

Township or Borough Slippery Rock  
**Butler County**

Responsible Official Paul A. Dickey

Consulting Engineer William C. Smith, P. E.  
Thomas Construction, Inc.  
310 Diamond Road  
Grove City, PA 16127

Application Received Date May 5, 2008

Description of Action Installation of booster pump to increase water pressure to 100 unit apartment complex, a residential development (The Heights).

#### MINOR AMENDMENT

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

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

Applicant **Borough of Alburdis**  
Lower Macungie Township  
**Lehigh County**

Responsible Official Steven Hill, President  
Alburdis Borough Council  
260 Franklin Street  
P. O. Box 435  
Alburdis, PA 18011  
(610) 966-4771

Type of Facility Community Water System

Consulting Engineer Steven R. Henning, P. E.  
The Pidcock Company  
2451 Parkwood Drive  
Allentown, PA 18103  
(610) 791-2252

Application Received Date April 22, 2008

Description of Action Application for construction of a backup metered interconnection to supply finished water from the Lehigh County Authority distribution system to the Borough of Alburdis distribution system.

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

**Application No. 3208501MA**, Minor Amendment.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

Township or Borough

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Water treatment plant

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Application Received Date May 1, 2008

Description of Action Transmission main and water line extensions into the McKee Run, Sexton Road and Cedar Drive area in Indiana County.

#### 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**

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

**WA3-1009**, Water Allocations. **Templeton Water Company**, Box 345, Templeton, PA 16259, **Armstrong County**. The applicant is requesting the right withdraw 93,600 gallons of water per day from Wells 1—3 along the Allegheny River.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**William Property**, West Goshen Township, **Chester County**. Michael Sarcinello, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Francine Williams, 1004 North New Street, West Chester, PA 19381 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site is will remain the same.

**Wedgewood Shop Center**, Caln Township, **Chester County**. Michael S. Kozar, P. G., O'Brien & Gere, 512 Township Line Road, 2 Valley Square, Suite 120, Blue Bell, PA 19422 on behalf of Anthony J. DePaul, DePaul Management Company, 1750 Walton Road, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The intended use of the property consists of continue mixed commercial use. A summary on the Notice of Intent to Remediate was reported to have been published in the *Downingtown Ledger* on March 20, 2008.

**Unitog Rental Service Facility**, Bristol Borough, **Bucks County**. Peter Millionis, ARCADS, 6 Terry Drive, Suite 300, Newtown, PA 18940 on behalf of Jim Buckman, Cintas Corporation, 27 Whitney Drive, Milford, OH 45150 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on February 20, 2008.

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

**Roach Energy Gasoline Release/Bobby Rahal Automotive Retail Center**, Silver Spring Township, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of Bobby Rahal Automotive Group, 15035 Perry Highway, Wexford, PA 15090, submitted a Notice of Intent to Remediate site soils and surface water contaminated with unleaded gasoline released from a tanker truck in a motor vehicle collision. The NIR was submitted within 90 days of the release. The site is being developed as an automotive retail center.

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

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

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

**Permit Application No. 301295. Hazleton Oil and Environmental, Inc.**, 300 Tamaqua Street, Hazleton, PA 18201-7913. A Permit Renewal Application for the continued operation of this residual waste processing facility located in Banks Township, **Carbon County**. The application was received in the Regional Office on March 18, 2008, and it was found to be administratively complete as of April 29, 2008.

**Permit Application No. 301288. Recycle Oil Company**, 1600 South 25th Street, Easton, PA 18042. A Permit Renewal Application for the continued operation of this residual waste processing facility located in Wilson Borough, **Northampton County**. The application was

received in the Regional Office on April 14, 2008, and it was found to be administratively complete as of April 28, 2008.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

#### PLAN APPROVALS

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

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

**45-303-010: Hanson Aggregates Pennsylvania** (5245 Lycoming Mall Drive, Montoursville, PA 17754) for modification of their existing batch asphalt plant to use waste derived liquid fuel at their site in Hamilton Township, **Monroe County**.

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

**06-05024C: Reliant Energy Mid-Atlantic Holdings, LLC** (121 Champion Way, Canonsburg, PA 15317) for installation of mercury and sulfur trioxide control systems on each of the three main boilers at the Titus Generating Station in Cumru Township, **Berks County**. The boilers are subject to 25 Pa. Code Chapter 123, Subpart C, Standards for Contaminants, Mercury Emissions.

**28-05002B: Letterkenny Army Depot—United States Department of Defense (AMSAM-LE-EE-N,** Chambersburg, PA 17201) for construction of a new coating booth at the facility in Greene/Letterkenny Townships, **Franklin County**.

**38-03035B: V & S Lebanon Galvanizing, LLC** (1000 Buckeye Park Road, Columbus, OH 43207) for an increase in the annual galvanized steel throughput at their facility in Union Township, **Lebanon County**.

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

**20-005B: W. L. Dunn Construction Co.** (180 North Franklin Street, Cochranon, PA 16314) for modification of existing operating permit conditions to permit maximum production rates to be averaged over a daily production period in East Fairfield Township, **Crawford County**.

**20-123C: Lord Corp.** (124 Grant Street, Cambridge Springs, PA 16403) for installation of five new automated adhesive spray booths in Cambridge Springs Borough, **Crawford County**.

**24-017B: Morgan Advanced Materials & Technology** (441 Hall Avenue, St. Marys, PA 15857) for replacement of seven existing thermal oxidizers with higher efficiency control devices at their facility in the City of St. Marys, **Elk County**.

**24-131M: SGL Carbon, LLC** (900 Theresia Street, St. Marys, PA 15857) for construction of a new CVD Reactor (Reactor 8) and scrubber system in the City of St. Marys, **Elk County**. This is a Title V facility.

**37-023E: Orion Power Midwest, LP—New Castle** (2189 SR 168 South, West Pittsburg, PA 16160-0325) for installation of mercury control equipment from the three main power boilers (Units 3–5) in Taylor Township, **Lawrence County**. This is a Title V facility.

**43-011E: Greenville Metals, Inc.** (99 Crestview Drive Extension, Transfer, PA 16154) for installation of a new baghouse to supplement an existing baghouse that controls emissions from the EAF (Source 202) and be sole baghouse for the MNS exothermic reaction process (Source 205) Pymatuning Township, **Mercer County**. This is a Title V facility.

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

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

**46-0266: Hanson Pipe & Products, Inc.** (201 South Keim Street, Pottstown, PA 19464) for construction of a surface coating process in Pottstown Borough, **Montgomery County**. This facility is a State-only facility. The facility wide VOC emissions shall not exceed 24.9 tpy. Each HAP emissions shall be less than 10 tpy. The combined HAP emissions shall be less than 25 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.

**15-0037E: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) for installation of one new lithographic press designated as Litho Press No. 7, at their facility in West Whiteland Township, **Chester County**. This facility is a Title V facility. The new lithographic press will have a potential-to-emit of 5.26 tons of VOCs per year and 0.65 ton of HAPs per year. All emissions will be fugitive. The permittee is subject to a Plantwide Applicability Limit of 47.895 tpy for VOCs. The facility will continue to comply with the PAL. The Plan Approval will contain monitoring and recordkeeping requirements designed to keep the lithographic press operating within the allowable emissions and all applicable air quality requirements.

**46-0269: Yellow Book USA, Inc.** (2560 Renaissance Boulevard, King of Prussia, PA 19406) for installation of two diesel fuel-fired emergency generators to provide backup power at a data processing center in Upper Merion Township, **Montgomery County**. As a result of potential emissions of NOx, the facility is a State-only facility. 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.

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

**66-315-046A: Procter & Gamble Paper Products Co.** (P. O. Box 32, Route 87, Mehoopany, PA 18629) for upgrade of their existing 2M paper machine at their facility in Washington Township, **Wyoming County**. The VOC emissions from the facility will remain unchanged, never to equal or exceed 285.5 tpy of VOC, based on a 12-month rolling sum as stated in the company's Title V Permit. The VOC emissions from the 2M paper machine shall not exceed 52.2 tpy of VOC, based on a 12-month rolling sum. The company has proposed no other changes. The Procter & Gamble Paper Products Company is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 66-00001. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative

amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

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

**31-05013A: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for modification of an existing asphalt plant in Warriors Mark Township, **Huntingdon County**. The modification involves the firing of waste derived liquid fuel in addition to propane. Facility emissions of VOCs will be limited to less than 50 tpy and HAP emissions are limited to less than 10 tpy for any single HAP or 25 tpy for any combination of HAPs. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The source is subject to 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

**36-05123C: Corixa Corp., d/b/a GlaxoSmithKline Biologicals** (325 North Bridge Street, Marietta, PA 17547-0304) for installation of an emergency generator at their biological manufacturing facility in East Donegal Township, **Lancaster County**. Due to the limited use of the emergency generator, the emissions will be minimal and within the current facility State-only operating permit limits. The plan approval will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The source will be subject to 40 CFR Part 60, Subpart III, New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines.

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

**49-00011B: Butter Krust Baking Company, Inc.** (249 North Eleventh Street, Sunbury, PA 17801) for construction and operation of a bread oven at their Sunbury Plant in the City of Sunbury, **Northumberland County**. The plan approval application is also for the installation and operation of a catalytic oxidizer (CATOX) to control the air contaminant emissions from the bread oven. The bread oven is a roll line that will produce up to 12,000 rolls/loaves per hour. The facility will remain as a synthetic minor facility.

The Department of Environmental Protection's (Department) review of the information provided by Butter Krust Baking Company, Inc. indicates that the proposed source and control device will comply with all air quality requirements, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction, installation and temporary operation. Additionally, if the Department determines that the proposed source and the air cleaning device are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of NOx from the exhaust of the

CATOX associated with the bread oven shall not exceed 1.01 pounds per hour and 4.40 tons in any 12-consecutive month period.

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of CO from the exhaust of the CATOX associated with the bread oven shall not exceed 0.84 pound per hour and 3.70 tons in any 12-consecutive month period.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission SO<sub>x</sub>, expressed as SO<sub>2</sub>, from the exhaust of the CATOX associated with the bread oven shall not exceed 0.01 pound per hour and 0.03 ton in any 12-consecutive month period.

4. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM and PM/PM10 from the exhaust of the CATOX associated with the bread oven shall not exceed 0.08 pound per hour and 0.33 ton in any 12-consecutive month period.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of VOCs from the exhaust of the CATOX associated with the bread oven shall not exceed 1.34 pounds per hour and 5.85 tons in any 12-consecutive month period.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, The emission of total combined HAPs from the exhaust of the CATOX associated with the bread oven shall not exceed 0.02 pound per hour and 0.08 ton in any 12-consecutive month period.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission of PM from the exhaust of the CATOX associated with the bread oven into the outdoor atmosphere in a manner that the concentration in the effluent gas exceeds 0.002 gpd standard cubic foot. Compliance with the requirement specified in this plan approval condition assures compliance with the provision in 25 Pa. Code § 123.13.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions from the exhaust of the CATOX associated with the bread oven. Compliance with the requirement specified in this streamlined condition assures compliance with the visible emissions requirements as specified in 25 Pa. Code §§ 123.41 and 123.42.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CATOX associated with the bread oven shall destroy the VOC emissions ducted to it from the bread oven at a destruction efficiency of no less than 96% (by weight). However, the CATOX associated with the bread oven shall be designed to achieve VOC destruction efficiency greater than 98%.

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, only natural gas shall be fired in the bread oven and only natural gas shall be fired in the CATOX associated with the bread oven.

11. Within 180 days from the commencement of operation of the bread oven, the permittee shall perform stack testing upon the inlet and outlet of the CATOX while the CATOX is being used to control VOC emissions from the bread oven to determine the amount of VOCs present and the VOC destruction efficiency of the CATOX. Simultaneous testing of the inlet and outlet of the CATOX (two sampling trains running simultaneously) shall be performed. The stack testing shall be conducted while the bread oven is operating at representative operating conditions. Additionally, the test shall verify compliance with a VOC destruction efficiency of 96% for the CATOX associ-

ated with the bread oven. The testing is to be performed with an inlet temperature range of 600° F to 650° F, or higher as approved by the Department, for the CATOX. The permittee shall continuously monitor the inlet and outlet temperature of the CATOX during the duration of the stack test. Additionally, the pressure drop across the catalytic bed shall be continuously recorded during the test. The testing is to be performed using Environmental Protection Agency reference method test procedures acceptable to the Department. Subsequently, the Department may revise the required minimum VOC destruction efficiency and VOC emission limitations. Additionally, the Department may establish the pressure drop range of the CATOX based upon these stack test results and any other available data approved by the Department.

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install, operate, calibrate and maintain instrumentation for the continuous measurement of the inlet and outlet gas stream temperatures of the catalyst bed of the CATOX associated with the bread oven to assure a minimum inlet temperature of 650° F is achieved during operation. The CATOX shall be equipped with instrumentation that alerts the operator when any of the following conditions occur: low inlet temperature and high outlet temperature of the catalytic bed, low and high gas pressure, low process fan pressure, low combustion fan pressure, and flameout. Additionally, the UV Scanner shall be used to detect the flameout.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CATOX associated with the bread oven shall be equipped with instrumentation to monitor the pressure drop across the catalytic bed on a continuous basis. Additionally, the permittee shall inspect and record the pressure drop across the catalytic oxidizer bed of the CATOX, at least once per day, to determine if the catalyst is plugged, blocked or damaged and to ensure that the CATOX is operating as designed.

14. The permittee shall keep records of: the supporting calculations on a monthly basis for the NO<sub>x</sub>, CO, SO<sub>x</sub>, PM/PM10, VOC and total combined HAPs emissions from the exhaust of the CATOX associated with the bread oven to verify compliance with the NO<sub>x</sub>, CO, SO<sub>x</sub>, PM/PM10, VOC and total combined HAPs emissions limitations of pounds per hour and tons in any 12-consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

15. The permittee shall keep records of all stack test reports for the bread oven and the CATOX associated with the bread oven. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

16. The permittee shall keep records of the identity and quantity of baking products produced in the bread oven on a monthly basis. The permittee shall keep records sufficient to perform VOC emission calculations for the bread oven. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

17. The permittee shall keep records of the inlet and outlet temperature readings of the CATOX associated with the bread oven on a continuous basis at all times the bread oven is in operation, including start-up and shut-down. The temperature recordings shall be made by means of a charter recorder or similar device, as approved by the Department. The records shall include the dates and times of all data that is generated by the inlet and

outlet temperature monitor recording system associated with the CATOX. The permittee shall keep records of the pressure drop across the catalytic bed of the CATOX associated with the bread oven on at least a daily basis. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

18. The permittee shall keep records of the amount of natural gas combustion in the bread oven on a monthly basis. The permittee shall keep records of the amount of natural gas combustion in the CATOX associated with the bread oven on a monthly basis. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

19. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the VOC emissions limitations for the CATOX associated with the bread oven in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

20. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the bread oven without the simultaneous operation of the CATOX. The VOC emissions from the bread oven shall be controlled by the CATOX.

21. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall develop and implement a catalyst management plan, which at a minimum, shall include testing of the catalyst material and a determination of the CATOX's capabilities to comply with the plan approval requirements. The permittee shall submit the catalyst management plan to the Department 30 days prior to the start-up of the CATOX. As part of the catalyst management plan, the permittee shall test or sample on an annual basis the catalyst face of the CATOX and compare the VOC destruction efficiency potential of the used catalyst to the potential of new or clean catalyst. Based on the analysis performed as previously, the permittee shall clean the catalyst, replace the entire catalyst or, if recommended by the manufacturer, continue to utilize the same catalyst to meet the VOC destruction efficiency requirements of the CATOX.

22. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the inlet temperature of the catalytic bed of the CATOX shall not drop below 650° F at any time, except during stack testing upon the CATOX.

23. The bread oven is a Turkington APV model 960 tunnel oven with a capacity of 12,000 loaves of bread per hour, utilizing 127 direct fired burners with a total rated capacity of 9,356 mmBtu/hr. The CATOX is a CSM Worldwide, Inc. model 40A catalytic oxidizer with a capacity of 4,000 standard cubic feet per minute, equipped with a maximum capacity 1.0 mmBtu/hr burner.

24. All conditions contained in State-only Operating Permit SMOP 49-00011 remain in effect unless superseded or amended by conditions contained in this plan approval (49-00011B). If there is a conflict between a condition contained in this plan approval and a condition contained in SMOP 49-00011, the permittee shall comply with the condition contained in this plan approval.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

**49-00060A: Corson Asphalt, Inc.** (26 Beaver Street, Cogan Station, PA 17728) for proposed re-activation and operation of a batch mix asphalt plant at their facility in Ralpho Township, **Northumberland County**. The PM emissions from the aggregate dryer, the elevator, hot mix bins and the mixer will be controlled by the proposed cyclone and fabric collector.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by Corson indicates that the aggregate dryer, the elevator, hot mix bins, and the mixer (Source ID P101) controlled by the proposed cyclone (ID C101A) and fabric collector (ID C101B) will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated in a State-only operating permit via an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of asphalt plant and installation of the cyclone and fabric collector to control PM emissions from the aggregate dryer, the elevator, hot mix bins and the mixer. The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. The permittee shall perform tests in accordance with the provisions of 25 Pa. Code Chapter 139, or provide a fuel certification report of the percent sulfur by weight of each delivery of No. 2 or lighter fuel oil.

OR

The permittee shall keep records of fuel certification reports obtained from the fuel oil supplier stating that the sulfur percentage for each shipment of fuel delivered to the facility during the year shall not exceed 0.2% sulfur by weight for No. 2 or lighter fuel oil.

2. The permittee shall conduct a weekly inspection of the facility during daylight hours while the facility is operating to detect visible emissions, visible fugitive emissions and malodors. The permittee shall observe areas with potential visible emissions for a minimum of 15 minutes per inspection. Weekly inspections are necessary to determine:
  - (1) The presence of visible emissions.
  - (2) The presence of visible fugitive emissions.
  - (3) The presence of malodors beyond the boundaries of the facility.

All detected visible emissions, visible fugitive emissions or malodors that have the potential to exceed applicable limits shall be reported to the manager of the facility.

3. The permittee shall keep records of the test analyses or certification to verify the 0.2% sulfur content, by

weight, of each delivery of No. 2 fuel oil to the facility. These records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

4. The permittee shall maintain a logbook of the facility's weekly inspections. The logbook shall include the name of the company representative performing the inspection, the date and time of inspections, any instances of exceedances of visible emissions limitations, visible fugitive emissions limitations and malodorous air emissions limitations, and the name of the manager informed if a potential exceedance is observed. The permittee shall also record any and all corrective actions taken to abate each recorded deviation to prevent future occurrences. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

5. In accordance to 25 Pa. Code § 123.21, no person may permit the emission into the outdoor atmosphere of SOx from Source ID P101 in a manner that the concentration of the sulfur oxides, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 parts per million, by volume, on a dry basis.

6. In accordance to 25 Pa. Code §§ 123.22, no person may permit the emission into the outdoor atmosphere of SOx, expressed as SO<sub>2</sub>, from the exhaust of the hot oil heater in excess of the rate of 4 pounds per mmBtu of heat input over any 1-hour period.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of the Stansteel, Model AB576-15 fabric collector (ID C101) associated with source ID P101 shall not exceed 0.02 gpd standard cubic foot, 5.2 pound per hour and 1.74 tons in any 12-consecutive month period.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NOx, expressed as NO<sub>2</sub> emissions from Source P101 shall not exceed 0.07 lb per ton of product, 21.0 pounds per hour, and 7.0 tons in any 12-consecutive month period when firing virgin No. 2 oil.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from Source P101 shall not exceed 0.159 pound per ton of product, 47.7 pounds per hour and 15.9 tons in any 12-consecutive month period when firing virgin No. 2 oil.

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the SOx, expressed as SO<sub>2</sub> emissions from Source ID P101 shall not exceed 21.6 pounds per hour and 7.2 tons in any 12-consecutive month period when firing virgin No. 2 oil.

11. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions (expressed as methane) from Source ID P101 shall not exceed 0.032 pound per ton of product, 9.6 pounds per hour and 3.2 tons in any 12-consecutive month period when firing virgin No. 2 oil.

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined HAP emissions from Source ID P101 shall not exceed 0.76 ton in any 12-consecutive month period. Additionally, the emission of xylene shall not exceed 0.3 ton in any 12-consecutive month period and the emission of ethyl benzene shall not exceed 0.2 ton in any 12-consecutive month period.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P101 shall only be fired on virgin No. 2 oil. The oil used as fuel shall not have a sulfur content greater than 0.2% by weight.

14. The permittee shall not use any No. 2 fuel oil for Source ID P101 to which reclaimed or waste oil or other materials have been added.

15. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P101 shall not produce any more than 300 tons of asphalt concrete per hour and 200,000 tons of asphalt concrete in any 12-consecutive month period. Additionally, Source ID P101 shall not operate more than 666 hours in any 12-consecutive month period.

16. Within 120 days of initial operation of source ID P101, the permittee shall perform the following testing on Source ID P101:

(a) Concurrent NOx, CO, PM and VOC (expressed as methane) emissions testing while virgin No. 2 oil is being fired.

All testing shall be performed while the plant is being operated at maximum production rate using testing methods and procedures approved by the Department.

17. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Stansteel, Model AB576-15 fabric collector (ID C101B) shall be equipped with instrumentation to continuously monitor the pressure drop across ID C101B.

18. The permittee shall maintain complete and accurate records of the following:

(a) The total quantity of asphalt concrete produced by Source P101 each month and the corresponding 12-consecutive month period rolling total to verify compliance with the throughput limitation.

(b) The total hours of operation of Source ID P101 each month.

(c) The certified fuel analysis reports or fuel certification report from the supplier for each shipment of virgin No. 2 fuel oil received by the facility.

(d) The total amount of NOx, CO, SOx, VOC, xylene, ethyl benzene and total HAPs emitted from Source ID P101 each month and the corresponding 12-consecutive month period totals to verify compliance with the 12-consecutive month period emission limitations.

These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

19. The permittee shall record the pressure drop across control device ID C101 at least once per day. These records shall be retained on site for a minimum of 5 years and be presented to the Department upon request.

20. The permittee shall record the frequency of the sweeper truck including the date and time the truck was used. These records shall be retained on site for a minimum of 5 years and be presented to the Department upon request.

21. Upon Department request, the permittee shall provide analyses or samples of the fuel oil used in the aggregate dryer burner of Source ID P101.

22. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for ID C101 associated with Source ID P101 to replace any bag immediately which is in need of replacement.

23. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, an operable sweeper truck shall be kept on site at all times during plant operation. The sweeper truck shall be used, as needed, for the prevention and control of fugitive air contaminants emissions from road-



ways. The haul roads shall be maintained to the point where the facility is in compliance with 25 Pa. Code §§ 123.1 and 123.2.

24. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P101 is a Barber-Greene, Model No. BE-82x175 batch asphalt concrete plant equipment with a Hauck Starjet-520 burner with a maximum capacity of 96.8 mmBtu/hr. The air contaminant emissions from which shall be controlled by Todd, Model DC 100 cyclone (ID C101A) followed by a Stansteel, Model AB576-15 fabric collector (ID C101B) operating in series. Source ID P101 shall not operate without simultaneous operation of ID C101A and C101B. Source ID P101 also consists of the following:

- (a) Cold elevators.
- (b) Hot elevators.
- (c) Conveyors.
- (d) One 30,000 gallon asphalt cement storage tank, with vapor pressure of 0.018 psia.
- (e) One hot oil heater, Bush Model CF-100, 840,000 mmBtu/hr, No. 2 fuel oil fired.
- (f) Paved haul roads.

25. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P101 shall not be used to produce asbestos-containing material.

26. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P101 shall not be used to decontaminate, or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

27. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressor that supplies compressed air to ID C101B shall be equipped with an air dryer and oil trap.

28. Source ID P101 is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.90–60.93. The permittee shall comply with all applicable requirements of 40 CFR 60.90–60.93.

29. Under Federal Standards of Performance for New Stationary Sources, 40 CFR 60.92, no person shall permit the emissions into the outdoor atmosphere of visible air contaminants in such a manner that the opacity is equal to or greater than 20% at any time.

30. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, all dust collected in the cyclone and fabric collector shall be screw conveyed to the plant's pugmill. At no time shall any of this dust be discharged to a truck, front-end loader, and the like or be handled in any other fashion which would generate fugitive PM emissions.

31. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P101 shall only be used to dry aggregate. Additionally, Source ID P 101 shall only dry aggregate while simultaneously producing asphalt paving material.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmen-

tal Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

**25-052B: Ames True Temper** (55 Pleasant Street, Union City, PA 16438) for construction of surface coating operation in City of Union City, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate BAT for the source:

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.
- No person may permit the emission into the outdoor atmosphere of VOC in a manner that the emission rate exceeds 7.5 tpy based on a consecutive 12-month rolling total.
- Subject to 25 Pa. Code § 129.52 for Surface coating.
- The permittee shall maintain a record of all preventive maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.
- The permittee shall maintain a log of the following, at a minimum, from the operational inspections:
  - Operational inspections performed.
  - The permittee shall maintain records of the following:
    - VOC emissions on daily basis.
    - VOC emissions on monthly basis.
    - VOC emissions on consecutive 12-month rolling total basis.
  - The permittee shall perform a weekly operational inspection of the source.
  - The permittee shall maintain and operate this source in accordance with the manufacturer's specifications and good air pollution control practice.

**25-970A: Wire Weld, Inc.—Cost Effective Coatings Division** (12069 East Main Road, North East, PA 16428) to install and operate a fluidized bed sand stripper and burnoff oven, as described in the applicant's application of March 12, 2008, in North East Township, **Erie County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their facility in North East Township, Erie County. This plan approval will authorize the applicant to install and operate a fluidized bed sand stripper and burnoff oven, as described in the applicant's application of March 12, 2008. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

This burnoff oven will emit an estimated 2.15 tons CO, 1.49 tons NO<sub>x</sub>, 0.70 ton PM and 0.39 ton of VOCs annually. The plan approval includes the installation of a

cyclone collector to control particulate emissions. The permittee will be required to limit particulate emissions to 0.04 gr/dscf and to maintain a minimum temperature of 800° F in the sand stripper. The plan approval will also include appropriate monitoring, recordkeeping and work practice requirements as needed to demonstrate compliance with applicable air quality requirements.

Copies of the application, Department's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown as follows. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval No. 25-970A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

**37-012B: Dunbar Asphalt Products, Inc., Hillsville Hot Mix Batch Asphalt Plant** (P. O. Box 477, Wheatland, PA 16161) for modification of a plan approval to increase production and change the No. 2 fuel oil sulfur limit at the Hillsville Hot Mix Batch Asphalt Plant in Mahoning Township, **Lawrence County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for modification of a plan approval to increase production and change the No. 2 fuel oil sulfur limit at the Hillsville Hot Mix Batch Asphalt Plant in Mahoning Township, Lawrence County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

**42-028B: Saint-Gobain** (1 Glass Place, Port Allegany, PA 16743-1611) for issuance of a plan approval for their container glass manufacturing facility in Port Allegany Borough, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for the container glass manufacturing facility in Port Allegany Borough, McKean County. This Plan Approval is for a major rebuild of Furnace No. 1, that includes the installation of new gas burners, an oxygen enriched air staging

system and a NOx CEMS. This is a Title V facility, Permit No. 42-00028. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. The emissions from Furnace No. 1 through Stack S101 shall not exceed:
  - a. PM 9.65 lbs/hr.
  - b. PM 42.27 tons/year based on a 12-month rolling total.
  - c. SO<sub>2</sub> 500 parts per million, by volume, dry basis.
  - d. SOx calculated as SO<sub>2</sub> 126.58 tons/year based on a 12 month rolling total
  - e. NOx calculated as NO<sub>2</sub> 4.0 lbs/ton of glass produced when OEAS is operating.
  - f. NOx calculated as NO<sub>2</sub> 6.2 lbs/ton of glass produced when OEAS is not operating.
  - g. NOx calculated as NO<sub>2</sub> 148.92 tons/year based on a 12-month rolling total.
  - h. CO 0.2 lbs/ton of glass produced.
  - i. CO 7.45 tons/year based on a 12 month rolling total.
  - j. VOC calculated as propane 0.2 lb/ton of glass produced.
  - k. VOC calculated as propane 7.45 tons/year based on a 12-month rolling total.

The Department reserves the right to modify the emission limits based on the results of stack tests or the results of the NOx CEMS. The NOx limit will not be modified to exceed the RACT limit of 7.8 lbs/ton.

2. A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

- a. Equal to or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour.
  - b. Equal to or greater than 60% at any time.
3. The permittee shall only use Natural Gas as fuel for Furnace No. 1. The Permittee shall not use electric boost on Furnace No. 1, unless approved by the Department.
4. a. The production rate from Furnace No. 1 shall not exceed 74,460 tpy based on a quarterly rolling average.
  - b. The production rate from Furnace No. 1 shall not exceed 8.5 tons per hour based on a 24 hour block average.
  5. Furnace No. 1 shall combust a maximum of 41,600 standard cubic feet of natural gas per hour.
  6. The owner or operator shall perform NOx (with the OEAS operating and without the OEAS operating), CO, SO<sub>2</sub>, VOC, and Total PM emission tests within 6 months of start up of the rebuilt Furnace No. 1 to determine compliance with the emissions limitations in this plan approval. During the stack tests, opacity observations shall be conducted in accordance with United States EPA Reference Method 9.
  7. a. The permittee shall perform a stack test to determine the concentration and emission rates of total PM including suspended and condensable PM using EPA Method 5 or 201A and Method 202 at least once a year.

During the stack tests, opacity observations shall be conducted in accordance with United States EPA Reference Method 9.

b. The permittee shall perform a stack test to determine the concentration and emission rates of VOC, SO<sub>x</sub> and CO at least once a year.

c. After a period of 2 years, the permittee may request in writing and the Department at its discretion, may approve deleting or modifying the previously-listed stack testing requirements

8. The permittee shall install, maintain and operate a NO<sub>x</sub> CEMS on Furnace No. 1 stack (S101) to determine compliance with the NO<sub>x</sub> emission limits on a daily basis.

9. The Plan Approval and Operating Permit will include conditions that require monitoring, recordkeeping, reporting, work practice standards and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements.

10. Within 45 days of the date of the final signature on the Consent Decree between the United States EPA, Saint-Gobains Containers Inc. and all parties to the Consent Decree, the permittee will apply to the Department for revision of its permit to incorporate any conditions which apply to the Port Allegany facility.

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

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

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

Identification of the proposed permit No. 42-028B.

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

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

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

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

## OPERATING PERMITS

### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—015) and 25 Pa. Code Chapter 127, Subchapter G.

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

**46-00035: SmithKline Beecham Corp., d/b/a Glaxo SmithKline** (709 Swedeland Road, King of Prussia, PA 19406) for a renewal of the Title V Operating Permit in Upper Merion Township, **Montgomery County**. The facility is primarily involved in pharmaceutical research and development. SmithKline Beecham Corp., d/b/a Glaxo SmithKline operates boilers, generators, incinerators and other lab equipment. The renewal incorporates plan approval 46-0035D for the installation of a scrubber system and fabric filter. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The operation is subject to Compliance Assurance Monitoring under 40 CFR Part 64 and NSPS regulations.

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

**TV 13-00001: Horsehead Corp.** (900 Delaware Avenue, Palmerton, PA 18071) for operation of the manufacturing of inorganic pigments, Title V Operating Permit in Palmerton, **Carbon County**.

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

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

**46-00237: Numonics Corp.** (101 Commerce Drive, Montgomeryville, PA 18936-9628) for issuance of a State-only Operating Permit to manufacture computer peripheral equipment in Montgomery Township, **Montgomery County**. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

**39-00041: Greenwood Cemetery Assoc.** (2010 Chew Street, Allentown, PA 18104) for operation of a funeral service and crematory, State-only Natural Minor Operating Permit in City of Allentown, **Lehigh County**.

**54-00042: Pittsburgh Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for operation of a manufactured housing facility, State-only Synthetic Minor Operating Permit in Pine Grove Borough, **Schuylkill County**.

**54-00042: The Commodore Corporation** (P. O. Box 557, Goshen, IN 46527) for operation of Woodworking Operations facility, State-only Synthetic Minor Operating Permit in Pine Grove Borough, **Schuylkill County**.

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

**05-05024: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) for the operation of three paint

spray booths and associated equipment at their Weber Lane Facility in Bedford Township, **Bedford County**. The facility will be required to limit the emissions to less than 100 tons each of particulate, SO<sub>x</sub>, CO and NO<sub>x</sub>, 50 tons of VOC and 10/25 tons of HAPs, during any consecutive 12-month period. The coatings will have limits on their VOC content and usage. The spray booths will be controlled by a dry filter system. Records of the VOC emissions and coating usage will be required. The permit will include monitoring, work practices, recordkeeping and report requirements designed to keep the facility operating within all applicable air quality requirements.

**21-05021: Arnold Fuel Oil, Inc., Mechanicsburg North Terminal** (P. O. Box 2621, Harrisburg, PA 17105) for renewal of the State-only operating permit issued in May 2003 in Silver Spring Township, **Cumberland County**. This is a renewal of the State-only operating permit issued in May 2003.

**22-03004: H. B. Reese Candy Co.** (925 Reese Avenue, Hershey, PA 17033) for operation of a chocolate candy manufacturing facility in Derry Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**36-05130: Masonic Homes** (1 Masonic Drive, Elizabethtown, PA 17022) a renewal of the State-only operating permit issued in October 2003 in Elizabethtown Borough, **Lancaster County**.

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

**55-00018: Cherry Hill Hardwoods, Inc.** (3150 Middle Road, Richfield, PA 17086-9622), for their facility in West Perry Township, **Snyder County**. The facility's main sources includes one wood-fired boiler, one oil-fired boiler, woodworking equipment, one lumber predryer and four lumber drying kilns. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM (PM<sub>10</sub>), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**54-00042: The Commodore Corp.** (P. O. Box 557, Goshen, IN 46527) for operation of Woodworking Operations facility, State-only Synthetic Minor Operating Permit in Pine Grove Borough, **Schuylkill County**.

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

**37-00302: Axion Battery Products, Inc.** (3601 Clover Lane, New Castle, PA 16105) the Department intends to re-issue a Natural Minor Operating Permit for the listed facility located in Neshannock Township, **Lawrence County**. The primary missions from this facility are from the production of automotive type batteries.

**43-00349: Valley Can, Inc.** (1264 Fredonia Road, Hadley, PA 16130) for issuance of State-only permit in Perry Township and **Mercer County**. The facility manufactures fabricated dumpster, metal can, box and other light gauge metal container for waste disposal. The facility's major emission sources include spray paint booth, welding and cutting operations. This facility is natural minor because the emission of pollutants is less than the Title V emission threshold.

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

**S07-003: Southern Graphics Systems** (2781 Roberts Avenue, Philadelphia, PA 19129), for manufacturing of printing plates for the flexographic printing industry in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three photo processing units, two plate dryers, two distillation stills and a film processing and proofing process.

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

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty 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 14743701 and NPDES Permit No. PA0600156, Pennsylvania Mines, LLC and PPL Generation, LLC** (2 North Ninth Street, GEN PL6, Allentown, PA 18101), to renew the permit for the Pauline Hollow Refuse Disposal Site in Rush Township, **Centre County** and related NPDES permit. No additional discharges. Application received March 31, 2008.

**Permit Number 11981701 and NPDES Permit No. PA0215139, Eastern Associated Coal, LLC**, (P. O. Box 1233, Charleston, WV 25324), to renew the permit for the Colver Mine Treatment Facility in Blacklick Township, **Cambria County** and related NPDES permit. No additional discharges. Application received April 21, 2008.

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

**32970105 and NPDES No. PA0234419. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface mine in Grant Township, **Indiana County**, affecting 54.2 acres. Receiving stream: East Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 25, 2008.

**11980101 and NPDES No. PA0234737. L & J Energy Company, Inc.**, P. O. Box J, Grampian, PA 16838, permit renewal for reclamation only of a bituminous surface auger mine in Susquehanna Township, **Cambria County**, affecting 93.0 acres. Receiving streams: West Branch Susquehanna River; Douglas Run classified for

the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 30, 2008.

**56980101 and NPDES No. PA0234664. Heritage Mining Company**, P. O. Box 126, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface auger mine in Shade and Paint Townships, **Somerset County**, affecting 58.7 acres. Receiving streams: UNTs to/and Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek CWI. Application received April 29, 2008.

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

**03050105 and NPDES Permit No. PA0250821. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision application to add 6.9 acres to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 294.9 acres. Receiving streams: UNTs to Mahoning Creek and Mahoning Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received April 29, 2008.

**03020112 and NPDES Permit No. PA0251324. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Permit renewal for continued mining to an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 49.5 acres. Receiving streams: Craig Run and Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received April 29, 2008.

**63080101 and NPDES Permit No. PA0251381. Muligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Application for commencement, operation and reclamation of a bituminous surface mine, located in Smith Township, **Washington County**, affecting 124.0 acres. Receiving streams: UNTs to Raccoon Creek and Little Raccoon Creek, classified for the follow-

ing use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received April 25, 2008.

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

**24000101 and NPDES Permit No. PA0241733. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip operation in Fox Township, **Elk County** affecting 62.1 acres. Receiving streams: Little Toby Creek, classified CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received April 28, 2008.

**33080106 and NPDES Permit No. PA0258571. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Young Township, **Jefferson County** affecting 100.0 acres. Receiving streams: Five UNTs to Little Elk Run and Little Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received April 24, 2008.

**1475-33080106-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to encroach to within 25 feet of and construct a permanent stream crossing over UNT 1 to Little Elk Run in Young Township, **Jefferson County**. Receiving streams: five UNTs to Little Elk Run and Little Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received April 24, 2008.

**1475-33080106-E-2. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to encroach to within 25 feet of UNT 2 to Little Elk Run in Young Township, **Jefferson County**. Receiving streams: five UNTs to Little Elk Run and Little Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received April 24, 2008.

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

**17080103 and NPDES No. PA0256722. Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651),

commencement, operation and restoration of a bituminous surface and auger mine in Bigler Township, **Clearfield County**, affecting 320.7 acres. Receiving streams: UNT to Muddy Run and UNTs to Little Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 10, 2008.

**17010111 and NPDES No. PA0243141. W. Ruskin Dressler** (P. O. Box 39, Rockton, PA 15856), revision of an existing bituminous surface mine to change land use in Brady Township, **Clearfield County**, affecting 58.7 acres. Receiving streams: East Branch Mahonning Creek and Beech Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 8, 2008.

**14080101 and NPDES No. PA0256773. Warren C. Hartman Contracting** (5315 Bigler Road, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface coal mine in Burnside and Snow Shoe Townships, **Centre County**, affecting 325.0 acres. Receiving streams: Tributaries to Little Sandy Run and Contrary Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 18, 2008.

*Coal Applications Returned*

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

**30060101 and NPDES Permit PA0250970. SBX Corporation** (668 Lower Hildebrand Road, Morgantown, WV 26501-1761). Application for commencement, operation and reclamation of a bituminous surface mining site located in Dunkard Township, **Greene County**, proposed to affect 50.9 acres, is hereby cancelled. Receiving streams: Meadow Run. Application received: September 27, 2006. Application cancelled and returned May 1, 2008.

*Noncoal Applications Received*

*Effluent Limits*

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

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

<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.*

**26080401 and NPDES Permit No. PA0251372. Stone Materials, LLC** (P. O. Box 423, Reedsville, WV 26547). Application for a large noncoal surface mine,

located in Georges Township, **Fayette County**, affecting 231.3 acres. Receiving stream: Brownfield Hollow Basin, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received April 18, 2008.

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

**14980301 and NPDES No. PA0237825. Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823), renewal of NPDES Permit, in Spring and Benner Townships, **Centre County**. Receiving streams: Logan Branch to Spring Creek to Bald Eagle Creek to West

Branch, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received April 14, 2008.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-782. Parke Mansion Partners, LP**, 1380 Wilmington Pike, West Chester, PA 19382, Parkesburg Borough, **Chester County**, United States Army Corp of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Parke Mansion Estates Residential Development Project within and along the Little Buck Run (TSF, MF):

1. To construct and maintain an open-bottom box culvert secured to a poured foundation constructed on both sides of the stream associated with Parke Drive.

2. To install and maintain a water and sanitary sewer utility line crossing within the roadway bed of Park Drive.

3. To construct and maintain four stormwater outfalls along Little Buck Run.

The site is located along SR 0010 (Church Street) between Main Street and Sadsbury Road (Parkesburg, PA Quadrangle N: 16.5 inches; W: 5.0 inches).

**E46-1028. Montgomery Township**, 1001 Stump Road, Montgomeryville, PA 18936, Montgomery Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a proposed 90-foot long, 8-foot span and 9.5-foot underclearance pedestrian bridge across Little Neshaminy Creek (WWF-MF) associated with the modification of the existing recreational trail.

The site is located approximately 500 feet northeast of the intersection of Kenas Road and Davis Drive (Ambler, PA USGS Quadrangle N: 20.25 inches; W: 11.00 inches).

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

**E39-486. Posocco Properties**, Attention David Posocco, 2610 Walbert Avenue, Allentown, PA 18104, in South Whitehall Township, Upper Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.07 acre of PSS wetlands for the purpose of widening a road accessing Blue Barn Meadows Residential Subdivision. The project is located approximately 0.7 mile west and 0.3 mile north of SR 0476 and SR 0022. (Allentown West, PA Quadrangle N: 18.31 inches; W: 11.3 inches).

**E40-689. County of Luzerne**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711, in Wilkes-Barre Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain parking facilities, a concrete overlook and removable kayak docks for the widening and improvement of an existing boat launch at Nesbitt Park along the Susquehanna River (WWF). The project is located 1.6 miles south of the intersection of SR 0309 and US Route 11 (Kingston, PA Quadrangle N: 0.2 inch; W: 1.5 inches).

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

**E22-509M. Hershey Trust Company**, Middle Division New Student Homes, 100 Mansion Road East, Hershey, PA 17033, South Hanover Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain an 8.0-inch PVC sanitary sewer pipe wetland crossing temporarily impacting 0.013 acre PEM wetland; four, 4.0-inch and 8.0-inch PVC sanitary sewer pipe wetland crossings temporarily impacting 0.007 acre, 0.021 acre, 0.006 acre and 0.43 acre PEM wetlands, respectively; a 40.0-foot long 4.0-inch and 8.0-inch PVC sanitary sewer pipe crossings in a UNT to the Swatara Creek (WWF); 4.0-inch and 8.0-inch sanitary sewer pipe crossings in the Swatara Creek (WWF); an 80.0-foot long by 24.0-inch HDPE sewer pipe wetland crossing permanently impacting 0.036 acre PEM wetland; a 15.0 inch stormwater pipe outfall in a UNT to the Swatara Creek (WWF); a concrete arch bridge having a



normal span of 22.0 feet, width of 34.7 feet, and an underclearance of 9.2 feet across a UNT tributary to the Swatara Creek (WWF) permanently impacting 0.021 acre of PEM wetland. Other utilities are located within the fill of the roadway crossings; a pedestrian trail crossing permanently impacting 0.002 acre PEM wetland; a 12.0-inch HDPE culvert pipe for a pedestrian trail crossing permanently impacting 0.012 acre PEM wetland; a 6.0-inch SDR 35 PVC culvert pipe for a pedestrian trail crossing permanently impacting 0.008 acre PEM wetland; a 6.0-inch SDR 35 PVC culvert pipe for a pedestrian trail crossing permanently impacting 0.012 acre PEM wetland; an 18.0-inch HDPE culvert pipe pedestrian trail crossing permanently impacting 0.010 acre PEM wetland; a utility pole and aerial utility line crossing in a wetland associated with and crossing the Swatara Creek (WWF); and a temporary roadway impacting 0.620 acre of PEM; The project is located at the northeast corner of the intersection of SR 0039 and East Canal Street (SR 2010) (Hershey, PA Quadrangle, N: 9 inches; W: 6.9 inches, Latitude: 40° 18' 00"; Longitude: 76° 40' 40") in South Hanover Township, Dauphin County. The purpose of the project is to construct new student housing. The permittee is required to provide a minimum of 0.057 acre of PEM replacement wetlands on site.

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

**E14-509. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 2012, Section A01 Bridge Replacement, in Gregg Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Spring Mills, PA Quadrangles N: 40° 50' 12.50"; W: 77° 32' 46.41").

To remove the existing 64.0-foot two span steel girder bridge / appurtenant structures and to construct and maintain a single span prestressed concrete adjacent box beam bridge with reinforced concrete wing walls having a single clear span of 70 feet with a minimum underclearance of 6.34 feet, and R-8 riprap permanently placed along the front face of the abutments/wing walls and for a radius of 5 feet around the end of wingwalls located 2,000 feet southeast on Penns Creek Road (SR 2012) from its intersection with Lower Georges Valley Road. Muddy Creek is classified as a HQ-CWF, Class A wild trout stream. There will be approximately 0.036 acre of permanent wetland impacts and 0.030 acre of temporary wetland impacts on this project.

**E41-584. Borough of Muncy**, 14 North Washington Street, Muncy, PA 17756. Standard Joint Water Obstruction Permit Application, in Muncy Borough and Muncy Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 14.9 inches; W: 4.8 inches).

To dredge 4,000 feet of Glade Run 2.5 feet deep in Muncy Borough, Lycoming County. This project proposes to have a significant impact on Glade Run for a period not to exceed 10 years, which is, designated a WWF. This project does not propose to impact any jurisdictional wetlands.

**E41-586. Department of Conservation and Natural Resources**, RCSOB, 8th Floor, 400 Market Street, Harrisburg, PA 17101-8451. Water Obstruction and Encroachment Joint Permit Application, in Cummings Township, **Lycoming County**, ACOE Susquehanna River Basin District (Jersey Mills, PA Quadrangle N: 41° 19' 6.1"; W: 77° 23' 31.4").

To construct and maintain a 60-foot by 13-foot Con-Span bridge on a skew of 70°, over Lower Pine Bottom Run, located off the intersection of SR 0044 and SR 0414. This project proposes to permanently impact 60 linear feet of Lower Pine Bottom 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.*

**E02-1580. County of Allegheny Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To operate and maintain the existing multispan railroad Riverton Bridge in the City of Duquesne and City of McKeesport, in **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (McKeesport, PA Quadrangle N: 19.4 inches; W: 13.6 inches Latitude: 40° 21' 25"; Longitude: 79° 50' 50"). The applicant proposes to operate and maintain the existing multispan railroad bridge (Riverton Bridge) located over the Monongahela River; to remove the existing tracks, catwalk and tress span No. 8; to construct and maintain a new 12-ft. wide pedestrian deck and side railing once the existing 14-ft. wide bridge deck across the remaining spans; and to construct and maintain a multispan ramp on the McKeesport end of the bridge near pier No. 7. The project is for the converting of the bridge to a walking, hiking and Biking trail as part for the Great Allegheny Passage Trail. The project is located approximately 1,000-ft downstream of the McKeesport Duquesne.

**E02-1582. Brooks & Blair Waterfront Properties, LP**, The Walnut Mall, 5541 Walnut Street, Pittsburgh, PA 15232. To construct and maintain a floating dock in the Borough of Oakmont, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (New Kensington West, PA Quadrangle N: 2.0 inches; W: 13.5 inches, Latitude: 40° 30' 28"; Longitude: 79° 50' 50"). The applicant proposes to construct and maintain a floating boat dock 426.0 feet in length by 162.0 feet in width in the channel and along the left bank of the Allegheny River (WWF) and to construct and maintain two outfall structures on the left bank of said stream for the purpose of constructing The River's Edge of Oakmont residential development.

**E32-257-A1. Department of Conservation and Natural Resources, Yellow Creek State Park**, 170 Route 259 Highway, Penn Run, PA 15765. To replace and expand existing recreational dock in Cherryhill Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (Brush Valley, PA Quadrangle N: 14.9 inches; W: 6.3 inches, Latitude: 40° 34' 59.4"; Longitude: 79° 2' 43"). The applicant proposes to:

1. Remove material from approximately 0.35 acre of an existing bathing beach and from the bottom of the lake and replace it with clean sand and pea gravel, and to maintain the area.

2. Install and maintain a 3,350 sq. ft. wooden dock (total impact 0.43 acre or 18,596 sq. ft.).

3. Install and maintain three sections of wooden access walkways, with a total length of approximately 98.5 feet; all with a width of 5 feet, to access the dock area, in the floodway of Yellow Creek Lake.



4. Install and maintain a 10 foot by 14 foot metal gangway anchored on a poured concrete bulkhead.

5. Install and maintain approximately 80 feet of "French Drain" under the beach area, and an outfall structure for same.

The purpose of replacing and expanding the existing recreational dock is to refurbish an existing bathing beach. The project is located approximately 0.6 mile southeast along the eastern shore of Yellow Creek Lake (CWF) in Yellow Creek State Park.

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## ACTIONS

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

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

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

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

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

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

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

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#### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0062979 (Minor Sewage)	Chelsea Property Group d/b/a The Crossings 1000 Route 611 Tannersville, PA 18372	Pocono Township Monroe County	Pocono Creek 01E	Y
PA0013501 (Industrial Waste)	Honeywell International, Inc. 98 Westwood Road Pottsville, PA 17901-1834	Norwegian Township Schuylkill County	UNT to West Branch Schuylkill River 03A	Y

## NOTICES

2309

<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>
PA-0043206	Trails End Camp, Inc. 1714 Wantagh Avenue Wantagh, NY 11793	Berlin Township Wayne County	UNT To Beach Lake 1A	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>
PA0084395 (IW)	State Correctional Institution at Camp Hill 2500 Lisburn Road Camp Hill, PA 17011	Cumberland County Lower Allen Township	Cedar Run 7-E	Y
PA0081329 (Sew)	South Londonderry Township Municipal Authority P. O. Box 3 Campbelltown, PA 17010-0003	Lebanon County South Londonderry Township	Conewago Creek 7-G	Y
PA0031950 (Sew)	Department of Conservation and Natural Resources—State Parks Bureau Little Buffalo State Park P. O. Box 8551 Harrisburg, PA 17105-8551	Perry County Juniata Township	Little Buffalo Creek 12-B	Y
PA0085111 (IW)	Altoona City Authority Tipton Plant 20 Greenwood Road Altoona, PA 16602-7114	Blair County Antis Township	Tipton Run 11-A	Y
PA0082228 (Sew)	Hill Top Acres Mobile Home Park 1546 Newport Road Manheim, PA 17545	Lancaster County Rapho Township	Chickies Creek 7-G	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>
PA0217476 Sewage	Scott Hooks Construction, Inc. 190 Walnut Bottom Road Kittanning, PA 16201-7041	Armstrong County East Franklin Township	UNT to Glade 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>
PA0220779	Springfield Village Mobile Home Park P. O. Box 201 West Springfield, PA 16443	Springfield Township Erie County	UNT of Raccoon Creek 15-RC	Y
PA0101923	Saegertown Area Sewer Authority P. O. Box 334 Park Avenue Extension Saegertown, PA 16433	Saegertown Borough Crawford County	French Creek 16-D	Y

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

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

**NPDES Permit No. PA0044628 08-1**, Industrial Waste, **York Haven Power Company, LLC**, York Haven Hydro Station, P. O. Box 67, York Haven, PA 17370. This proposed facility is located in York Haven Borough, **York County**.

Description of Proposed Action/Activity: Permit Transfer giving authorization to discharge from a facility known as York Haven Hydro Station to the Susquehanna River in Watershed 7-G.

**NPDES Permit No. PA0261041**, CAFO, **Karlin Lynch**, 138 Mays Chapel Road, Warfordsburg, PA 17267. This proposed facility is located in Bethel Township, **Fulton County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for the operation of a 730-AEU turkey and beef operation in Watershed 13-B.

**NPDES Permit No. PA0261068**, CAFO, **Geoffrey and Glen Rohrer**, 3392 Blue Rock Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,337-AEI dairy and poultry operation in Watershed 7-J.

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

**NPDES Permit No., PA0102326**, Sewage, **State Regional Correction Center at Mercer**, 801 Butler Pike, Mercer, PA 16137. This proposed facility is located in Findley, **Mercer County**.

Description of Proposed Action/Activity: New NPDES permit replacing an expired permit for an existing discharge of treated sewage.

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

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

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

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a small flow individual residence spray irrigation system for denitrification of a septic tank, Eco-Flo filter chlorine disinfection and spray field.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of septic tank, recirculating sand filter/pea gravel bed and elevated sand mound disposal bed.

**WQM Permit No. 2208403**, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of replacement of 2,150 feet of Paxton Creek Trunk "A" Interceptor from MH 70 to MH 632 with 24" gravity sewer.

**WQM Permit No. 3607203**, CAFO, **Geoffrey and Glenn Rohrer**, 3392 Blue Rock Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction of manure storage and sand settling facilities.

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

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

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

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

**WQM Permit No. 0307202**, Industrial Waste, **Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This proposed facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a discharge pipeline and associated components.

**WQM Permit No. 0270450-A1**, Sewerage, **William Moretti**, 19 Moretti Drive, Tarentum, PA 15084. This existing facility is located in West Deer Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance to install tablet dechlorination at the Deer Lakes Mobile Home Park STP.

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

**WQM Permit No. WQG018613**, Sewerage, **Keith M. Dovenspike**, P. O. Box 263, Hawthorn, PA 16230. This proposed facility is located in Redbank Township, **Clarion County**.

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

**WQM Permit No. 2792401**, Sewerage, **Amendment No. 2, Jenks Township**, P. O. Box 436, 2 Pine Street, Marienville, PA 16239. This proposed facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This project is to replace an existing sewage pump station which serves a large portion of the Village of Marienville, Forest County, known as the Cherry Street Pump Station (No. 2). This will service the western and southern sections of Marienville including residences, business, the East Forest School Facility and the Snyder Memorial Assisted Living Facility.

**WQM Permit No. WQG018612**, Sewerage, **Brain J. Drew and Karen S. Philson**, 1077 Jackson Center-Polk Road, Stoneboro, PA 16153. This proposed facility is located in Worth Township, **Mercer County**.

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

**WQM Permit No. WQG018610**, Sewerage, **Gloria Curtis**, 312 Freeport Road, Butler, PA 16002. This proposed facility is located in Summit Township, **Butler County**.

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

**WQM Permit No. WQG018617**, Sewerage, **Bradly Straight**, 475 Hirtzel Road, Warren, PA 16365. This proposed facility is located in Pleasant Township, **Warren County**.

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

**WQM Permit No. 4395409**, Sewerage, **State Regional Correction Center at Mercer**, 801 Butler Pike, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: An extended aeration system created from two parallel .025 mgd units and WQM 4387405 facilities.

**WQM Permit No. WQG018607**, Sewerage, **Patrick G. Murphy**, 2056 East Valley Road, Smethport, PA 16749. This proposed facility is located in Keating Township, **McKean County**.

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

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

**WQM Permit No. 4607201**, Sewerage, **Smithfield Beef Group, Souderton Inc.**, P. O. Box 395, Souderton, PA 18964-0395. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Upgrades to the existing wastewater treatment plant.

**WQM Permit No. WQG02-150803**, Sewerage, **A. Hionis Family Limited Partnership**, P. O. Box 208, Mendenhall, PA 19357. This proposed facility is located in Kennett Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewer extension.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U127R	J. G. Petrucci Co., Inc. 171 Route 173 Suite 201 Asbury, NJ 08802	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI023907028	Allentown School District 1301 Sumner Avenue Allentown, PA 18102	Lehigh	Allentown City	Cedar Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064208001	Bradford City Water Authority 28 Kennedy Street Bradford, PA 16701-2006	McKean	Bradford Township	Marilla Brook HQ-CWF

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

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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).

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

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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved, PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved, PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality &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>
Hazle Township Luzerne County	PAG2004007044	Gottstein Contracting Corp. Attn: Ken Gottstein 39 Elm Road Humboldt Industrial Park Hazleton, PA 18202	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Plains Township Luzerne County	PAG2004008001	Downs Racing, LP Attn: Robert Becker 1280 Highway 315 Wilkes-Barre, PA 18702	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Hazle Township Luzerne County	PAG2004008002	Debbie Noone Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Sugarloaf Township Luzerne County	PAG2004007042	Yogi Gandhi 3 Forest Hill Road Hazleton, PA 18202	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Littlestown Borough Adams County	PAG2000107034	John E. Davis Littlestown Associates 2555 Kingston Road Suite 180 York, PA 17402	UNT to Piney Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Mt. Pleasant Adams County	PAG2000108009	Thomas P. Gebhart 200 Wheatland Drive Gettysburg, PA 17325	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Lower Paxton Township Dauphin County	PAG2002208010	The McNaughton Company 4400 Deerpath Road Suite 201 Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002208001	P. Jules Patt Derry Lodging, LP 422 Allegheny Street Hollidaysburg, PA 16648	Spring Creek (East) WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

## NOTICES

2313

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Swatara Township Dauphin County	PAR10I2541R	Mylin Messick Messick Construction, Inc. 1100 Spring Garden Drive Suite B Middletown, PA 17057	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Hanover Township Dauphin County	PAG2002208014	Joseph Lelii 724 Rockfield Drive Harrisburg, PA 17112	Manada Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
East Lampeter Township Lancaster County	PAG2003608008	High Real Estate Group 1853 William Penn Way Lancaster, PA 17605	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Earl Township Lancaster County	PAG2003608021	David Zimmerman 4610 Division Highway East Earl, PA 17519	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Leacock Township Lancaster County	PAG2003608022	Amos Beiler 3131 A West Newport Road Ronks, PA 17572	UNT to Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003608028	Montessori Academy of Lancaster 2750 Weaver Road Lancaster, PA 17601	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003608029	Columbia Avenue Housing Associates 2316 Dairy Road Lancaster, PA 17601	Little Conestoga TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Carlisle Borough Cumberland County	PAG2002108007	G and G 24 APA General Partnership Meeting House Heights 312 West Meadow Drive Mechanicsburg, PA 17055	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002108008	6 Long Lane, LLC Ken Helstrom 1415 Wellgate Lane Mechanicsburg, PA 17055	Trindle Spring Run CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Shippensburg and Southampton Townships Shippensburg Borough Cumberland County	PAG2002107044	Department of Transportation Michael Gillespie 2140 Herr Street Harrisburg, PA 17103	Burd Run CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

City of Reading Berks County	PAG2000608024	Lori Kiedaisch McDonald's USA, LLC 3025 Chemical Road Suite 100 Plymouth Meeting, PA 19462	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Heidelberg Township Berks County	PAG2000608022	Lawrence Drogo Reading Alloys, Inc. P. O. Box 53 Robesonia, PA 19551	UNT to Spring Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Penn Township Berks County	PAG2000608020	Angelo Corrado Corrado Development, LLC 965 Park Road Blandon, PA 19510	Northkill Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Colebrookdale and Washington Townships Berks County	PAG2000607040	Francis J. Kelsch 126 Washington Road Bechtelsville, PA 19505	Swamp Creek TSF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Heidelberg Township Berks County	PAR10C425R2	Troy Tranquillo Caron Treatment Centers 144 North Galen Hall Road Wernersville, PA 19565-9320	Manor Creek NC	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Clearfield County Bell Township	PAG2001708005	Department of Transportation District 2-0 1924-30 Daisy Street Extension Clearfield, PA 16830	Bear Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Cambria County Richland Township	PAG2001108002	Goodwill Industries 540 Central Avenue Johnstown, PA 15902	UNT Stonycreek River CWF	Cambria County Conservation District (814) 472-2120
Fayette County City of Connellsville	PAG2002608009	Vicki McWilliams Connellsville School District 732 Rock Ridge Road P. O. Box 861 Connellsville, PA 15425	UNT to Whites Run WWF	Fayette County Conservation District (724) 438-4497
Greene County Dunkard Township	PAG2003008005	Longview Power, LLC 85 Wells Avenue Suite 300 Newton, MA 02459	Crooked Run WWF	Greene County Conservation District (724) 852-5278
Washington County Chartiers Township	PAG2006308012	Tony Burlando 1210 Meridian Drive Presto, PA 15142	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Butler County Cranberry Township	PAG2001007021	Albert Singer Mystic Ridge Development, LLC P. O. Box 221 Warrendale, PA 15086	UNT to Wolfe Run WWF	Butler County Conservation District (724) 284-5270

## NOTICES

2315

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Forest Lake Township Susquehanna County	PAR212225	Powers Stone, Inc. R. R. 5 Box 124 Montrose, PA 18801-9340	Wyalusing Creek CWF, WWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Watsonstown Borough Northumberland County	PAR204816 (Stormwater)	Watsonstown Foundry Fifth and Ash Streets Watsonstown, PA 17777	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bethel Park Borough Allegheny County	PAR806172	PA American Water 300 Galley Road McMurray, PA 15317	Lick Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Meadville Crawford County	PAR318303	Universal Well Services 159 Northwood Drive Meadville, PA 16335	UNT to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>	
Adams County Liberty Township	PAG043708	Andrew and Dawn Snyder 215 Stultz Road Fairfield, PA 17320	UNT to Flat Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Hamilton Township	PAG043618	Kenneth and Mary Heckman 5361 Bricker Road Chambersburg, PA 17202	UNT Dennis Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Redbank Township Clarion County	PAG049422	Keith M. Dovenspike P. O. Box 263 Hawthorn, PA 16230	UNT to Pine Creek 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pleasant Township Warren County	PAG049428	Bradly Straight 475 Hirtzel Road Warren, PA 16365	UNT to Sill Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township Erie County	PAG048540	Timothy D. Klein 1201 Sirak Drive Fairview, PA 16514-1407	UNT to LeBoeuf Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048551	John R. Suminski 3400 Crane Road Edinboro, PA 16412	UNT to Little Conneauttee Creek 16-A	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>
Keating Township McKean County	PAG049414	Patrick G. Murphy 2056 East Valley Road Smethport, PA 16749	UNT to Potato Creek 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-10*

<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>
Plum Creek, Manor, Burrell, Kittanning and Bethel Townships Armstrong County	PAG106113	Reliant Energy Northeast Management Company 121 Champion Way Suite 200 Canonsburg, PA 15317-5817	UNT to Horney Camp Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

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#### **Permit No. 6407503, Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010 Waymart Borough
County	<b>Wayne</b>
Type of Facility	PWS
Consulting Engineer	Brennan Kelly, P. E. Aqua America 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	April 23, 2008

#### **Permit No. 4505505, Public Water Supply.**

Applicant	<b>Brodhead Creek Regional Authority</b> 410 Stokes Avenue East Stroudsburg, PA 18301 Stroud Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	Russell Scott, P. E. RKR Hess Associates 112 North Courtland Street P. O. Box 268 East Stroudsburg, PA 18301
Permit to Construct Issued	April 17, 2008

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

#### **Permit No. 2807502, Public Water Supply.**

Applicant	<b>Budget Inn Chambersburg</b>
Municipality	Guilford Township
County	<b>Franklin</b>
Type of Facility	NSF 53 filtration facility to treat GUDI and chlorination.

Consulting Engineer Janet R. McNally, P. E.  
William F. Hill & Assoc., Inc.  
207 Baltimore Street  
Gettysburg, PA 17325

Permit to Construct April 30, 2008  
Issued:

**Permit No. 3607517**, Public Water Supply.

Applicant **Columbia Water Company**  
Municipality West Hempfield Township  
County **Lancaster**  
Type of Facility Addition of two booster pumps to  
the existing Prospect Road  
booster pumping station.

Consulting Engineer David T. Lewis, P. E.  
Columbia Water Company  
220 Locust Street  
Columbia, PA 17512

Permit to Construct April 30, 2008  
Issued:

**Permit No. 0108504**, Public Water Supply.

Applicant **Hillandale Gettysburg, LP**  
Municipality Tyrone Township  
County **Adams**  
Type of Facility Installation of arsenic removal  
treatment.

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

Permit to Construct May 5, 2008  
Issued:

**Permit No. 5008502 MA, Minor Amendment**, Public  
Water Supply.

Applicant **Newport Water Authority**  
Municipality Oliver Township  
County **Perry**  
Type of Facility Gas Chlorinator Installation

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

Permit to Construct April 28, 2008  
Issued:

**Permit No. 0108505 MA, Minor Amendment**, Public  
Water Supply.

Applicant **Borough of Bonneauville**  
Municipality Bonneauville Borough  
County **Adams**  
Type of Facility Bonnnifield Tank Rehab

Consulting Engineer Kirt L. Ervin  
United States Engineering, LLC  
4 Sunrise Court  
Highland, IL 62249

Permit to Construct April 30, 2008  
Issued:

**Operations Permit** issued to **Anchor Estates/  
Goldenville Estates MHP**, 7010017, Butler Township,

**Adams County** on April 10, 2008, for the operation of  
facilities approved under Construction Permit No.  
0107507 MA.

**Operations Permit** issued to **Mohrsville Water Sup-  
ply Authority**, 3060087, Centre Township, **Berks  
County** on April 29, 2008, for the operation of facilities  
approved under Construction Permit No. 0605523.

**Operations Permit** issued to **Anchor Mobile  
Estates/Goldenville Estates**, 7010017, Butler Township,  
**Adams County** on April 10, 2008, for the operation of  
facilities approved under Construction Permit No.  
0106511.

**Operations Permit** issued to **Delta Borough**,  
7670070, Peach Bottom Township, **York County** on April  
28, 2008, for the operation of facilities approved under  
Construction Permit No. 6707505.

**Operations Permit** issued to **Harman Stove Com-  
pany**, 7220503, Jackson Township, **Dauphin County** on  
February 29, 2008, for the operation of facilities approved  
under Construction Permit No. 2207507.

**Operations Permit** issued to **Bedford Borough Wa-  
ter Authority**, 4050002, Bedford Township, **Bedford  
County** on May 2, 2008, for the operation of facilities  
approved under Construction Permit No. 0508501 MA.

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

**Permit No. 5505501—Operation**, Public Water Sup-  
ply.

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township or Borough	Penn Township
County	<b>Snyder</b>
Responsible Official	Patrick Burke, P. E. Aqua Pennsylvania, Inc. 50 East Woodhaven Drive White Haven, PA 18661
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	May 2, 2008
Description of Action	Operation of Well No. 3 and a new treatment building, including sodium hypochlorite and AquaMag facilities and repainting of the existing 74,000 gallon finished water storage tank.

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

**Permit No. 5687504A2**, Public Water Supply.

Applicant	<b>Garrett Borough</b> 307 Municipal Road Garrett, PA 15542
Borough or Township	Summit Township
County	<b>Somerset</b>
Type of Facility	Water treatment system
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501

Permit to Construct April 18, 2008  
 Issued

**Permit No. 1192504A1**, Public Water Supply.  
 Applicant **Greater Johnstown Water Authority**  
 640 Franklin Street  
 Johnstown, PA 15901  
 Borough or Township West Taylor Township  
 County **Cambria**  
 Type of Facility Water treatment system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 P. O. Box 853  
 Latrobe, PA 15650  
 Permit to Construct April 22, 2008  
 Issued

**Permit No. 3207502MA, Minor Amendment.** Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 P. O. Box 888  
 Hershey, PA 17033  
 Borough or Township White Township  
 County **Indiana**  
 Type of Facility McHenry Hill water storage tank  
 Consulting Engineer  
 Permit to Construct April 8, 2008  
 Issued

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

**Operations Permit** issued to **Pennsylvania American Water Company**, PWSID No. 6330010, Punxsutawney Borough, **Jefferson County**. Emergency Operations Permit, issued May 5, 2008, for the temporary feed of Caustic Soda at the Big Run Water Treatment Plant, for a time period not to exceed 30 days. Temporary feed of Caustic Soda is for pH adjustment while the lime silo and feed system at the water treatment plant is taken out of service for repairs.

**WATER ALLOCATIONS**

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth**

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

**WA 07-171D**, Water Allocations. **Altoona City Authority, Blair County**. The Authority was granted the to withdraw up to a combined maximum of 14.5 mgd from their existing sources including Bellwood, Homer Gap and Lake Altoona Reservoir, William L. Cochran Impounding Dam, Upper Kittanning, Kettle, Allegheny, Mill Run, Plane Nine, Blair Gap, Muleshoe and Tipton Reservoir and Loup Run Intake. Each reservoir also includes maximum daily withdrawal limits. Consulting Engineer: Mark V Glenn, P. E., Gwin, Dobson & Foreman, Inc. Permit Issued April 29, 2008.

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

**Permit WA 24-105F**. Water Allocations. **St. Marys Area Water Authority**, P. O. Box 33, St. Marys, PA 15857. Grants the applicant's right to withdraw water from the Laurel Run Reservoir at a flow rate not to exceed 3.22 mgd based on a 30-day average and 5.44 mgd on a peak day. The St. Marys Area Water Authority serves customers located in the City of St. Marys, Fox and Jay Townships, **Elk County**.

**STORMWATER MANAGEMENT**

**Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)**

*Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.*

The Update of the Act 167 Stormwater Management Plan for Pine Creek, Girtys Run, Deer Creek and Squaw Run Designated Watersheds, submitted by **Allegheny County**, was approved on March 28, 2008. This approval applies to the portion of the watersheds within Allegheny County.

**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: Maple Shade Estates*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Palmer Township	3 Weller Place Palmer, PA 18043	Northampton

*Plan Description:* The approved plan provides for the previously referenced proposed Official Plan Revision consisting of a single-family detached cluster subdivision of a 52.58 acre tract located in both Palmer (22.8 acres) and Bethlehem Townships (31.2 acres). Forty-five building lots are proposed in Palmer Township with sewage flows of 11,025 gpd. The Bethlehem Township portion will propose 33 building lots, an existing farmhouse on the residual tract and future connection of three offsite existing single-family properties with sewage flows of 8,350 gpd. A new 8" gravity sewerage collection system will convey the sewage flows to a proposed pump station in the Palmer Township Section of the project. The force main from the pump station will connect to the Palmer Township Municipal Sewer Authority system at Manhole SV8. The Easton Area Joint Sewer Authority will provide conveyance and wastewater treatment facilities for the proposed total project flows of 19,375 gpd. Easton Suburban Water Authority will provide public water to the project. The project is located on Bethman Road, Palmer and Bethlehem Townships, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of the Palmer Township Municipal Sewer Authority.

*Plan Location: Maple Shade Estates*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethlehem Township	4225 Easton Road Bethlehem, PA 18020	Northampton

*Plan Description:* The approved plan provides for the previously referenced proposed Official Plan Revision consisting of a single-family detached cluster subdivision of a 52.58 acre tract located in both Palmer (22.8 acres) and Bethlehem Townships (31.2 acres). Forty-five building lots are proposed in Palmer Township with sewage flows of 11,025 gpd. The Bethlehem Township portion will propose 33 building lots, an existing farmhouse on the residual tract and future connection of three offsite existing single-family properties with sewage flows of 8,350 gpd. A new 8" gravity sewerage collection system will convey the sewage flows to a proposed pump station in the Palmer Township Section of the project. The force main from the pump station will connect to the Palmer Township Municipal Sewer Authority system at Manhole SV8. The Easton Area Joint Sewer Authority will provide conveyance and wastewater treatment facilities for the proposed total project flows of 19,375 gpd. Easton Suburban Water Authority will provide public water to the project. The project is located on Bethman Road, Palmer and Bethlehem Townships, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of the Palmer Township Municipal Sewer Authority.

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

*Plan Location:* on the north side of McClays Mill Road, 1,500 feet east of Lurgan Road.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lurgan Township	8650 McClays Mill Road Newburg, PA 17240	Franklin

*Plan Description:* The approved plan, in the name of John L. Cover, provides for a Small Flow Treatment Facility to serve one residential dwelling with sewage flows of 400 gpd. The project is located on the north side of McClays Mill Road, 1,500 feet east of Lurgan Road. The Department of Environmental Protection'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 applicant.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Swatara Township	68 Supervisors Drive Jonestown, PA 17038	Lebanon
Union Township	3111 SR 72 Jonestown, PA 17038	Lebanon
Jonestown Borough	37 West Market Street Jonestown, PA 17038	Lebanon

*Plan Description:* The approved Plan provides for the expansion of Northern Lebanon County Authority's wastewater treatment facility to 0.75 mgd and a change of the existing contact stabilization process to a sequencing batch reactor process. The process change is under addressing the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Allen Township	100 Gettysburg Pike Mechanicsburg, PA 17055	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of Upper Allen Township, Cumberland County. The proposed Meadowview Estates Section II Phase VI subdivision consists of one lot addition and 36 new residential building lots having detached single-family units with a sewage flow of 7,956 gpd tributary to the Grantham interceptor by way of an extension of Upper Allen Township's collection and conveyance system, including a new pump station and force main. Treatment will occur at the Upper Allen Township Grantham Wastewater Treatment Plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Sewickley Township	233 Miller Road Rochester, PA	Beaver

*Plan Description:* The approved plan provides for construction of a 500 gpd single residence sewage treatment plant to serve the Ralph Cordes property. The property is located at 244 Blackwoods Road, New Sewickley Township, Beaver County. The proposed discharge point is a UNT of Snake Run classified as a WWF. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

*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>
Dickinson Township	219 Mountain View Road Mt. Holly Springs, PA 17065-1503	Cumberland

*Plan Description:* Disapproval of a revision to the Official Sewage Plan of Dickinson Township, Cumberland County. The proposed Sam Brown Subdivision consists of three new residential building lots proposing individual onlot sewage disposal systems and a residual lot containing two existing dwellings with individual onlot sewage disposal systems. The plan was disapproved because the consulting hydrogeologist for the project concluded that the background nitrogen concentration under the site precludes the use of conventional onlot sewage disposal systems and the Department of Environmental Protection (Department) failed to receive the information requested for the use of Department permitted individual spray irrigation systems to overcome the nitrate issues as specified in its letter of February 6, 2008.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.*

**William Property**, West Goshen Township, **Chester County**. Michael Sarcinello, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Francine Williams, 1004 North New Street, West Chester, PA 19381 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Broad and Washington Property**, City of Philadelphia, **Philadelphia County**. Jamey Stynchula, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Samir Benakmoume, Rima BW, LP, 11-15 North 2nd Street, Philadelphia, PA 19106 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with inorganic. The

report is intended to document remediation of the site to meet the Site-Specific Standard.

**Harmon Residence**, North Coventy, **Chester County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Paul Harmon, 1271 Dimity Court, Pottstown, PA 19465 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Thorton Stable Property**, City of Philadelphia, **Philadelphia County**. Richard Burns, Conestoga-Rovers & Associates, Inc., 410 Eagleview Boulevard, Exton, PA 19341 on behalf of Bryan Cullen, Westrum BT2, LP, 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Jim Rolli Building/Haly Oil Spill**, Lower Merion Township, **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Jim Bernhardt, Haly Oil Company, 2413 Yellow Springs Road, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Bethlehem Commerce Center—Lot 52 (Eastern Engineered Wood Products Parcel)**, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, HDR Engineering, Inc., 609 West Hamilton Street, Allentown, PA 18101 has submitted a Final Report (on behalf of his client, Lehigh Valley Industrial Park, 1805 East Fourth Street, Bethlehem, PA), concerning the remediation of site soil found to have been impacted by inorganics. The report was submitted to document attainment of the Site-Specific Standard for soils using pathway elimination.

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

**Former Trimen Industries/Eastco Enterprises**, Oxford Township, **Adams County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of R & R Byproducts, Inc., P. O. Box 291, York, PA 17405, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**Marstellar Oil Company—Drum Rental Property**, Carroll Township, **Perry County**. Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Marstellar Oil Company, P. O. Box 210, Port Royal, PA 17082, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report, which was submitted within 90 days of the release, is intended to document remediation of the site to the Residential Statewide Health Standard.

**Naval Support Activity Building No. 8**, Hampden Township and Mechanicsburg Borough, **Cumberland County**. Department of the Navy, Naval Facilities Engineering Command Mid-Atlantic, Public Works Division, 5450 Carlisle Pike, Code 09M22, Mechanicsburg, PA

17055, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report, which was submitted within 90 days of the release on January 24, 2008, is intended to document remediation of the site to the Residential Statewide Health Standard.

**Boyertown Sheet Metal Fabricators, Inc.**, Amity Township, **Berks County**. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of Boyertown Sheet Metal Fabricators, Inc., P. O. Box 102, Birdsboro, PA 19508 submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release on January 19, 2008, and is intended to document remediation of the site to the Statewide Health Standard.

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

**Crompton Petrolia**, Fairview Township, **Butler County**. WSP Environment & Energy, 750 Holiday Drive, Suite 410, Pittsburgh, PA 15220 on behalf of Chemtura Corporation (formerly Crompton Corporation), 199 Benson Road, Middlebury, CT 06749 has submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site soil contaminated with BSA, m-BSA, m-BDSA, p-PSA, arsenic, benzo(a)-pyrene, lead and site groundwater contaminated with benzene, nickel, BSA, m-BDSA, p-PSA, lead, arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standards.

## 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.*

**Delbar Products, Inc.**, Perkasio Borough, **Bucks County**. Craig Benfield, Delbar Products, Inc., 601 West Spruce Street, Perkasio, PA 18944 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Background Standard and was approved by the Department of Environmental Protection on April 21, 2008.

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

**Ronald Crosson Residence**, Bratton Township, **Mifflin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Ronald Crosson, 674 Pine Glenn Road, Lewistown, PA 17044 and State Farm, P. O. Box 172, Concordville, PA 19331, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on April 29, 2008.

**ShIPLEY Group/ShREWSBURY Township Building**, Shrewsbury Township, **York County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Shrewsbury Township, 11505 Susquehanna Trail South, Glen Rock, PA 17327-9067 and Shipley Group, P. O. Box 1509, York, PA 17405, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release, which occurred on January 18, 2008. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on May 2, 2008.

**ShIPLEY Oil/Tim and Heide Rice Residence**, North Codorus Township, **York County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Shipley Group, P. O. Box 1509, York, PA 17405; Timothy and Heide Rice, 5634 Lischeys Church Road, Spring Grove, PA 17362; and Kenneth and Gladys Wright, 5631 Lischeys Church Road, Spring Grove, PA 17362, submitted a Final Report concerning remediation

of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release, which occurred on January 30, 2008. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on May 2, 2008.

**Union Tank Car**, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Union Tank Car, 175 West Jackson Boulevard, Chicago, IL 60604, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with VOCs. The combined report demonstrated attainment of a combination of the Nonresidential Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on May 2, 2008.

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

**Ralph Heimer Property** (232 South Allen Street, State College, PA), State College Borough, **Centre County**. Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803 on behalf of Ralph Heimer, Jeramar Enterprises, Inc., 426 East College Avenue, State College, PA 16801 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil. The Final Report demonstrated or did not demonstrate attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 1, 2008.

**Tarasewicz Camp**, Miles Township, **Centre County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Cathy Tarasewicz, 613 North 4th Street, Sunbury, PA 17801, has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 29, 2008.

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

**Former Robert M. Chambers, Inc.**, Taylor Township, **Lawrence County**. R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of R. W. Elliott & Sons, Inc., R. D. 1, Box 242, Ellwood City, PA 16117 has submitted a Baseline Remedial Investigation Work Plan concerning the remediation of site soil and site groundwater contaminated with heavy metals and semi-volatile organics. The Baseline Remedial Investigation Work Plan was approved by the Department of Environmental Protection on April 15, 2008.

**Bond release proposal under the Solid Waste Management Act, (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

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

**Eastman Chemical Resins**, P. O. Box 567, State Highway 837, West Elizabeth, PA 15088-0567. The Department of Environmental Protection (Department) is proposing to release \$861,183 in bond liability for Eastman Chemical Resin for its plant in Jefferson Hills, **Allegheny County**. Eastman clean closed its hazardous waste storage areas and boilers that burned hazardous waste in 2003. Additionally, Eastman's hazardous waste

storage permit was terminated in 2003. There have been no remaining problems related to their former hazardous waste areas. The proposed bond release follows 25 Pa. Code § 264a.165.

Comments will be accepted on this request for up to 45 days from the date of the notice. Comments should be submitted to the Department of Environmental Protection office listed previously.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and 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 WMGR080**. Calumet Penreco, LLC, 138 Petrolia Street, Karns City, PA 16041-9222. The general permit authorizes the beneficial use of weak alkali liquor generated from production of FDA white mineral oils as an alternative alkaline material for neutralization of wastewater at coal washing plants and for treatment of acid mine drainage at coal refuse piles or coal stockpiles. The reissuance is due to a change of ownership and company name. The permit was reissued by Central Office on May 1, 2008.

Persons interested in reviewing the general permit should contact 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 should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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 No. WMGR081D014. Skills Of Central PA, Inc.**, R. R. 5, Box 503, Mifflintown, PA 17059-9578. For the recycling of various uncontaminated and source-separated electronic equipment and components electronics equipment by sorting, disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only). The Department of Environmental Protection (Department) approved the determination of applicability on April 18, 2008.

Persons interested in reviewing the general permit should contact the Division of Municipal and Residual Waste, General Permits/Beneficial Use Section, Rachel

Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permit revoked 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 No. WMGR057SE001. Ricks Mushroom Svc., Inc.,** P. O. Box 797, Avondale, PA 19311, New Garden Township, **Chester County.** Spent mushroom substrate transfer station ceased operation and waste has been removed. However, operator failed to conduct required groundwater monitoring in violation of the permit, residual waste regulations and Solid Waste Management Act. The permit was revoked by the Southeast Regional Office on May 2, 2008.

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

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

**Permit Application No. 300995. Sonneborn, Inc.,** 100 Sonneborn Lane, Petrolia, PA 16050, Fairview Township, **Butler County.** The application was a permit renewal for a captive residual waste landfill known as the Sonneborn Petrolia Landfill. The permit was issued by the Northwest Regional Office on April 28, 2008.

**Permit Application No. 300818. Orion Power Midwest, LP,** Route 168, West Pittsburg, PA 16160, Taylor Township, **Lawrence County.** The application was for a major permit modification vertical expansion at the New Castle Plant Ash Landfill. The permit was issued by the Northwest Regional Office on April 23, 2008.

**AIR QUALITY**

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

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

**46-310-066GP: David Erb Contractors, Inc.** (2930 Felton Road, East Norriton, PA 19401) on May 1, 2008, to operate a portable crusher/screener unit in Skippack Township, **Montgomery County.**

**46-329-018GP: David Erb Contractors, Inc.** (2930 Felton Road, East Norriton, PA 19401) on May 1, 2008, to operate a No. 2 fuel-fired internal combustion in Skippack Township, **Montgomery County.**

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

**52-310-013GP3: E. R. Linde Construction** (9 Collan Park, Honesdale, PA 18431) on April 29, 2008, to construct and operate a Portable Crushing Operation with watersprays at the site in Lackawaxen Township, **Pike County.**

**52-329-001GP9: E. R. Linde Construction** (9 Collan Park, Honesdale, PA 18431) on April 29, 2008, to construct and operate a diesel IC engine at the site in Lackawaxen Township, **Pike County.**

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

**GP3-21-03084: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) on May 1, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Silver Spring Township, **Cumberland County.**

**GP9-21-03084: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) on May 1, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Silver Spring Township, **Cumberland County.**

**GP14-22-03076: Bitner Crematory, LLC** (2100 Linglestown Road, Harrisburg, PA 17110) on May 2, 2008, for Human or Animal Crematories under GP14 in Susquehanna Township, **Dauphin County.**

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

**GP5-17-01A: Edward C. Griffith Quarrying, Inc.** (14472 Route 119 Highway North, Rochester Mills, PA 15771) on April 7, 2008, for the construction and operation of two 796 brake horsepower diesel fuel-fired engines under the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP 9) at the Buena Vista Mine in Bell Township, **Clearfield County.**

**GP3-17-03A: Edward C. Griffith Quarrying, Inc.** (14472 Route 119 Highway North, Rochester Mills, PA 15771) on April 7, 2008, for the construction and operation of a portable nonmetallic mineral processing plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Buena Vista Mine in Bell Township, **Clearfield County.**

**GP5-17-16: North Coast Energy, Inc.** (1 GOJO Plaza, Suite 325, Akron, OH 44311) on April 8, 2008, for the operation of a 350 brake horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a catalytic converter under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Woytec Station in Bell Township, **Clearfield County.**

**GP1-41-02: Williamsport Hospital** (777 Rural Avenue Williamsport, PA 17701) on April 11, 2008, for the construction and operation of three 37,659,000 Btu per hour natural gas/No. 2 fuel oil-fired boilers under the General Plan Approval and/or General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in the City of Williamsport, **Lycoming County.**

**GP9-18-02: Belles Springs Structures, LLC** (P. O. Box 205, Mill Hall, PA 17751) on April 15, 2008, for the



construction and operation of a 448 brake horsepower diesel fuel-fired engine under the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP 9) in Lamar Township, **Clinton County**.

**GP5-17-26: Linn Operating, Inc.** (650 Washington Road, Pittsburgh, PA 15228) on April 17, 2008, for the operation of a 300 brake horsepower natural gas-fired reciprocating internal combustion compressor engine (Mahaffey TCO Compressor) under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) in Chest Township, **Clearfield County**.

**GP5-17-27: Linn Operating, Inc.** (650 Washington Road, Pittsburgh, PA 15228) on April 17, 2008, for the operation of a 415 brake horsepower natural gas-fired reciprocating internal combustion compressor engine (Mahaffey DTI Compressor) under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) in Greenwood Township, **Clearfield County**.

**GP1-12-01: Emporium Hardwoods, LLC** (15970 Route 120, Emporium, PA 15834) on April 21, 2008, for the operation of a 21 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler under the General Plan Approval and/or General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in Emporium Borough, **Cameron County**.

**GP5-17-19: North Coast Energy, Inc.** (1 GOJO Plaza, Suite 325, Akron, OH 44311) on April 29, 2008, for the operation of a 1,265 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and a glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the A. Irvin Compressor Site in Bell Township, **Clearfield County**.

**GP5-17-07D: North Coast Energy, Inc.** (1 GOJO Plaza, Suite 325, Akron, OH 44311) on April 30, 2008, for the construction and operation of a 512 brake horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a catalytic converter, the operation of a 462 brake horsepower natural gas-fired reciprocating internal combustion engine and the operation of a glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Kewanee-Deemer Compressor Site in Brady Township, **Clearfield County**.

**GP9-14-01: Valley Enterprise Container, LLC** (111 Eagleville Road, Blanchard, PA 16826) on April 30, 2008, for the construction and operation of two 277 brake horsepower diesel fuel-fired engines under the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP 9) in Liberty Township, **Centre County**.

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

**GP10-021A: INDSPEC Chemical Corp.** (133 Main Street, Petrolia, PA 16050) on April 30, 2008, for a storage tank for volatile organic liquids (BAQ-GPA-GP2), Tank ID No. T-3054, in Petrolia, **Butler County**.

**GP16-143A: North Coast Energy, Inc.—New Bethlehem NE Compressor Station** (Idle Road, New

Bethlehem, PA 16242) on April 30, 2008, for a natural gas fired compressor engine (BAQ-GPA/GP-5) in Redbank Township, **Clarion County**. This was previously permitted under EOG Resources, Inc.

**GP16-145A: North Coast Energy, Inc.—Shumaker Compressor Station** (Route 861 and Curlsville Road, New Bethlehem, PA 16242) on April 30, 2008, for a natural gas fired compressor engine (BAQ-GPA/GP-5) in Porter Township, **Clarion County**. This was previously permitted under EOG Resources, Inc.

**GP33-133A: HRI, Inc.—Brookville Hot Mix Asphalt Plant** (785 Route 830, Brookville, PA 15825) on April 30, 2008, for a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) in Pine Creek Township, **Jefferson County**.

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**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.**

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

**46-0268: Colorcon, Inc.** (275 Ruth Road, Harleysville, PA 19438) on May 2, 2008, to install a 1,500-kW, diesel fuel-fired internal combustion engine/electric generator (generator set) at a new facility, which will be in Lower Salford Township, **Montgomery County**. The facility will be a non-Title V facility. The operation of the generator set will be restricted to 400 full-load operating hours per year to ensure that emission into the outdoor atmosphere of NOx from the generator set does not exceed 6.66 tpy. The generator set is subject to: (1) the Standards of Performance for New Stationary Sources (NSPS) for Stationary Compression Ignition Internal Combustion Engines (40 CFR 60, Subpart III); (2) the Tier 2 emission standards specified in 40 CFR 89.112; and (3) the additional NOx requirements specified in 25 Pa. Code §§ 129.203—129.205. The plan approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

**66-315-049: Procter & Gamble Paper Products** (P. O. Box 32, Mehoopnay, PA 18629) on April 24, 2008, to install a vacuum based dewatering system on 6M paper machine at their facility in Washington Township, **Wyoming County**.

**66-315-051: Procter & Gamble Paper Products** (P. O. Box 32, Mehoopnay, PA 18629) on April 24, 2008, to install three new paper fiber filtration systems at the facility in Washington Township, **Wyoming County**.

**39-309-065: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) on May 5, 2008, for the utilization of plastic-derived fuel to be fired as a supplemental fuel in the No. 3 cement kiln in Whitehall Township, **Lehigh County**.

**39-302-193: St. Luke's Hospital** (1736 Hamilton Street, Allentown, PA 18104) on April 29, 2008, to install three No. 4 fuel oil/natural gas-fired boilers in the City of Allentown, **Lehigh County**.

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

**05-05005A: Bedford Materials Co., Inc.** (7676 Allegheny Road, Manns Choice, PA 15550-8967) on April 28, 2008, for replacement of the thermal incinerator with a regenerative thermal oxidizer in Napier Township, **Bedford County**.

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

**65-00016H: Latrobe Specialty Steel Co.** (2626 Ligonier Street, Latrobe, PA, 15650) on April 30, 2008, for construction of a Vacuum Induction Melting Process which will produce up to 26,250 tons of steel per year in Latrobe, **Westmoreland County**.

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**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.**

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

**09-0024E: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on April 23, 2008, to operate a flare to back-up control device in Tullytown Borough, **Bucks County**.

**09-0124F: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 23, 2008, to operate, an auxiliary boiler retrofit in Falls Township, **Bucks County**.

**09-0124E: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 23, 2008, to operate, a 31.9 mmBtu/hr gas fired preheater in Falls Township, **Bucks County**.

**09-0107: Old Castle Retail, Inc., d/b/a Bonsal American** (1214 Hayes Boulevard, Bristol, PA 19007) on April 25, 2008, to operate a concrete mix bagging operation in Bristol Township, **Bucks County**.

**46-0261A: U. S. Tape Co.** (2452 Quakertown Road, Pennsburg, PA 18073) on May 2, 2008, Minor modification of the Plan Approval No. 46-0261A for the printing operation at 2452 Quakertown Road, Pennsburg, Upper Hanover Township, **Montgomery County**. This is a new facility and intended to be synthetic minor. The original Plan Approval allowed for the installation of seven printing stations and six propane ovens. The modified has proposed to install six printing stations instead of seven and four ovens instead of six without changing emissions limit.

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

**36-05129A: Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on May 2, 2008, to use alternative fuel sources for their existing Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**. This plan approval was extended.

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

**14-399-016A: Spectrum Control, Inc.** (1900 West College Avenue, State College, PA 16801) on May 1, 2008, to extend the authorization to operate various ceramic capacitor manufacturing operations on a temporary basis to August 29, 2008, in Ferguson Township, **Centre County**. The plan approval has been extended.

**17-313-001: Sunnyside Ethanol, LLC** (5000 McKnight Road, Suite 405, Pittsburgh, PA 15237) on May 1, 2008, to extend the deadline for submitting a detailed construction schedule for an ethanol production plant, CO<sub>2</sub> liquefaction plant and waste coal-fired cogeneration plant from May 13, 2008, to August 13, 2008, in Curwensville Borough, **Clearfield County**.

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

**65-00837B: Dominion Transmission, Inc.,** (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA, 15212) on April 30, 2008, for additional time additional time to retrofit their 12 compressor engines with precombustion chambers at the Oakford Compressor Station in Salem Township, **Westmoreland County**. This is a Plan Approval Extension.

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

**AMS 05197: Kinder Morgan Liquid Terminals, LLP** (3300 North Delaware Avenue, Philadelphia, PA 19134) on May 5, 2008, under 25 Pa. Code § 127.13a, Philadelphia Air Management Code Section 3-400 and Air Management Regulation XIII to reinstate a scrubber pH parameter from the original plan approval that was revised January 26, 2007. The plan approval was originally issued February 6, 2006, to install a sodium hydroxide scrubber to control formic acid emissions from two storage tanks in the City of Philadelphia, **Philadelphia County**.

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

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

**23-00021: Congoleum Corporation** (4401 Ridge Road, Delaware, PA 19061) on April 28, 2008, to manufacture patterned vinyl flooring, by employing rotogravure presses and coating lines to engrave images and apply protective/decorative layers on substrate in Trainer Borough, **Delaware County**. This action is a renewal of the Title V Operating Permit. The initial permit was issued on March 5, 2002. As a result of potential emissions of HAPs and VOCs, the facility is a major stationary source as defined in the Clean Air Act and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code § 127, Subpart G. This Title V Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring and recordkeeping and reporting.

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

**67-05012: Transcontinental Gas Pipe Line Corp.** (P. O. Box 1396, Houston, TX 77251-1396) on April 29,

2008, for a renewal of the Title V operating permit for the natural gas compressor station in Peach Bottom Township, **York County**.

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

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

**09-00083: HOP Energy, LLC—d/b/a Brinker's Fuels, Inc.** (445 North West Street, Doylestown, PA 18901) on April 28, 2008, for renewal of a Non-Title V Facility, State-only, Natural Minor Permit in Doylestown Borough, **Bucks County**. Brinker's Fuels, Inc. operates and maintains a bulk gasoline plant, underground gasoline storage tanks and aboveground storage tanks for the storage of home heating oil, on-road diesel fuel and off-road diesel fuel. VOCs are the main emissions from this facility and the facility has the potential to emit 9.48 tons of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00093: Bryn Mawr Hospital** (130 South Bryn Mawr Avenue, Bryn Mawr, PA 19010) on April 28, 2008, in Lower Merion Township, **Montgomery County**. The facility's major air emission points include boilers and emergency generators that are restricting their major source emissions of NO<sub>x</sub> to less than 24.99 tpy. There have been no changes since the last permit was issued in March 2003.

**09-00130: Doylestown Township Municipal Authority** (425 Wells Road, Doylestown, PA) on April 28, 2008, for operation of an air stripping tower for odor control in Plumstead Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. No changes have taken place since the permit was last issued in May, 2003. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00092: Mainline Hospital, Inc.—d/b/a Paoli Hospital** (255 West Lancaster Avenue, Paoli, PA 19301) on April 28, 2008, for a renewal Non-Title V Facility, State-only, Synthetic Minor Permit in Willistown Township, **Chester County**. Mainline Hospital provides general medical and surgical services. The facility has taken a site level restriction of 24.9 tpy of NO<sub>x</sub>, on a 12-month rolling basis. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00130: Schramm, Inc.** (800 East Virginia Avenue, West Chester, PA 19380-4430) on May 2, 2008, for an initial Non-Title V Facility, State-only, Synthetic Minor Permit in West Goshen Township, **Chester County**. Schramm, Inc. is an industrial manufacturing plant where mobile drill rigs for water and mineral exploration are designed and manufactured. The facility has taken individual site level restrictions of 22 tpy for NO<sub>x</sub>, VOC and combined HAP emissions. The emission restrictions will ensure that Schramm, Inc. remains under the emission thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**40-00063: Kappa Graphics, LP** (50 Rock Street, Pittston, PA 18604) on April 30, 2008, to issue a State-only (Synthetic Minor) Operating Permit for operation of lithographic printing presses at their facility in Hughestown Borough, **Luzerne County**.

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

**38-03034: Heart of My Heart Final Pet Arrangements** (49 Pleasant View Road, Grantville, PA 17028-8248) on April 28, 2008, for operation of a pet cremation chamber in East Hanover Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

**19-00020: Kawneer Co., Inc.** (500 East 12th Street, Bloomsburg, PA 17815) on April 8, 2008, for the operation of an aluminum architectural products manufacturing facility in the Town of Bloomsburg, **Columbia County**.

**49-00031: Jeld-Wen, Inc.** (215 Packer Street, Sunbury, PA 17801) on April 22, 2008, for the operation of a wood door manufacturing facility in the City of Sunbury, **Northumberland County**.

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

**25-00095: Lord Corp.—MPD** (1635 West 12th Street, Erie, PA) on April 29, 2008, the Department of Environmental Protection did a minor permit modification of the Synthetic Minor Operating Permit for this Fabricated Rubber Products Manufacturing Facility in Erie City, **Erie County**. The facility has been granted permission to use a standard spray gun for low VOC content lubricant coatings at Source ID: 208—Reman Spray Booth (W223).

**33-00016: NAC Carbon Products, Inc.** (Elk Run Avenue, Punxsutawney, PA 15767) on May 1, 2008, the Department of Environmental Protection re-issued a Natural Minor Operating Permit to NAC Carbon Products, Inc. in the Borough of Punxsutawney, **Jefferson County**. The facility's primary sources of emissions are the carbon baking kilns and associated equipment.

**43-00010: Jamestown Paint Co.** (108 Main Street, Jamestown, PA 16134) on May 1, 2008, the Department of Environmental Protection re-issued a Natural Minor Operating Permit to the Jamestown Paint Company in the Borough of Jamestown, **Mercer County**. The facility's primary emissions are from the storage and processing of VOCs used in the paint making process.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**46-00020: Superior Tube Company, Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on May 1, 2008, located in Lower Providence Township, **Montgomery County**. Title V Operating Permit Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. Modification is to allow the use of n-propyl bromide (nPB) as a solvent,

which is VOC but not HAP as a substitute for trichloroethylene (TCE). 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.*

**65-00856: Ligonier Stone & Lime Co., d/b/a Derry Stone & Lime Co., Horn Mine** (117 Marcia Street, Latrobe, PA 15650) located in Derry Township, **Westmoreland County**. On April 28, 2008, for administrative amendment of its operating permit to revise the owner's mailing address and telephone number.

## 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 30743705 and NPDES Permit No. PA0214753, Dana Mining Company of Pennsylvania, LLC** (308 Dents Run Road, Morgantown, WV 26501), to transfer the permit for the Mundell Hollow Refuse Disposal Area in Dunkard Township, **Greene County** and related NPDES permit from Dana Mining Company of Pennsylvania, Inc. No additional discharges. Application received October 31, 2007. Permit issued April 29, 2008.

**Permit Number 30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP** (P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin and Jefferson Townships, **Greene County** to install 12 ventilation boreholes. Surface Acres Proposed 3.34. No additional discharges. Application received November 6, 2007. Permit issued April 30, 2008.

**Permit Number 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to renew the permit for the Bailey Mine and Prep Plant in Richhill, Aleppo and Gray Townships, **Greene County** and West Finley Township, **Washington County** and related NPDES permit. No additional discharges. Application received February 22, 2007. Permit issued April 30, 2008.

**Permit Number 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, LLC** (1800 Washington Road, Pittsburgh, PA 15241), to transfer the permit for the Bailey Mine and Prep Plant in Richhill, Aleppo and Gray Townships, **Greene County** and West Finley Township, **Washington County** and related NPDES permit from Consol Pennsylvania Coal Company. No additional discharges. Application received October 18, 2007. Permit issued April 30, 2008.

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

**56920106. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, transfer of an existing bituminous surface mine from Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, located in Shade Township, **Somerset County**, affecting 276 acres. Receiving streams: UNTs to Hinson Run, Shade Creek and Stonycreek River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 6, 2007. Permit issued May 1, 2008.

**56920106 and NPDES No. PA0599557. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 276.0 acres. Receiving streams: UNT Hinson Run, UNT Shade Creek and UNT Stony Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received February 8, 2008. Permit issued May 1, 2008.

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

**30010103 and NPDES Permit No. PA025015. SBX Corporation** (668 Lower Hildebrand Road, Morgantown, WV 26501). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Greene Township, **Greene County**, affecting 36.3 acres. Receiving streams: UNT to Whitely Creek to the Monongahela River. Application received March 31, 2008. Renewal issued May 1, 2008.

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

**10-06-02. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-0347) Proposal to enter into a Government Financed Reclamation Construction Contract on a 134.0 acre site in Allegheny Township, **Butler County**. The proposal offers total reclamation of 110.0 acres which includes 66.0 acres of abandoned mine lands as well as 36.5 acres of coal removal incidental and necessary to the reclamation activities. This proposal also includes the beneficial use of coal ash and plans to reconstruct approximately 11,300 feet of 34 UNTs to the North Branch Bear Creek. Receiving streams: UNT to North Branch Bear Creek to North Branch Bear Creek. Application received June 14, 2007. Contract issued May 1, 2008.

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

**17970101 and NPDES No. PA0220540. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 80.0 acres. Receiving

streams: UNT to Pine Run, UNT to Clearfield Creek, Clearfield Creek, UNT to Flegals Run to Lick Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 19, 2008. Renewal issued March 31, 2008.

**17000111 and NPDES No. PA0243019. Gregg Barrett Coal** (288 Watts Road, Curwensville, PA 16833), revision of an Incidental Boundary Correction to an existing bituminous surface mine in Ferguson Township, **Clearfield County**, affecting 64.3 acres. Receiving streams: UNT to Watts Creek to Watts Creek to West Branch Susquehanna, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 10, 2008. Revision issued April 23, 2008.

**14940101 and NPDES No. PA0219932. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), revision of an existing bituminous surface mine to add beneficial use of coal ash in Rush Township, **Centre County**, affecting 522.0 acres. Receiving streams: UNT to Moshannon Creek to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 5, 2008. Revision issued April 29, 2008.

*Noncoal Permits Actions*

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

**Permit No. 29940301 and NPDES Permit No. PA0607908. H. B. Mellot Estate, Inc.**, 100 Mellot Drive, Suite 100, Warfordsburg, PA 17267, renewal of NPDES Permit, Bethel and Thompson Townships, **Fulton County**. Receiving streams: Little Tonoloway Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 28, 2008. Permit issued May 1, 2008.

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

**33082804. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Commencement, operation and restoration of a small noncoal sandstone and shale operation in Perry Township, **Jefferson County** affecting 5.0 acres. Receiving streams: Rose Run. Application received January 28, 2008. Permit issued April 24, 2008.

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

**40072801. Dotzel Trucking** (1898 Slocum Road, Mountaintop, PA 18707), commencement, operation and restoration of a quarry operation in Salem Township, **Luzerne County** affecting 5.0 acres, receiving stream: none. Application received September 28, 2007. Permit issued April 30, 2008.

**58070872. David M. Guiton** (R. R. 2, Box 2345, Friendsville, PA 18818), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received December 20, 2007. Permit issued April 30, 2008.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**01084107. Geological Tech Inc.**, P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for utility development in Straban Township, **Adams County**. Blasting activity permit end date is April 21, 2009. Permit issued April 24, 2008.

**21084122. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is April 30, 2009. Permit issued April 24, 2008.

**21084121. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is April 22, 2009. Permit issued April 24, 2008.

**11084002. Great Lakes Geophysical, Inc.**, P. O. Box 127, Williamsburg, MI 49690, blasting activity permit issued for seismic exploration project development in Lower Yoder Township, **Cambria County**. Blasting activity permit end date is December 30, 2008. Permit issued April 29, 2008.

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

**04084001. Grazziani Construction** (1050 Frew Mill Road, New Castle, PA 16101). Blasting activity permit for construction of a sediment pond, located in Big Beaver Township, **Beaver County**, with an expected duration of 60 days. Permit issued April 29, 2008.

**03084001. Wampum Hardware Company** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for construction at the Keystone Power Plant, located in Plumcreek Township, **Armstrong County**, with an expected duration of 180 days. Permit issued April 29, 2008.

**26084001. Mashuda Corporation** (21101 Route 19, Cranberry Township, PA 16066). Blasting activity permit for construction of the Mon/Fayette Expressway Section 51-E-2, located in Redstone Township, **Fayette County**, with an expected duration of 180 days. Permit issued April 29, 2008.

**63084003. Dana Explosives, Inc.** (945 Brisbin Street, Houtzdale, PA 16651). Blasting activity permit for construction of Independence 3D/Dawson Geophysical Company located in Independence Township, **Washington County**, with an expected duration of 1 year. Permit issued April 29, 2008.

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

**42084004. Double J. Resources, Inc.** (11 Boylston Street, Bradford, PA 16701). Blasting activity permit for stone removal in Bradford Township, **McKean County**. This blasting activity permit will expire on May 1, 2009. Application received April 29, 2008. Application issued May 1, 2008.

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

**53084001. Four Winds Dairy, LLC** (400 Van Etten Road, Ulysses, PA 16948), blasting for Four Winds Dairy, LLC located in Harrison Township, **Potter County**. Permit issued May 5, 2008. Permit expires on December 31, 2008.

**41084002. Dana Explosives, Inc.** (945 Brisbin Street, Houtzdale, PA 16651), blasting for Dawson Geophysical Co., Bobst Mt. 3D located in Lycoming Township, **Lycoming County**. Permit issued April 21, 2008. Permit expires March 20, 2009.

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

**22084104. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Cedar Shopping Centers, Inc. in Susquehanna Township, **Dauphin County** with an expiration date of December 30, 2008. Permit issued April 28, 2008.

**46084111. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Burbank Grove Development in Upper Providence Township, **Montgomery County** with an expiration date of April 30, 2009. Permit issued April 28, 2008.

**40084108. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Slocum Estates in Kingston Township, **Luzerne County** with an expiration date of January 28, 2009. Permit issued April 29, 2008.

**64084001. Northeast Blasting**, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for the Millor House Foundation in Cherry Ridge Township, **Wayne County** with an expiration date of May 28, 2009. Permit issued May 1, 2008.

**36084154. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Butterfield Development in Manheim Township, **Lancaster County** with an expiration date of April 15, 2009. Permit issued May 1, 2008.

**36084155. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for King Concrete in Earl Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued May 1, 2008.

**48084107. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Lower Nazareth Commons in Lower Nazareth Township, **Northampton County** with an expiration date of April 24, 2009. Permit issued May 1, 2008.

**67084113. TJ Angelozzi, Inc.**, (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Briarcliff Subdivision in Fairview Township, **York County** with an expiration date of November 1, 2008. Permit issued May 1, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously

received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E64-272. PPL Holtwood, LLC, c/o PPL Generation, LLC**, P. O. Box 122, Hawley, PA 18428. Paupack Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a handicap-accessible 11-foot by 25-foot floating fishing platform in Lake Wal-lenpaupack, connected to a concrete abutment at the shoreline by means of a 4.5-foot wide by 48-foot long gangway. The project is located in Mangan Cove, approximately 0.4 mile southeast of the intersection of SR 0590 and Owego Turnpike (Hawley, PA Quadrangle N: 15.7 inches; W: 9.1 inches). (Subbasin: 01C)

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

**E67-846: City of York, Farquhar Park Pool, 1** Marketway West, 3rd Floor Planning, York, PA 17401-1231, City of York, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain an 8.0-foot wide single span prefabricated steel pedestrian bridge with a normal span of 65.0 feet across Willis Run (WWF), to install and maintain a 6.0-inch steel pipe encasement for a gas line in Willis Run (WWF) and to replace and expand existing parking facilities and construct sidewalks and new stormwater facilities in the floodplain of Willis Run (WWF) (York, PA Quadrangle, N: 17 inches; W: 16 inches, Latitude 39° 5' 07"; Longitude: 76° 44' 23"). The project is located at 542 North Newberry Street in the City of York, York County.

**E22-519: Mark Winters, Hershey Trust Company,** 1201 Homestead Lane, Hershey, PA 17033, Derry Township, **Dauphin County** and North Londonderry Township, **Lebanon County**, United States Army Corps of Engineers, Baltimore District.

To realign 600 linear feet of Spring Creek (WWF), at a point just east of Crest Lane (Palmyra, PA Quadrangle N: 8 inches; W: 15 inches, Latitude: 40° 17' 39"; Longitude: 76° 36' 28") in Derry Township, **Dauphin County** and North Londonderry Township, **Lebanon County**. Purpose of project is to protect student home from encroaching stream flow. Proposed wetland impacts include 0.12 acre of Palustrine Emergent (PEM) wetlands with an onsite mitigation area of 0.12 acre.

**E28-343: Washington Township, Michael A. Christopher,** 13013 Welty Road, Waynesboro, PA 17268, Washington Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 152.67-foot long three-span open bottom precast concrete arch bridge each having a clear span of 48.0 feet and a minimum underclearance of 8 feet and to repair and maintain an existing 13-foot wide single span steel stringer bridge having a clearspan of 26.7 feet and an average underclearance of 5 feet. Both structures impact the East Branch Antietam Creek (CWF). The project is located approximately 1/4 mile southeast of Country Club Road approximately 1 mile from its intersection with Gehr Road (Waynesboro, PA Quadrangle, N: 0.9 inch; W: 6.2 inches, Latitude: 39° 45' 10"; Longitude: 77° 32' 0") in Washington Township, Franklin County.

**E01-264: Keith Sunderman, S & A Custom Built Homes, Inc.,** 2121 Old Gatesburg Road, State College, PA 16803, Stonehaven Subdivision in Oxford Township, **Adams County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: 1) a 4.5-foot by 8.0-foot by 50-foot concrete box culvert, an 8 inch water line, a 24-inch and two 15-inch outfall structures; 2) a 4.5-foot by 8.0-foot by 56-foot concrete box culvert an 8-inch sanitary sewer line, an 8-inch water line; 3) a 24-inch by 50-foot pipe culvert, an 8-inch water line; an 8-inch sanitary sewer line all associated with a UNT to the South Branch Conewago Creek (WWF) at a point just east of Hanover Street (Mesherrystown, PA Quadrangle N: 18.6 inches; W: 6.6 inches, Latitude: 39° 51' 15"; Longitude: 77° 2' 50") in Oxford Township, Adams County. There are no wetland impacts associated with this project.

**E22-520: Susquehanna Area Regional Airport Authority,** 1 Terminal Drive, Suite 300, Middletown, PA 17057, Harrisburg International Airport in Lower Swatara Township and Middletown Borough, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: 1) 250.0-feet of R4 Rip-Rap revetment and 2) an 80.0-foot long temporary cofferdam in a manmade intake channel associated with the Susquehanna River (WWF) (Middletown, PA Quadrangle N: 11.5 inches; W: 16.5 inches, Latitude: 40° 11' 19"; Longitude: 76° 44' 33"), for the purpose of demolishing the existing Crawford Station Power Plant. The project is located east of the Harrisburg International Airport in Lower Swatara Township and Middletown Borough, Dauphin County.

**E07-418: Kevin Coho,** 308 North Pine Street, Altoona, PA 16602, Logan Township, **Blair County**, United States Army Corps of Engineers, Baltimore District.

To fill in 0.06 acre of wetland in the watershed of Brush Run (WWF) to construct the Coho Lakemont House located along Eldon Avenue about 200 feet from its intersection with Rosewell Street (Hollidaysburg, PA Quadrangle N: 15.68 inches; W: 3.22 inches, Latitude: 40° 27' 41"; Longitude: 78° 23' 53") in Logan Township, Blair County.

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

**E14-507. G. Stephen Snyder,** 185 Stauffer Road, Bellefonte, PA 16823. Water Obstruction and Encroachment Joint Permit in Boggs Township, **Centre County**, United States Army Corps of Engineers, Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 40° 58' 46"; W: 77° 50' 58").

To construct and maintain a 70-foot long by 12-foot wide stabilized agricultural crossing on a skew of 90° in Wallace Run (EV). The project is located along Gum Stump Road approximately 0.2 mile north of intersection with SR 0144 in Boggs Township, Centre County. This project does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-424. Brotherhood of Renovo, Inc.,** P. O. Box 64, Renovo, PA 17760. Brotherhood of Renovo seasonal dwelling construction in Young Womens Creek, in Chapman Township, **Clinton County**, United States Army Corps of Engineers, Baltimore District (Renovo-East, PA Quadrangle Latitude: 41° 22' 22"; Longitude: 77° 41' 57").

An authorization to construct, operate and maintain an elevated seasonal dwelling located in the 100-year floodway of Young Womens Creek. Construction of the dwelling shall be done in accordance with applicable municipal regulations and requirements associated with building in the 100-year floodplain and floodway. The permittee shall not expand any dimension of the structures authorized by this permit beyond those dimensions illustrated in the drawings submitted for the review and approval of the permit. The project is located along the eastern right-of-way of Young Womens Creek Road approximately 2.3-miles north of SR 0120 and Young Womens Creek Road intersection.

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



**E63-603. Briwood, Inc. (Woodrow Welsch)**, 122 Cedar Lane, McMurray, PA 15317. To construct and maintain a pedestrian bridge in Peters Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Bridgeville, PA Quadrangle N: 5.8 inches; W: 12.8 inches, Latitude: 40° 16' 55"; Longitude:

80° 5' 30"). To construct and maintain a pedestrian bridge having a clear span of 42 feet and an underclearance of 6 feet across Brush Run (WWF) to connect the Brookview Villas Plan to Arrowhead Trail. The project includes a temporary crossing during construction consisting of four 15-inch diameter pipes.

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2008, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kevin Adams	113 North Main Street Washington, PA 15301	Testing
James Bucciarelli	474 Easton Road Horsham, PA 19044	Mitigation
Nathaniel Burden, Jr.	626 Jacksonville Road Suite 200 Warminster, PA 18974	Mitigation
Frank Carey	120 Aster Court Exeter, PA 18643	Testing
Castle Inspection	20 Thornridge Road Springfield, PA 19064	Testing
Thomas d'Arcy Radon Testing Systems	P. O. Box 243 Newtown, PA 18940	Testing
James Davis	614 Lincoln Avenue Jermyn, PA 18433	Testing
DeMar Associates Testing Services	P. O. Box 296 Green Lane, PA 18054	Testing
Barbara Dunlap	115 Heather Drive Monaca, PA 15061	Testing
Fred Durham, III	2653 Terrwood Drive, West Macungie, PA 18062	Testing
Timothy Ellis	508 Jennifer Lane Gibsonia, PA 15044	Testing
James Fawley	61 Bear Tree Road Lake Ariel, PA 18436	Testing
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Testing
Frank Glantz	P. O. Box 866 Lemont, PA 16851	Mitigation
Douglas Keech	74 Valley Road Etters, PA 17319	Testing
Ricky Kie	3130 Malverne Road Endwell, NY 13760	Testing
Scott Latosky	28 Braddock Avenue Houtzdale, PA 16651	Testing
Eric Levine	R. R. 5, Box 5485 East Stroudsburg, PA 18301	Testing and Mitigation
Joseph McKeever	P. O. Box 35204 5336 Ridge Avenue Philadelphia, PA 19128	Testing
Stephen Mento	25 Fox Farm Lane Downingtown, PA 19335	Testing



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Greg Michaels	836 East Pittsburgh-McKeesport Boulevard North Versailles, PA 15137	Mitigation
Charles Miller	11 Edbert Street Selinsgrove, PA 17870	Testing
David Milliron	126 Oakford Park Road Jeannette, PA 15644	Testing
David Murdick	804 West Liberty Road Slippery Rock, PA 16059	Testing
Cristopher Murphy WIN-Murrysville	3045 Heider Lane Export, PA 15632	Testing
Curtis Niles, Sr. Armored Real Estate Services, LLC	7101 Wayne Avenue Upper Darby, PA 19082	Testing
Pillar-To-Post	2370 York Road, A9-C Jamison, PA 18929	Testing
Lisa Roddis	P. O. Box 862 Hockessin, DE 19707	Testing
Gene Selko	5682 Janet Drive Pittsburgh, PA 15236	Testing
Larry Smith	HCR 1, Box 48 Route 715 Brodheads ville, PA 18322	Testing
Kenneth Stuck	6120 Forrestal Circle Harrisburg, PA 17112	Testing
John Wilson	107 Lockerbie Lane West Chester, PA 19382	Testing

### Government Financed Construction Contracts

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

**Fair Coal Company, LLC, GFCC No. 17-07-08**, Fahr Operation, Decatur Township, **Clearfield County** (Beaver Run to Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to Fair Coal Company that will result in the reclamation of 3.5 acres of abandoned mine land with extensive deep mine subsidence and the recovery of approximately 4,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline material in the form of waste lime will be added to the mining area of the site at a rate of 50 tons per acre. The estimated value of the reclamation work is \$21,000, which will be done at no cost to the Commonwealth. The site is located northeast of the Borough of Brisbin on lands formerly mined and subsequently abandoned by Berwind White Coal Mining Company in the early 1900's.

### Bureau of Mine Safety Request for Variance

The Department of Environmental Protection (Department), Bureau of Mine Safety (BMS), has received a request for variance from RoxCoal, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp).

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the

BMS to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Joseph A. Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (52 P.S. §§ 701-101—701-706) (act), provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face are to the main air current.

*Summary of the Request:* RoxCoal, Inc. requests a variance that pertains specifically to use common entries in common with the belt entry at the Kimberly Run Mine.

[Pa.B. Doc. No. 08-934. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Bid Opportunity

**BOGM 07-14, Cleaning Out and Plugging 33 Abandoned and Orphan Oil Wells, (Bernice Champion, Collins Pine Co. (c/o Blaine Puller), Michael Cunningham, Mrs. and Mrs. Russell Grosch, Donald Hoffman, Jeffrey Hoffman, Mr. and Mrs. Ronald Johnson and H. Eugene Repine Properties), Mead**

**Township, Warren County.** The principal items of work include cleaning out and plugging 33 abandoned and orphan oil wells, estimated to be 1,200 feet in depth, to the Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on May 16, 2008, and bids will be opened on June 17, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 08-935. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Proposed Phase 1 Nontradable Mercury Allowance Allocations under the Pennsylvania-specific Mercury Reduction Program

The Commonwealth's "State-specific" mercury reduction program to reduce mercury emissions from coal-fired electric generating units (EGUs) and co-generation units with a nameplate rated capacity of 25 megawatts or more that produce electricity for sale was promulgated by the Environmental Quality Board 37 Pa.B. 883 (February 17, 2007). The final-form rulemaking establishes mercury emission standards, annual emission limitations as part of a Statewide annual nontradable mercury allowance program and monitoring, recordkeeping and reporting requirements to reduce mercury emissions from coal-fired EGUs or cogeneration units.

The Department of Environmental Protection (Department) is providing notice and an opportunity for a 30-day public comment period on the proposed nontradable mercury allowance allocations authorized under the Statewide Mercury Nontradable Allowance Program for affected coal-fired EGUs and cogeneration units. The

proposed allocations are being made for the Phase 1 (January 1, 2010—December 31, 2014) control period of the Commonwealth-specific mercury reduction program under 25 Pa. Code §§ 123.201—123.215 (relating to standards for contaminants mercury emissions). These allocations are required to be published in the *Pennsylvania Bulletin* by May 31, 2008, under 25 Pa. Code § 123.207(h) (relating to annual emission limitations for coal-fired EGUs).

The total ounces of mercury emissions available for emission limitation set-asides as annual nontradable mercury allowances in this Commonwealth for Phase 1 is 56,928 ounces. Ninety five percent, or 54,080 ounces, of this total amount is available for allocation to existing EGU owners and operators during the Phase 1 control period. The total number of nontradable allowances proposed to be allocated to the existing affected EGUs is 50,681 ounces. The remaining 3,399 ounces will be placed in the annual emission limitation supplement pool as required under 25 Pa. Code § 123.208 (relating to annual emission limitation supplement pool).

New affected units eligible for nontradable mercury allowances under 25 Pa. Code § 123.207(c) are also included in the proposed allocations. The total allowances set aside for new affected units are 2,848 ounces. The Department will set aside a total number of annual non-tradable mercury allowances for owners and operators of new affected EGUs that do not yet have a baseline heat input determined in accordance with the requirements of an approved plan approval or operating permit. Units in this category are designated as new units in the allocation table. Those new source set aside allowances not allocated by the Department will be placed in the annual emission limitation supplement pool as required under 25 Pa. Code § 123.208.

The table lists the following: "Status" for whether the unit's allocation was calculated based on the procedure for new or existing units; the units' average "EGU Avg. Heat Input;" the "EGU Name" of each facility; the "Oris Code"; "Unit Number"; and the "Allocation." The proposed nontradable allowance allocations listed in the table are subject to revision if the Department determines that corrections to heat input averages and/or other relevant data are necessary.

#### Phase 1: Nontradable Mercury Allowance Allocations

<i>EGU Name</i>	<i>Status</i>	<i>EGU Avg. Heat Input (mmBtu/yr)</i>	<i>Oris Code</i>	<i>Unit Number</i>	<i>Allocation (oz)</i>
AES Beaver Valley Partners	Existing Unit	3,734,626	10676	32	161
AES Beaver Valley Partners	Existing Unit	3,583,301	10676	33	155
AES Beaver Valley Partners	Existing Unit	3,507,745	10676	34	151
AES Beaver Valley Partners	Existing Unit	1,784,771	10676	35	77
Armstrong Power Station	Existing Unit	11,561,603	3178	1	499
Armstrong Power Station	Existing Unit	11,084,467	3178	2	478
Hatfields Ferry Power Station	Existing Unit	36,043,782	3179	1	1555
Hatfields Ferry Power Station	Existing Unit	32,882,519	3179	2	1418
Hatfields Ferry Power Station	Existing Unit	35,973,846	3179	3	1552
Mitchell Power Station	Existing Unit	17,090,752	3181	33	737
Homer City	Existing Unit	43,752,715	3122	1	1887
Homer City	Existing Unit	43,809,840	3122	2	1890

<i>EGU Name</i>	<i>Status</i>	<i>EGU Avg. Heat Input (mmBtu/yr)</i>	<i>Oris Code</i>	<i>Unit Number</i>	<i>Allocation (oz)</i>
Homer City	Existing Unit	45,267,296	3122	3	1953
Cromby	Existing Unit	9,481,664	3159	1	409
Eddystone Generating Station	Existing Unit	19,941,708	3161	1	860
Eddystone Generating Station	Existing Unit	18,749,492	3161	2	809
Bruce Mansfield	Existing Unit	53,767,700	6094	1	2319
Bruce Mansfield	Existing Unit	55,648,484	6094	2	2400
Bruce Mansfield	Existing Unit	55,172,506	6094	3	2380
Brunner Island	Existing Unit	18,415,353	3140	1	794
Brunner Island	Existing Unit	21,576,028	3140	2	931
Brunner Island	Existing Unit	46,095,939	3140	3	1988
Montour	Existing Unit	46,441,977	3149	1	2003
Montour	Existing Unit	46,248,391	3149	2	1995
Cheswick	Existing Unit	36,617,021	8226	1	1579
Conemaugh	Existing Unit	64,282,557	3118	1	2773
Conemaugh	Existing Unit	62,700,117	3118	2	2705
Elrama	Existing Unit	6,194,405	3098	1	267
Elrama	Existing Unit	6,390,138	3098	2	276
Elrama	Existing Unit	5,554,400	3098	3	240
Elrama	Existing Unit	16,386,226	3098	4	707
Keystone	Existing Unit	60,844,489	3136	1	2625
Keystone	Existing Unit	58,806,759	3136	2	2537
New Castle	Existing Unit	6,089,822	3138	3	263
New Castle	Existing Unit	6,240,695	3138	4	269
New Castle	Existing Unit	8,126,498	3138	5	351
Portland	Existing Unit	8,435,012	3113	1	364
Portland	Existing Unit	11,535,081	3113	2	498
Shawville	Existing Unit	6,732,982	3131	1	290
Shawville	Existing Unit	7,354,579	3131	2	317
Shawville	Existing Unit	9,412,946	3131	3	406
Shawville	Existing Unit	9,855,265	3131	4	425
Titus	Existing Unit	4,484,831	3115	1	193
Titus	Existing Unit	4,266,454	3115	2	184
Titus	Existing Unit	4,480,935	3115	3	193
Hunlock Station	Existing Unit	3,529,017	3176	6	152
Sunbury	Existing Unit	2,899,516	3152	1A	125
Sunbury	Existing Unit	2,703,372	3152	1B	117
Sunbury	Existing Unit	2,764,082	3152	2A	119
Sunbury	Existing Unit	2,787,210	3152	2B	120
Sunbury	Existing Unit	6,517,891	3152	3	281
Sunbury	Existing Unit	6,750,659	3152	4	291
Horsehead	Existing Unit	3,720,937	50130	34	161
Horsehead	Existing Unit	3,657,657	50130	35	158
Cambria Cogen	Existing Unit	4,835,721	10641	1	84
Cambria Cogen	Existing Unit	4,655,729	10641	2	81
Colver Power Project	Existing Unit	9,626,852	10143	AAB01	167
Ebensburg Power Company	Existing Unit	6,035,111	10603	31	105

<i>EGU Name</i>	<i>Status</i>	<i>EGU Avg. Heat Input (mmBtu/yr)</i>	<i>Oris Code</i>	<i>Unit Number</i>	<i>Allocation (oz)</i>
Foster Wheeler Mt. Carmel	Existing Unit	5,197,541	10343	SG-101	90
Gilberton Power Company	Existing Unit	5,174,105	10113	31	90
Gilberton Power Company	Existing Unit	5,118,711	10113	32	89
Northampton Generating Plant	Existing Unit	10,189,503	50888	NGC01	177
Northeastern Power Company	Existing Unit	5,802,015	50039	31	101
Panther Creek Energy Facility	Existing Unit	4,582,642	50776	1	80
Panther Creek Energy Facility	Existing Unit	4,603,859	50776	2	80
Piney Creek Power Plant	Existing Unit	3,633,170	54144	31	63
Scrubgrass Generating Plant	Existing Unit	5,152,167	50974	1	90
Scrubgrass Generating Plant	Existing Unit	5,169,168	50974	2	90
Seward	Existing Unit	16,980,017	3130	1	295
Seward	Existing Unit	16,942,324	3130	2	294
St. Nicholas Cogen Project	Existing Unit	9,897,282	54634	1	172
Westwood	Existing Unit	3,622,556	50611	31	63
Wheelbrator Frackville	Existing Unit	4,794,536	50879	GEN1	83
River Hill Power Co.	New Unit			31	280
Robinson	New Unit			1	53
Green Energy	New Unit			1	176
Green Energy	New Unit			2	176

*Written Comments*

Written comments on the proposed nontradable mercury Phase 1 allowance allocations should be sent to the attention of Daniel Husted, Division of Permits, Bureau of Air Quality, Department of Environmental Protection, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department must receive all comments by June 16, 2008. Questions concerning this notice should be directed to Daniel Husted at (717) 772-3995, or by e-mail to dhusted@state.pa.us.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-936. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Upper Wissakickon Special Area Management Plan; Public Meeting

A public meeting will be held to present the Draft Upper Wissahickon Special Area Management Plan on May 28, 2008, at the Upper Dublin Municipal Building, 801 Loch Alsh Avenue, Fort Washington, PA from 7 p.m.—8:30 p.m. An informational session will be held before the public meeting from 4:30 p.m.—6:30 p.m. The Upper Wissahickon Special Area Management Plan was developed in accordance with the Department of Environmental Protection's Coastal Resource Management's Section 309 program following procedures outlined in the Act 220 State Water Plan's draft Critical Area Resource Plan Guidance Document.

Questions concerning the meeting can be directed to Leslie Sarvis at (717) 772-5634 or lsarvis@state.pa.us. The public meeting notice and the Draft Plan will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5634 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-937. Filed for public inspection May 16, 2008, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under The Administrative Code of 1929 (71 P. S. §§ 51—732), has published the proposed 2008 real property disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review on the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

Individuals wanting to comment on the proposed plan should do so, in writing, to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 08-938. Filed for public inspection May 16, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Keystone Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Keystone Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-939. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Countryside Christian Community  
200 Bellann Court  
Annville, PA 17003

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b)(c) (relating to nursing services).

Millcreek Manor  
5515 Peach Street  
Erie, PA 16509

Millcreek Community Hospital Transitional Care Unit  
5515 Peach Street  
Erie, PA 16509

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.33(a), (b) and (c), 205.25(a) and (b), 205.6(a) and 205.28(c)(3).

UPMC Northwest Medical Center Transitional Care Unit  
100 Fairfield Drive  
Seneca, PA 16346  
FAC ID 151002

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto: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 wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-940. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Newborn Metabolic Screening Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P. S. §§ 621—625) will hold a public meeting on Wednesday, June 11, 2008, from 10 a.m. to 3 p.m. at Dixon University Center, Richard's Recital Hall, 2986 North Second Street, Harrisburg, PA.

For additional information, or if you are a person with a disability and desire to attend the meeting and require auxiliary aid, service or other accommodation to do so contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Disease Prevention and Identification at (717) 783-8143 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

Please R.S.V.P. by May 28, 2008, to Rita Sebastian at (717) 783-8143 or one of the numbers previously listed.

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-941. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, June 5, 2008, from 10 a.m. to 3 p.m., in the Administration Building, Conference Room B/C, at the Dixon University Center located at 2986 North Second Street, Harrisburg, PA 17110.

For additional information, or if you are a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Wendy Queen, Public Health Program Administrator, Division of Child and Adult Health Services at (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-942. Filed for public inspection May 16, 2008, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Prevailing Wage Appeals Board Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, May 20, 2008, at 10 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans With Disability Act contact is Gina Meckley, (717) 783-9276.

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 08-943. Filed for public inspection May 16, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Royal Riches '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Royal Riches '08.

2. *Price:* The price of a Pennsylvania Royal Riches '08 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Royal Riches '08 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "ROYAL NUMBERS" area and a separate "CASTLE BONUS" area containing one prize play symbol or play symbol. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "ROYAL NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Crown (CROWN) symbol. The prize play and play symbols and their captions located in the "CASTLE BONUS" area are: \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The "CASTLE BONUS" area is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "ROYAL NUMBERS" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$25,000. The prizes that can be won in the "CASTLE BONUS" area are limited to: \$4, \$5, \$10, \$20, \$40, \$50, \$100 and \$500. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Royal Riches '08 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols is a Crown symbol (CROWN), and a prize symbol of \$500 (FIV HUN) appears under the Crown symbol (CROWN), on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a prize play symbol of \$500 (FIV HUN) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols is a Crown symbol (CROWN), and a prize symbol of \$100 (ONE HUN) appears under the Crown symbol (CROWN), on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a prize play symbol of \$100 (ONE HUN) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50 (FIFTY) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a prize play symbol of \$50 (FIFTY) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40 (FORTY) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with a prize play symbol of \$40 (FORTY) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols is a Crown symbol (CROWN), and a prize symbol of \$20 (TWENTY) appears under the Crown symbol (CROWN), on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20 (TWENTY) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a prize play symbol of \$20 (TWENTY) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols is a Crown symbol (CROWN), and a prize symbol of \$10 (TEN DOL)

appears under the Crown symbol (CROWN), on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10 (TEN DOL) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a prize play symbol of \$10 (TEN DOL) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols is a Crown symbol (CROWN), and a prize symbol of \$5 (FIV DOL) appears under the Crown symbol (CROWN), on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5 (FIV DOL) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets with a prize play symbol of \$5 (FIV DOL) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4 (FOR DOL) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets with a prize play symbol of \$4 (FOR DOL) appearing in the "CASTLE BONUS" area, on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols is a Crown symbol (CROWN), and a prize symbol of \$2 (TWO DOL) appears under the Crown symbol (CROWN), on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2 (TWO DOL) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(z) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols is a Crown symbol (CROWN), and a prize symbol of \$1 (ONE DOL) appears under the Crown symbol (CROWN), on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets upon which any one of the "ROYAL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1 (ONE DOL) appears under the matching "ROYAL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of The Royal Numbers Match Either Winning Number; Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$2	\$2	30	360,000
\$1 × 2	\$2	30	360,000
\$1 w/CROWN	\$2	30	360,000
\$4	\$4	75	144,000
\$2 × 2	\$4	75	144,000
\$2 w/CROWN	\$4	60	180,000
CASTLE BONUS w/\$4	\$4	60	180,000
\$5	\$5	150	72,000
\$1 × 5	\$5	150	72,000
CASTLE BONUS w/\$5	\$5	50	216,000
\$10	\$10	500	21,600
\$2 × 5	\$10	500	21,600
\$5 × 2	\$10	500	21,600
\$5 w/CROWN	\$10	300	36,000
CASTLE BONUS w/\$10	\$10	300	36,000
(CASTLE BONUS w/\$5) + \$5	\$10	250	43,200
\$20	\$20	750	14,400
\$4 × 5	\$20	1,500	7,200
\$5 × 4	\$20	1,500	7,200
\$10 × 2	\$20	1,500	7,200
\$10 w/CROWN	\$20	750	14,400
CASTLE BONUS w/\$20	\$20	750	14,400
(CASTLE BONUS w/\$10) + \$10	\$20	1,500	7,200
\$40	\$40	3,000	3,600
\$4 × 10	\$40	2,667	4,050
\$10 × 4	\$40	3,000	3,600
\$20 w/CROWN	\$40	1,846	5,850
CASTLE BONUS w/\$40	\$40	2,182	4,950
(CASTLE BONUS w/\$20) + \$20	\$40	2,182	4,950
\$50	\$50	3,429	3,150
\$5 × 10	\$50	3,429	3,150
\$10 × 5	\$50	3,429	3,150
(\$10 w/CROWN) + (\$10 × 3)	\$50	2,667	4,050
(\$20 w/CROWN) + (\$5 × 2)	\$50	2,667	4,050
CASTLE BONUS w/\$50	\$50	2,667	4,050
\$100	\$100	6,000	1,800
(\$10 w/CROWN) + (\$10 × 8)	\$100	4,800	2,250
\$20 × 5	\$100	6,000	1,800
(\$20 w/CROWN) + (\$20 × 3)	\$100	4,800	2,250
CASTLE BONUS w/\$100	\$100	4,138	2,610
(CASTLE BONUS w/\$50) + \$50	\$100	4,000	2,700
\$500	\$500	60,000	180
\$100 × 5	\$500	60,000	180
(\$100 w/CROWN) + (\$100 × 3)	\$500	60,000	180
CASTLE BONUS w/\$500	\$500	60,000	180
\$500 w/CROWN	\$1,000	60,000	180
\$1,000	\$1,000	60,000	180
\$25,000	\$25,000	720,000	15

CROWN (CROWN) = Win double the prize shown under it.

CASTLE BONUS = Reveal prize amount from \$4 to \$500 and win that prize.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Royal Riches '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Royal Riches '08, prize money from winning Pennsylvania Royal Riches '08

instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Royal Riches '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61



Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Royal Riches '08 or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-944. Filed for public inspection May 16, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Peach Bottom Concerned Citizens Group, Inc. v. DEP, David and Eric Gemmill and Belview Valley Farms, Permittee; EHB Doc. No. 2008-151-L**

Peach Bottom Concerned Citizens Group, Inc. has appealed the issuance by the Department of Environmental Protection of NPDES permit to David and Eric

Gemmill and Belview Valley Farms for a 525-AEU swine and beef operation in Peach Bottom Township, York County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-945. Filed for public inspection May 16, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-79	Pennsylvania Gaming Control Board Preliminary Provisions; Employees; Junket Enterprises; Slot Machine Licenses; Slot Machine Testing and Control; Possession of Slot Machine; and Accounting and Internal Controls 38 Pa.B. 1151 (March 8, 2008)	4/7/08	5/7/08
16A-629	State Board of Examiners of Nursing Home Administrators Temporary Permits 38 Pa.B. 1168 (March 8, 2008)	4/7/08	5/7/08

**Pennsylvania Gaming Control Board  
Regulation #125-79 (IRRC #2677)**

**Preliminary Provisions; Employees;  
Junket Enterprises;  
Slot Machine Licenses;  
Slot Machine Testing and Control;  
Possession of Slot Machines; and  
Accounting and Internal Controls**

**May 7, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the March 8, 2008 *Pennsylvania Bulletin*. Our comments are

based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Section 441a.19. Notice of employee misconduct and offenses and employee resignations.—Reasonableness; Clarity.**

Subsection (d) requires the licensee to notify the Board within five days of the receipt of a resignation of any "key employee." A commentator asserts that it currently has an internal policy, which was approved by the Board, that the Board will be notified within 15 days of the resignation of a "key employee." Will the Board-approved internal

policy be grandfathered from this new requirement? If so, language should be added to the final-form regulation that clearly states the Board's intent regarding the applicability of this new provision on existing, Board-approved internal policies.

**2. Section 461a.7. Slot machine minimum design standards.—Reasonableness; Clarity.**

*Service buttons*

Subsection (x) requires the slot machine to be equipped with a service button designed to allow the player to request assistance. A commentator states that some of their electronic games do not have a service button because they are designed to be played only with an attendant present. The Board should explain why a service button is required for all machines or consider exempting the machines that fall into the category described by the commentator.

*Other color combination approved by the Office of Gaming Operations*

Under Subsection (y)(3), a licensee can use a label with "other color combination approved by the Office of Gaming Operations." We have three questions.

First, what process is required to get another color combination approved?

Second, commentators have indicated that they currently have signage on their machines that may not meet these standards. Will the Board require these licensees to change the existing signs or apply for approval of their current labels?

The two questions directly above also apply to §§ 461a.10(b), 461a.22(b) and 465a.28(l).

Finally, why doesn't the labeling provision in Section 465a.29(b) also include "other color combination approved by the Office of Gaming Operations?"

*Label that may not be easily removed*

Subsection (y)(3), as well as §§ 461a.10(b), 461a.22(b) and 465a.29(b), requires labels that "may not be easily removed." This requirement is subjective and it is not clear how to comply. We recommend rewriting this provision so that licensees will know how to label machines to comply with the regulation.

**3. Section 463a.7. Off premises storage of slot machines.—Need; Fiscal impact; Reasonableness.**

A commentator believes the change from written requests for off premise storage to a petition to the Board is burdensome and that the current process is adequate. The Board should explain why this change to a petition process is needed. The Board should also explain the time difference between getting approval under the petition process compared to the written requests and the change in cost to the licensee to file a petition rather than a written request.

**4. Section 465a.2. Internal control systems and audit protocols.—Reasonableness; Clarity.**

Subsection (j) requires a paper copy of the two attestations to be maintained for at least five years. Has the Board considered allowing licensees to electronically save these documents?

**5. Section 465a.13. Possession of weapons within a licensed facility.—Reasonableness, Clarity.**

Several sentences in this section contain the phrase "or other device that could injure or incapacitate a person." This is a vague phrase because many common items such

as an ink pen could be used to injure or incapacitate a person. What specifically is the Board trying to prohibit?

**6. Section 465a.26. Jackpot payouts.—Reasonableness; Clarity.**

*Lead slot attendants*

Various provisions in Subsection (b) refer to "lead slot attendants." However, a commentator states that it does not have such a job classification. Does the Board intend to require the licensee to establish this classification?

*Two-part manual jackpot receipt and a two-part electronically generated jackpot payout slip*

Subsection (b) sets forth provisions requiring a "two-part manual jackpot payout receipt and a two-part electronically generated jackpot payout slip." The Board should explain the need for "two-part manual jackpot payout receipt and a two-part electronically generated jackpot payout slip."

*Jackpot amount*

For clarity, the Board should review the language of Paragraph (b)(4) which states "... if the jackpot is between \$10,000 or more but less than \$25,000. ..."

**State Board of Examiners of Nursing Home Administrators Regulation #16A-629 (IRRC #2678)**

**Temporary Permits**

**May 7, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the March 8, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Examiners of Nursing Home Administrators (Board) to respond to all comments received from us or any other source.

**Section 39.17. Temporary permits—statement of policy.—Clarity and lack of ambiguity.**

This proposed rulemaking amends § 39.1, pertaining to definitions and § 39.4, pertaining to admission to practice and temporary permits. The annex submitted with the proposal also amends § 39.17, a statement of policy pertaining to temporary permits. Statements of policy are nonregulatory documents that provide guidance by which an agency will carry out its duties. Unlike regulations, statements of policy are not enforceable. Consequently, they are not binding upon third parties and cannot include requirements that would impose penalties for noncompliance.

This Commission is charged with reviewing and approving regulations or amendments to regulations. If the Board intends to change the statement of policy to a regulation, we suggest that the text of § 39.17 be moved to § 39.4 and that § 39.17 be deleted or reserved. If the Board intends to keep § 39.17 as a policy statement, then § 39.17 and any amendments to it should not be included in the annex of the final-form regulation.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-946. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
16A-5131	State Board of Nursing Faculty Requirements for Nursing Education Programs	5/1/08	6/5/08
16A-5130	State Board of Nursing Continuing Education for Professional Nurses	5/1/08	6/5/08
16-38	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties—Nurses	5/1/08	6/5/08
6-306	State Board of Education Special Education Services and Programs	5/5/08	6/5/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-947. Filed for public inspection May 16, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Highmark, Inc. and Highmark Blue Cross Blue Shield; Provider Reimbursement Adjustments to Allowances for the Low Income Fee Schedule Programs; Rate Filing

On April 30, 2008, the Insurance Department (Department) received from Highmark Blue Cross Blue Shield and Highmark Blue Shield filing number 1-Pricing (Provider Reimbursement)-08-HI requesting to adjust the low income Fee Schedule program allowances. The following increases are proposed:

- 1.37% for Plan C Medical/Surgical
- 0.74% for 1800S Medical/Surgical
- 0.54% for 5000S Medical/Surgical
- 0.44% for Special Care Medical/Surgical—Entry Tier
- 0.00% for Special Care Medical/Surgical—Tier Two

Highmark requests the approval without an immediate adjustment in rates for the previously programs.

The filing will impact select evaluation and management allowances under the Plan C, 1800S and 5000S Fixed Fee Schedules.

Unless formal administrative action is taken prior to July 31, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site 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 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*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-948. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting Rate Filing; Rate Filing

On April 30, 2008, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association (JUA) a filing to decrease rates overall by 4.4% for institutional and noninstitutional health care providers. The filing includes the following revisions:

- Changes to 15 class relativities.
- Changes to four territory relativities.
- Movement of three specialties from one class to another.

Unless formal administrative action is taken prior to June 29, 2008, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2009, by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filings, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Mike McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-949. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Progressive Specialty Insurance Company; Private Passenger Automobile; Rate Revision; Rate Filing

On April 29, 2008, the Insurance Department (Department) received from Progressive Specialty Insurance Company a filing for rate level change for private passenger automobile insurance.

The company requests an overall 2.0% increase amounting to \$3,821,000 annually, to be effective August 15, 2008, for new business and September 24, 2008, for renewal business.

Unless formal administrative action is taken prior to June 28, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-950. Filed for public inspection May 16, 2008, 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, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of William Kufner; file no. 08-181-50358; Geico Casualty Insurance Company; doc. no. P08-04-021; June 12, 2008, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Wendy Lee Hess; file no. 08-266-50107; First Acceptance Insurance Company, Inc.; doc. no. PH08-04-022; June 18, 2008, 9 a.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 the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168. Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-951. Filed for public inspection May 16, 2008, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Manual M210.3—Index of Issuances—Directives Management System, Amended November 21, 2007.

Manual M210.9—General Administrative Records Retention and Disposition Schedule for Records Common to Most Agencies, Amended February 27, 2008.

Management Directive No. 205.24—Display of Flags on Commonwealth Grounds and Buildings and Other Locations Within the Commonwealth, Amended March 24, 2008.

Management Directive No. 205.39—Street Addresses for Department of General Services Owned or Administered Buildings, Dated November 6, 2007.

Management Directive No. 220.1—Commonwealth Media Services, Amended January 14, 2008.

Management Directive No. 310.29—Using Value (Service) Date in SAP, Amended November 29, 2007.

Management Directive No. MD310.31—Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Processes, Dated March 14, 2008.

Management Directive No. 315.1—Calculation and Payment of Statutory Salaries, Amended December 20, 2007.

Management Directive No. 410.10—Guidelines for Investigating and Resolving Internal Discrimination Complaints, Amended February 21, 2008.

Management Directive No. 505.32—Governor's Awards for Excellence, Amended December 6, 2007.

Management Directive No. 530.2—Sick Leave Without Pay, Parental Leave Without Pay, and Family Care Leave Without Pay, Amended March 12, 2008.

Management Directive No. 530.4—State paid Benefits While on Sick, Parental, or Family Care Leave Without Pay, Amended March 11, 2008.

Management Directive No. 530.23—State Employee Combined Appeal, Amended February 1, 2008.

Management Directive No. 530.30—Sick, Parental and Family Care Absence Policy, Dated December 14, 2007.

Management Directive No. 625.10—Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings, Amended January 30, 2008.

Management Directive No. 720.5—Energy Conservation and Electrical Devices in Commonwealth—Owned or Leased Buildings, Amended January 3, 2008.

Administrative Circular No. 07-13—Safety Guidelines for Live Holiday Trees and Decorations, Dated November 20, 2007.

Administrative Circular No. 07-14—Office Relocation Within the Department of General Services, Dated December 19, 2007.

Administrative Circular No. 08-1—Computation of Interest Penalties, Act 1982-266 Amended, Dated January 3, 2008.

Administrative Circular No. 08-2—Office Relocation within the Office of the Budget, Dated January 3, 2008.

Administrative Circular No. 08-3—Distribution of the 2008-2009 Commonwealth Budget, Dated January 22, 2008.

Administrative Circular No. 08-4—2008-09 Budget Hearing Materials, Dated January 25, 2008.

Administrative Circular No. 08-5—Closing Instruction No. 1, Fiscal Year 2007-2008—Submission of Purchasing Documents, Dated March 5, 2008.

Administrative Circular No. 08-6—Office Relocation within the Department of General Services, Dated March 24, 2008.

Administrative Circular No. 08-7—Closing Instruction No. 2, 2007-08 Fiscal Year; Preclosing at May 30, 2008, Dated April 14, 2008.

Administrative Circular No. 08-8—Closing Instruction No. 3, Prior Fiscal Year Appropriations Subject to Act 146

Waivers; Encumbrances Carried Forward from Prior Fiscal Years (Including Contracted Repairs), Dated April 16, 2008.

Administrative Circular No. 08-9—Change of Address for the Department of Labor and Industry, Dated May 1, 2008.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 08-952. Filed for public inspection May 16, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 2, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2008-2038223. Transos, Inc., t/a Armada Limousine** (2820 Dogwood Lane, Broomall, Delaware County, PA 19008)—a corporation of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2008-2038828. Ygnacia Sosa** (17 Carlisle Avenue, York, York County, PA 17404)—begin to transport, as a contract carrier, for Brickforce Staffing, Inc., persons in paratransit service from points in the Counties of York, Dauphin and Lancaster, to points in Pennsylvania and return.

#### Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

**A-00115167. Bailey Coach, Inc.** (123 East Market Street, York, PA 17401-1279), a corporation of the Commonwealth—persons, in limousine service, from points in the Counties of York, Adams, Lancaster, Cumberland and Franklin to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-00121040, F2. Robert W. Smith** (12545 Roger Drive, Espyville, PA 16424)—for the discontinuance of service and cancellation of his certificate for the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Crawford and Mercer, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-953. Filed for public inspection May 16, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2038786. Verizon North, Inc. and A Perfect Solution, LLC.** Joint petition of Verizon North, Inc. and A Perfect Solution, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and A Perfect Solution, LLC, by its counsel, filed on April 18, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and A Perfect Solution, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-954. Filed for public inspection May 16, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2039398. Verizon North, Inc. and MetroPCS Pennsylvania, LLC.** Joint petition of Verizon North, Inc. and MetroPCS Pennsylvania, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and MetroPCS Pennsylvania, LLC, by its counsel, filed on April 18, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and MetroPCS Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-955. Filed for public inspection May 16, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2038759. Verizon Pennsylvania, Inc. and A Perfect Solution, LLC.** Joint petition of Verizon Pennsylvania, Inc. and A Perfect Solution, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and A Perfect Solution, LLC, by its counsel, filed on April 18, 2008, 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 A Perfect Solution, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-956. Filed for public inspection May 16, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2039400. Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC.** Joint petition of Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC, by its counsel, filed on April 18, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-957. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Telecommunications

**A-310814F7000. Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc.** Joint petition of Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc., by its counsel, filed on February 28, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-958. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Telecommunications

**A-310814F7000. Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc.** Joint petition of Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc., by its counsel, filed on February 28, 2008, 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 US LEC of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-959. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Wastewater Service

**A-2008-2039518 and A-2008-2039521. Hidden Valley Public Utility Services, LLC and Hidden Valley Utility Services, LP.** Joint application of Hidden Valley Public Utility Services, LLC and Hidden Valley Utility Services, LP for approval of: 1) the acquisition by Hidden Valley Public Utility Services, LLC of the wastewater system assets of Hidden Valley Utility Services, LP in Hidden Valley, PA; 2) the right of Hidden Valley Public Utility Services, LLC to begin to offer, render, furnish and supply wastewater service to the public in a portion of Hidden Valley, PA; and 3) the abandonment by Hidden Valley Utility Services, LP of public wastewater service within Hidden Valley, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 2, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Hidden Valley Public Utility Services, LLC and Hidden Valley Utility Services, LP

*Through and By Counsel:* Jeffrey A. Franklin, Esquire, Carl J. Engleman, Jr., Esquire, Ryan, Russell, Ogden and Seltzer, Suite 210, 1150 Berkshire Boulevard, Wyomissing, PA 19610-1208

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-960. Filed for public inspection May 16, 2008, 9:00 a.m.]

### Water Service

**A-2008-2039498 and A-2008-2039504. Hidden Valley Public Utility Services, LLC and Hidden Valley Utility Services, LP.** Joint application of Hidden Valley Public Utility Services, LLC and Hidden Valley Utility Services, LP for approval of: 1) the acquisition by Hidden Valley Public Utility Services, LLC of the water system assets of Hidden Valley Utility Services, LP in Hidden Valley, PA; 2) the right of Hidden Valley Public Utility Services, LLC to begin to offer, render, furnish and supply water service to the public in a portion of Hidden Valley, PA; and 3) the abandonment by Hidden Valley Utility Services, LP of public water service within Hidden Valley, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 2, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the Applicant's business address.

*Applicant:* Hidden Valley Public Utility Services, LLC,  
Hidden Valley Utility Services, LP

*Through and By Counsel:* Jeffrey A. Franklin, Esquire,  
Carl J. Engleman, Jr., Esquire, Ryan, Russell, Ogden and  
Seltzer, Suite 210, 1150 Berkshire Boulevard, Wyomissing,  
PA 19610-1208

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-961. Filed for public inspection May 16, 2008, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.  
Brian K. White; Doc. No. 0696-42-2008**

On April 3, 2008, Brian K. White, of Bensalem, Bucks County, had his licensed suspended based on his failure to pay a \$500 civil penalty issued by the State Board of Barber Examiners (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 08-962. Filed for public inspection May 16, 2008, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
Urbane Nails; Doc. No. 0575-45-2008**

On March 24, 2008, Urbane Nails, license no. CY-193134, of Pleasant Hills, Allegheny County, was suspended, based on failure to pay the \$1,000 civil penalty imposed by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the

Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-963. Filed for public inspection May 16, 2008, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Gina Turner Marinelli, LPN; Doc. No. 2353-51-07**

On November 27, 2007, Gina Turner Marinelli, license no. PN-260516-L, of Fairchance, Fayette County, had her practical nursing license suspended for failure to pay a State Board of Nursing (Board) ordered civil penalty.

Individuals may obtain a copy of the final order by writing to David Markowitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY E. BOWEN, R. N., CRNP,  
*Chairperson*

[Pa.B. Doc. No. 08-964. Filed for public inspection May 16, 2008, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

**Hearing Scheduled**

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated accounts.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 10, 2008 Robert A. Hinkle 1 p.m.  
(Transfer of membership from  
TIAA-CREF to SERS)



Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 08-965. Filed for public inspection May 16, 2008, 9:00 a.m.]

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