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PENNSYLVANIA BULLETIN

Volume 38

Number 21

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

No. 402, May 2008

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2008 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 014 through 016					
014	May 13	SB0638	PN1615	60 days	Cancer Drug Repository Program Act—enactment
015	May 13	SB1017	PN1269	Immediately*	Phosphate Detergent Act—exclusions and exceptions
016	May 13	SB1278	PN1844	Immediately*	Domestic Relations Code (23 Pa.C.S.)—child medical support, annual fees, orders of support, effect of incarceration, pass-through of support and assignment of support

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 08-966. Filed for public inspection May 23, 2008, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

[210 PA. CODE CHS. 15 AND 17]

Amendment of Rule 1561 and Enactment of New Appellate Rule 1765

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 1561 and to enact a new appellate rule, Pa.R.A.P. 1765. The proposed rule and suggested amendment are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

All communications in reference to the proposed amendment should be sent no later than July 14, 2008 to:

Dean R. Phillips, Chief Counsel
D. Alicia Hickok, Deputy Counsel
Scot Withers, Deputy Counsel
Appellate Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

or Fax to
717-795-2116

or E-Mail to
appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

By the Appellate Court Procedural Rules Committee

HONORABLE JANE CUTLER GREENSPAN,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

PETITION FOR REVIEW

Rule 1561. Disposition of Petition for Review.

* * * * *

(d) *Review of detention.*—Except as prescribed by Rule 1762(b)(2), which governs applications relating to bail when no appeal is pending, **Rule 1765, which governs applications relating to bail when an appeal is pending, or [by] Rule 3331** (review of special prosecutions or investigations), review in the nature of criminal habeas corpus or post conviction relief may not be granted under this chapter.

Official Note: Subdivision (a) is based on 42 Pa.C.S. § 706 (disposition of appeals).

* * * * *

Subdivision (d) is intended to make clear that the scope of this chapter is essentially civil in nature. [**The**

application of the petition for review to questions of release prior to sentence in criminal matters and in questions arising out of special prosecutions or investigations is merely a recognition of the technical need for a plenary filing to bring the question within the appellate jurisdiction of the appropriate court.] Although a Post-Conviction Relief Act proceeding is technically civil, it is quasi-criminal, and, by definition, it occurs following the entry of judgment and affirmation of that judgment on direct appeal. A court's review in such instances is undertaken with a different presumption than applies in other civil or even criminal proceedings, because a court has found a defendant guilty and that determination has been affirmed on direct appeal. The limitations on petitions for review of bail determinations reflect the concerns unique to Post-Conviction Relief Act proceedings. See Rules [**Rule**] 1762(b)(2) and 1765 regarding bail applications.

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

STAY IN CRIMINAL MATTERS

Rule 1765. Release in Post-Conviction Relief Act Matters.

(a) Other than as provided by statute, a Post-Conviction Relief Act petitioner may not make application for bail, or appeal the denial of bail, in any court while an appeal of a trial or appellate court's disposition of a Post-Conviction Relief Act petition is pending.

(b) The Commonwealth may appeal the grant of bail while an appeal of the disposition of a Post-Conviction Relief Act petition is pending.

Official Note: This rule should be read in conjunction with 42 Pa.C.S. § 9546, which provides in part that a court that rules in favor of a Post-Conviction Relief Act petitioner "shall order appropriate relief and issue supplementary orders as to . . . bail." See also 42 Pa.C.S. § 5701; Pa.R.Crim.P. 908(D)(2).

This rule supersedes the practice described in *Commonwealth v. Kyle*, 582 Pa. 624, 628, 874 A.2d 12, 14 (2005), in which the Supreme Court observed in passing that the petitioner had applied to the Superior Court for bail (after the trial court had denied it) and the Superior Court had granted bail. It is consistent in part with *Commonwealth v. Bishop*, 829 A.2d 1170, 1172 (Pa. Super. 2003), in that this rule affirms that the trial court lacks jurisdiction to rule on a petitioner's application for bail during a pending appeal of the disposition of a Post-Conviction Relief Act petition. The new rule is consistent with Pa.R.A.P. 1561(d), because Pa.R.A.P. 1762 is limited in scope to a review of orders denying bail prior to sentence or pending direct appeal unless the appeal of a bail order is taken when no appeal of the disposition of the Post-Conviction Relief Act petition is pending.

EXPLANATORY COMMENT

1. Introduction

The Appellate Court Procedural Rules Committee, with significant contributions by the Criminal Procedural Rules Committee, proposes that the Supreme Court amend Pa.R.A.P. 1561 and enact new Pa.R.A.P. 1765 to clarify that when the disposition of the post-conviction

relief petition is on appeal, the petitioner has no right to bail and no right to appeal any denial of bail.

The Appellate Court Procedural Rules Committee has become aware that there is great confusion regarding a trial court's ability to act while a post-conviction appeal is pending, even in the case law, and the Appellate Court Procedural Rules Committee and the Criminal Procedural Rules Committee have concluded that the confusion may be attributed at least in part to the fact that the current Rules of Appellate Procedure do not adequately address this issue.

In developing this proposal, the Committees examined the Pennsylvania Constitution, pertinent statutes, case law and the current procedural rules.

Pennsylvania has recognized a right to bail pretrial, predicated upon three principles:

- (a) the importance of the presumption of innocence;
- (b) the distaste for imposition of sanctions prior to trial and conviction;
- (c) the desire to give the accused maximum opportunity to prepare a defense.

Commonwealth v. Fowler, 451 Pa. 505, 513, 304 A.2d 124, 128 (1973) (discussing *Commonwealth v. Truesdale*, 449 Pa. 325, 335-36, 296 A.2d 829, 834-35 (1972)).

As a criminal trial and appeal progresses, however, the presumptions against bail increase. In examining the *Truesdale* factors, the *Fowler* Court held that between conviction and sentence, one convicted of murder could not be released on bail—with the sole caveat that if delay was unreasonable and caused by the Commonwealth, the court could decide to grant bail. The *Fowler* Court reasoned that the first and third *Truesdale* factors are no longer implicated and the second minimized, while the public interest in detaining the defendant “becomes compelling.” *Id.* at 514-15, 304 A.2d at 129. See also *Commonwealth v. Cabeza*, 489 Pa. 142, 413 A.2d 1054 (1980) (applying the analysis to the then new rules of criminal procedure). Consistent with this analysis, the trial court has discretion to grant bail pending the disposition of all direct appeal proceedings, subject to the requirements of the Pennsylvania Rules of Criminal Procedure. Indeed, in a parole revocation hearing, the “appellant’s liberty interest . . . is not merely diminished from that which he held prior to trial, rather it is of a wholly different nature.” *Commonwealth v. McDermott*, 377 Pa. Super. 623, 637, 547 A.2d 1236, 1242-43 (1988).

[A]n individual’s legitimate interest in remaining at large on bail diminishes, and the Commonwealth’s legitimate interest in incarcerating the individual increases correspondingly, as the individual passes from suspect, to accused, to appellant, to allocatur petitioner, to certiorari petitioner, to PCHA petitioner. Accordingly, the availability of release on bail is subject to increased restrictions at each level.

Id. Moreover, a bail bond that is issued post-verdict remains effective until direct review of an appellant’s conviction ends but not during any collateral proceedings. *Commonwealth v. McMaster*, 1999 PA Super. 111, ¶ 9, 730 A.2d 524, 527 (1999).

By statute, the trial court is afforded discretion to grant bail if it rules in favor of a post-conviction relief petitioner.

If the court rules in favor of the petitioner, it shall order appropriate relief and issue supplementary orders as to arraignment, retrial, custody, bail, discharge, correction of sentence or other matters that are necessary and proper.

42 Pa.C.S. § 9546(a) (PCRA). In other words, if the PCRA court grants relief, it can also set bail. There is no provision, however, for a situation where a PCRA court denies relief and the Superior Court vacates and remands, but before the matter is returned to the trial court, the Commonwealth takes an appeal. This was the situation in *Commonwealth v. Bishop*, 829 A.2d 1170 (Pa. Super. July 22, 2003), where the trial court had no jurisdiction under Rule 1701(a) unless and until the appellate court decided or dismissed the appeal and remanded the record.

Consistent with the policy determinations set forth above, proposed Rule 1765 clarifies that during the pendency of appeal of the disposition of his or her petition a post-conviction relief petitioner may not apply for bail in the trial or appellate court and may not appeal a denial of bail. The proposed rule does not in any way limit the statutory authority of the trial court—who has had the opportunity to develop the factual record and observe the petitioner firsthand—to grant bail when granting a post-conviction relief petition. The Commonwealth has the right to appeal the grant of bail while its appeal of the petition determination is pending.

[Pa.B. Doc. No. 08-967. Filed for public inspection May 24, 2008, 9:00 a.m.]

Title 237—JUVENILE RULES

[237 PA. CODE CHS. 1, 2, 11 AND 13]

Order Amending 100, 123, 160, 200, 1100, 1123, 1151 and 1320; Supreme Court Rules; No. 445; Doc. No. 1

Order

Per Curiam:

Now, this 12th day of May, 2008, upon the recommendation of the Juvenile Court Procedural Rules Committee and an Explanatory Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rules 100, 123, 160, 200, 1100, 1123, 1151, and 1320 of the Rules of Juvenile Court Procedure are approved in the attached form.

To the extent that prior distribution and publication of this rule would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa.R.J.A. 103(a)(3).

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective May 12, 2008.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

Rule 100. Scope of Rules.

* * * * *

Comment

The Pennsylvania Rules of Juvenile Court Procedure are split into two categories: delinquency matters and dependency matters. All delinquency matters are governed by Chapters One through Ten (Rules 100—1099). All dependency matters are governed by Chapters Eleven through Twenty (Rules 1100—2099).

* * * * *

Unless specifically provided in these rules, the Pennsylvania Rules of Civil Procedure and the Pennsylvania Rules of Criminal Procedure do not apply to delinquency proceedings commenced pursuant to Rule 200 and 42 Pa.C.S. § 6301 et seq.

The Rules of Criminal Procedure apply in cases involving juveniles in summary and court cases, as defined by Pa.R.Crim.P. 103, to the extent that the Juvenile Act does not apply to these proceedings. See, e.g, Pa.R.Crim. P. 100 and 400. See also 42 Pa.C.S. §§ 6302 and 6303.

* * * * *

Official Note: Rule 100 adopted April 1, 2005, effective October 1, 2005. Amended May 12, 2008, effective immediately.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 100 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

PART A. BUSINESS OF COURTS

Rule 123. Subpoenas.

* * * * *

Comment

* * * * *

For power to compel attendance, see 42 Pa.C.S. § 6333. Nothing in this rule prohibits the court from holding a contempt hearing. See *In re Crawford*, 360 Pa.Super. 36, 519 A.2d 978 ([Pa. Super. Ct.] 1987) for punishing juveniles for contempt.

Any person may file a motion to quash the subpoena for a witness and/or for requested items. The court is to rule on the motion prior to the production of the witness or the items.

Official Note: Rule 123 adopted April 1, 2005, effective October 1, 2005. Amended February 26, 2008, effective June 1, 2008. Amended May 12, 2008, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 123 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 123 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 160. Inspection of Juvenile File/Records.

* * * * *

Comment

* * * * *

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file and the disclosure requirements of this rule apply.

Under Paragraph (B), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks of courts' office as the only document available for inspection by the general public. All other information contained in the juvenile court filed is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).

* * * * *

Official Note: Rule 160 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 160 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the revisions of Rule 160 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 37 Pa.B.4866 (September 8, 2007).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART A. COMMENCING PROCEEDINGS

Rule 200. Commencing Proceedings.

* * * * *

Comment

* * * * *

The Juvenile Act provides that a "child may be taken into custody . . . pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. See Pa.R.Crim.P. 502.

Under paragraph (4), when a case is transferred from a criminal proceeding pursuant to 42 Pa.C.S. § 6322 to juvenile court, the entire case file is to be transferred. The case file is governed by the disclosure requirements of Rule 160.

* * * * *

Official Note: Rule 200 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. **Amended May 12, 2008, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 200 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

**Subpart B. DEPENDENCY MATTERS
CHAPTER 11. GENERAL PROVISIONS**

Rule 1100. Scope of Rules.

* * * * *
Comment
* * * * *

Unless specifically provided in these rules, the Pennsylvania Rules of Civil Procedure and the Pennsylvania Rules of Criminal Procedure do not apply to dependency proceedings commenced pursuant to Rule 1200 and 42 Pa.C.S. § 6301 et seq.

These rules govern proceedings when the Juvenile Act vests jurisdiction in the Court of Common Pleas. See 42 Pa.C.S. §§ 6321 and 6302.

* * * * *

Official Note: Rule 1100 adopted August, 21, 2006, effective February 1, 2007. **Amended May 12, 2008, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1100 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1100 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

PART A. BUSINESS OF COURTS

Rule 1123. Subpoenas.

* * * * *
B. Service.
Comment
* * * * *

- 1) A subpoena shall be serviced upon a witness by:
 - c) first-class mail.

Any person may file a motion to quash the subpoena for a witness and/or for requested items. The court is to rule on the motion prior to the production of the witness or the items.

Official Note: Rule 1123 adopted August, 21, 2006, effective February 1, 2007. **Amended May 12, 2008, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1123 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1123 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

PART B(2). COUNSEL

Rule 1151. Assignment of Guardian ad litem & Counsel.

* * * * *
Comment
* * * * *

Nothing in these rules anticipates that a guardian ad litem for an adult is to be appointed by these rules. For appointment of a guardian of the person, see 20 Pa.C.S. § 5501 et seq. and Pa.O.C. Rules 14.2—14.5.

Official Note: Rule 1151 adopted August, 21, 2006, effective February 1, 2007. Amended February 20, 2007, effective immediately. **Amended May 12, 2008, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1151 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006). Final Report explaining the amendments to this rule published with the Court's Order at 37 Pa.B. 1123 (March 10, 2007).

Final Report explaining the amendments to Rule 1151 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART B. APPLICATION FOR PRIVATE PETITION

Rule 1320. Application to File a Private Petition.

* * * * *

[B. Service. If a person presents an application for a petition under this rule, the person shall serve the application on the court and all parties to the proceeding.]

Comment
* * * * *

Official Note: Rule 1320 adopted August, 21, 2006, effective February 1, 2007. **Amended May 12, 2008, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1320 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 100, 123, 160, 200, 1100, 1123, 1151, and 1320. The changes are effective May 12, 2008.

EXPLANATORY REPORT
MAY 2008

Rule 100 and 1100—Scope of Rules

It has come to Committee's attention that the Rules of Civil Procedure and the Rules of Criminal Procedure are being used when there is not a Rule of Juvenile Procedure on certain matters. This is an error of law that is being made by several judicial districts. The Committee believes that this addition to the Comment will rectify this error of law.

This change does not prohibit a party from arguing that a situation is analogous to a Civil or Criminal matter when there is no juvenile court procedural rule in a particular area.

Additionally, the Committee has added a paragraph in the Comment to Rule 100 explaining the scope of the Rules by distinguishing dependency from delinquency matters. When this rule was adopted, there were no dependency rules.

Rules 123 and 1123—Subpoenas

It is obvious that a person may file a motion to quash a subpoena if they do not believe it is valid. However, this issue arose with respect to non-parties quashing a subpoena. Any person who is subpoenaed or who is to produce items may file a motion with the Court to quash the subpoena. The Committee believes that the Comment change will clarify any issues that are occurring in some counties.

Rule 160—Inspection of Juvenile File/Record and Rule 200—Commencing Proceedings

There was some confusion in the transferring of records in decertification cases from criminal court to juvenile court. When a case is transferred from adult criminal court to juvenile court, the entire record is to be transferred. The Criminal Rules no longer apply. Rule 160 now governs the inspection of that record. The changes in the Comments to these rules clarify that the Juvenile Rules govern the case file.

Rule 1151—Assignment of Guardian ad litem and Counsel

An issue arose as to whether this rule applies to appointment of guardians for minor "guardians" or incapacitated persons. There are some instances when the guardian of the dependent child is also a minor or the adult guardian is incapacitated. In those rare instances, a guardian of the person should be appointed. This is not governed by the Rules of Juvenile Court Procedure but governed by 55 Pa.C.S. § 5501 et seq. and Pa.O.C. Rules 14.2—14.5. The Committee believes this Comment was important because of the confusion over this issue.

Rule 1320—Application to file a private petition

The Committee has deleted paragraph (B) of this rule because this rule is an application for a petition. An application comes prior to the filing of the petition. If there is no petition, there are no parties. Therefore, a party cannot be served as required by paragraph (B). If the court decides to grant the application under Rule 1321 (Hearing on Application for Private Petition) and allow a petition to be filed pursuant to Rule 1330 (Petition: Filing, Contents, Function, Aggravated Circumstances), the parties will be served under the normal service procedures of Rule 1331 (Service of Petition).

[Pa.B. Doc. No. 08-968. Filed for public inspection May 23, 2008, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130-2001

Order

And Now, this 6th day of May, 2008, Local Rule 205.4, which provided for electronic filing in Beaver County, is rescinded in its entirety. Further, Local Rules 206A through 206C, inclusive, Rule 206.4(c) and Rule 208.3(b) are amended to read as follows. This Order and Amended Local Rules 206A, 206B, 206C, 206.4(c) and 208.3(b), as well as rescission of Rule 205.4, shall be effective 30 days after publication in the *Pennsylvania Bulletin* and publication on the Pennsylvania Judiciary's web application portal. All Local Rules inconsistent with the foregoing amended Rules are suspended upon the effective date of the foregoing amended Rules.

In accordance with Pa.R.C.P. No. 239, the Court Administrator of Beaver County shall file or distribute copies of this Order and the Amended Local Rules as follows:

1. Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;
2. Two (2) certified copies and a computer diskette containing the texts of the amended Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. One (1) certified copy to the Civil Procedure Rules Committee of the Supreme Court of Pennsylvania;
4. One (1) copy to the Prothonotary of Beaver County to be kept continuously available for public inspection and copying;
5. One (1) copy to the Law Library of Beaver County.

In addition, the Court Administrator of Beaver County shall cause the foregoing Rules to be published on the web site of the Administrative Office of Pennsylvania Courts and on the Beaver County web site.

By the Court

JOHN D. MCBRIDE,
President Judge

LR 205.4. Electronic Filing and Service of Legal Papers.

Rescinded and deleted in total.

LR 206A. Motions Court.

The Court will be available to receive motions and petitions at the times and in accordance with the practice which is published with the annual Court Calendar.

Note. The prescribed time to receive motions appears on the Beaver County web site: www.beavercountypa.gov. Links are available to the Court and then to Motions Court.

LR 206B. Notice to Opposing Counsel.

The Court will not entertain a motion or petition in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business

days written notice of the intention to present the motion or petition. The motion or petition shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a motion or petition after oral notice only in emergency situations. *Ex parte* motions and petitions will not be entertained without prior notice unless notice is not possible.

LR 206C. Presentation of Motion.

All motions and petitions, except as set forth in Rules L206D, L206F and emergency motions and petitions, shall be presented to the appropriate Judge at the time set for Motions Court. In all cases, written notice of presentation of the motion or petition shall have been given to counsel of record or to the opposite party in compliance with Rule L206B.

LR 206.4(c). Procedures for Issuance of a Rule to Show Cause.

(a) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa.R.C.P. No. 206.5.

(b) Whether or not the petition has been filed, it shall be presented to the Court by counsel for the petitioner at the time prescribed for the receipt of motions by the Court.

Note. The prescribed time to receive motions appears on the Beaver County web site: www.beavercountypa.gov. Links are available to the Court and then to Motions Court.

(c) The petition must be accompanied by an order in the form set forth in Pa.R.C.P. No. 206.5 (d). If appropriate to do so, the Court will issue the rule, set a time to respond thereto, set a deadline to complete depositions or other appropriate discovery and schedule argument.

(d) After the Court issues the rule, counsel for the petitioner must deliver the petition and rule to the Prothonotary for filing, serve it upon all other parties or their counsel, deliver a copy of the order to the Court Administrator and file proof of service.

(e) Any exhibits attached thereto must be tabbed and identified.

LR 208.3(b). Procedure Governing Motions.

(a) All motions, as defined in Pa.R.C.P. No. 208.1, whether or not they have been filed, shall be presented to the Court by counsel for movant at the time prescribed for the receipt of motions by the Court.

Note. The prescribed time to receive motions appears on the Beaver County web site: www.beavercountypa.gov. Links are available to the Court and then to Motions Court.

[Pa.B. Doc. No. 08-969. Filed for public inspection May 23, 2008, 9:00 a.m.]

NORTHAMPTON COUNTY
Administrative Order 2008-2—Home Studies;
C-48CV2008-4262

Administrative Order

And Now, this 28th day of April, 2008, the court adopts the following Rule N1915.8-1, Home Studies, effective immediately.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N. 1915.8-1. Home Studies.

1. The parties may make a joint application to the custody conference officer asking that home study evaluations not be required. The custody conference officer shall then make the determination whether to waive the requirement or impose the requirement for home study evaluation.

2. If the custody conference officer waives the requirement for home study evaluations on the joint application of the parties, the judge who hears the case may require home study evaluations depending on what is developed during the hearing on the merits.

[Pa.B. Doc. No. 08-970. Filed for public inspection May 23, 2008, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Suspension

Notice is hereby given that Jeffrey Larkin Wertz having been suspended from the practice of law in the State of Colorado for a period of 30 days by Order of the Supreme Court of Colorado entered December 13, 2007, the Supreme Court of Pennsylvania issued an Order dated May 8, 2008, suspending Jeffrey Larkin Wertz from the practice of law in this Commonwealth for a period of 30 days. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-971. Filed for public inspection May 23, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 127]

Air Quality Permit Streamlining

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

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Virendra Trivedi, Chief, New Source Review Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3979; or Robert Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

C. *Statutory Authority*

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

D. *Background and Summary*

As part of an effort to streamline the air quality permitting process, the Department of Environmental Protection (Department) investigated ways to reduce the plan approval application time, reduce unnecessary costs to industry and continue to ensure that citizens receive adequate notice of potential plan approval/permitting actions to enable timely comment on issues of public concern. The Department wanted to employ faster response times for minor permitting actions for needed product improvements, which allows industry to be responsive to free market changes, while at the same time ensuring that those changes do not degrade existing air quality. In addition, the Department wanted to ensure that the permit streamlining effort benefited the Department, as well, by allowing it to focus scarce administrative resources on evaluating major source permit applications that have the potential to have more significant environmental impacts than minor sources. As part of this effort, the Board has approved final amendments to extend the authorization of a source to temporarily operate to facilitate shake-down, and to revise the public notice provisions which address receipt of applications for plan approval and intent to issue certain plan approvals. In addition, the Board has finalized provisions regarding completeness criteria for applications for plan approval. The Board believes that this final-form rulemaking will

continue to protect air quality, allow business to respond to market changes and allow for adequate public participation.

The final-form rulemaking contains several amendments to the Department's air quality regulations. The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) during the development of this final rulemaking. At its July 26, 2007, meeting, the AQTAC concurred with the Department's recommendation that the Board consider the final amendments on February 19, 2008. The Department also consulted with the Citizens Advisory Council during the development of the final-form rulemaking.

E. *Summary of the Final-Form Rulemaking*

The final-form rulemaking amends § 127.12b (relating to plan approval terms and conditions) to extend from 120 days to 180 days the duration for temporary "shake-down" operation of new air contamination sources and air cleaning devices subject to the plan approval requirements. This section was not modified between proposed and final-form rulemaking.

Section 127.12d (relating to completeness determination) sets forth the criteria the Department will use to determine if an application for plan approval is complete. This section was modified between proposed and final-form rulemaking to provide that the Department would make an administrative completeness determination within 30 days of receipt of the application. This section was also modified to require an applicant to provide supplemental information to the Department within 10-working days of receipt of a written request for supplemental information. The supplemental information must be provided within 10-working days of receipt of the Department's written request for additional information for the administrative completeness determination. The Department will return an application if an applicant fails to provide the requested information. Other minor clarifying changes were made as well.

Section 127.44 (relating to public notice) has been amended to, among other things, require the Department to publish in the *Pennsylvania Bulletin* a notice of receipt and intent to issue certain minor plan approvals. This section was modified between proposed and final-form rulemaking to provide that the Department will prepare a notice of receipt and intent to issue in accordance with § 127.45 (relating to contents of notice). The information elements to be included in the public notice were deleted from this section and moved to § 127.45. In addition other minor clarifying changes were made as well.

Section 127.45 was amended between proposed and final-form rulemaking to include the information elements in the public notice of receipt and intent to issue that were originally under § 127.44. In addition, other clarifying changes were made as well.

Section 127.48 (relating to conferences and hearings) is amended to require, in certain instances, that the Department publish notice of hearings or conferences in a newspaper of general circulation and the *Pennsylvania Bulletin*. This section was not modified between proposed and final-form rulemaking.

The final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan codified in 40 CFR 52.2020 (relating to identification of plan).

This notice is given under the Board's order at its meeting of February 19, 2008.

F. *Summary of Comments and Responses*

Twelve commentators submitted comments during the public comment period. In addition, the Independent Regulatory Review Commission (IRRC) and the Senate Environmental Resources and Energy Committee submitted comments during the extended comment periods authorized by the Regulatory Review Act (71 P. S. §§ 745.1—745.15). The following is a summary of the major comments that were received and responses.

Several commentators supported the Board's efforts to streamline the air quality permitting process. The Board agrees that the proposed changes will improve the overall permitting process by reducing both the plan approval application processing time and unnecessary costs to the applicants and the Department, while still providing timely notice to the public for comment on all complete plan approval applications submitted to the Department.

Several commentators supported the proposed change to § 127.12b that extends the temporary shakedown period for a facility for additional limited periods from 120 days to 180 days. The Board believes that extending the temporary shakedown period from 120 days to 180 days will allow companies adequate time to test newly permitted sources in accordance with the more complicated stack test requirements, rather than reapply for another extension for "shakedown" purposes.

Several commentators recommended that the Board adopt a deadline for issuance of the "completeness determination" under § 127.12d. The Board agrees and has revised § 127.12d(a) to provide that the Department will provide written notice of the completeness determination to the applicant "within 30 days of receipt of an application."

A commentator requested that the term "other documents" in § 127.12d(b) be expanded to be more specific. The Board agrees. Section 127.12d(b) of the final-form rulemaking has been revised to clarify that the minimum requirements for documentation to be submitted with a plan approval application include "other documents requested in the plan approval application."

Several commentators urged the Board to reject the proposed revisions because several aspects of the proposed rulemaking will severely curtail opportunities for effective citizen participation in air permitting decisions. The primary objective of the APCA is the protection of public health, safety and well-being of the citizens of this Commonwealth. See 35 P. S. § 4002(a)(i). The commentators submitted that this objective is furthered by continuing to provide citizens of this Commonwealth with information about all plan approvals, including all permit conditions, by publication in the *Pennsylvania Bulletin*. The commentators urged the Board to reject the Department's proposal in derogation of this fundamental objective of the APCA.

The Board disagrees with the commentators that public participation in the plan approval application process will be severely curtailed by the proposed changes to the plan approval requirements. Rather, the proposed changes to § 127.44 clarify the Department's current practice in

publishing notices of receipt for plan approval applications for sources for which there is little to no public interest or concern. As a result, all plan approval actions will have at least a 30-day public comment period. The amendatory provisions in the final-form regulation are consistent with section 6.1(b.3) of the APCA, which requires the Board to establish adequate, streamlined and reasonable procedures by regulation for expeditiously determining when applications are complete and for expeditious review of applications. See 35 P. S. § 4006.1(b.3). In addition, the changes to § 127.45 merely clarify the Department's general practice in publishing a brief description of the proposed action. Section 2 of the APCA provides, in part, that it is "... the policy of the Commonwealth of Pennsylvania to protect the air resources of this Commonwealth to the degree necessary for the (i) protection of public health, safety and well-being of the citizens of Pennsylvania . . ." See 35 P. S. § 4002(a)(i). The permit streamlining amendments set forth in the final-form rulemaking will not adversely impact the protection of public health and the environment nor curtail public involvement in the permitting process.

One commentator requested that the Board amend the regulations to allow for a reasonable time period for approval of trial burns of "opportunity fuels" of previously known characteristics. The Board disagrees. The Department is taking a number of steps to provide operational flexibilities for approval of trial burns of "opportunity fuels." Section 127.14 (relating to exemptions) provides an exemption from the permit requirements for approval of trial burns of "opportunity fuels." Exemptions can be determined from the existing list of sources or through the use of a request for determination.

A commentator noted that as amended, § 127.45(b)(5) would no longer require a "description of the reasons" for including conditions and was concerned with this change. The Board notes that while the requirements of existing § 127.45(5) could be interpreted as requiring that the entire plan approval conditions need to be published in the notice of action to be taken, to do so presents significant costs to the Department as well as the applicant. Consequently, new § 127.45(b)(5) has been clarified to require a brief description of the conditions being placed in the plan approval with reference to applicable State and Federal requirements. The entire plan approval will be available for review at the location specified in the notice and will also be provided upon request.

G. *Benefits, Costs and Compliance*

Benefits

Overall, the citizens of this Commonwealth will benefit from this final-form rulemaking because the Department's air quality program staff will be afforded additional time for evaluating major source permit applications that will likely have significant environmental impacts. In addition, the final-form rulemaking will allow industry to be responsive to free market changes while at the same time ensuring that those changes do not degrade existing air quality.

Compliance Costs

This final-form rulemaking will reduce compliance costs for industry by reducing the number of authorizations requested to extend the temporary operation period to facilitate the shakedown of sources and air cleaning devices. In addition, the cost of complying with the notice provisions will be reduced substantially because publication of the plan approval will no longer be required.

Compliance Assistance

The Department plans to educate and assist the public and regulated community with understanding the amendments to the plan approval requirements. This outreach effort will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

The final-form rulemaking will not increase the paperwork that is already generated during the normal course of business.

H. Pollution Prevention

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

I. Sunset Review

The final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the intended goals.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 9, 2007, the Department submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 1317, to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act, on April 16, 2008, this final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 17, 2008, and approved the final-form rulemaking.

K. Findings

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 at 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 37 Pa.B. 1317 (March 24, 2007).

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

L. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 127 are amended by amending §§ 127.12b, 127.44, 127.45 and 127.48; and by adding § 127.12d to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the 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 final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania State Implementation Plan.

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

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. 2132 (May 3, 2008).)

Fiscal Note: Fiscal Note 7-408 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

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

Subchapter B. PLAN APPROVAL REQUIREMENTS

§ 127.12b. Plan approval terms and conditions.

(a) A plan approval may contain terms and conditions the Department deems necessary to assure the proper operation of the source including the requirement for a compliance demonstration prior to issuance of an operating permit.

(b) At a minimum, each plan approval must incorporate by reference the emission and performance standards and other requirements of the act, the Clean Air Act or the regulations adopted under the act or the Clean Air Act.

(c) The plan approval must incorporate the monitoring, recordkeeping and reporting provisions required by Chapter 139 (relating to sampling and testing) and other monitoring, recordkeeping or reporting requirements of

this article and additional requirements related to monitoring, recordkeeping and reporting required by the Clean Air Act and the regulations thereunder, including, if applicable, the enhanced monitoring requirements of 40 CFR Part 64 (relating to enhanced monitoring).

(d) The plan approval must authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a permit under Subchapter F (relating to operating permit requirements) or Subchapter G (relating to Title V operating permits) or to permit the evaluation of the air contamination aspects of the source. This temporary operation period will be valid for a limited time, not to exceed 180 days, but may be extended for additional limited periods, each not to exceed 180 days.

(e) Temporary operation will not be authorized or extended under this section which may circumvent the requirements of this chapter.

§ 127.12d. Completeness determination.

(a) The Department will determine if an application for plan approval is administratively complete and will provide written notice of the completeness determination to the applicant within 30 days of receipt of an application.

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

(c) If the Department determines that the application is not administratively complete, the Department will send the applicant a written statement of the specific information, maps, fees and documents that are required to make the application administratively complete. If the applicant does not provide the requested information to the Department within 10 working days of receipt of the request, the Department will return the application and fees to the applicant.

§ 127.44. Public notice.

(a) The Department will publish in the *Pennsylvania Bulletin* a notice of receipt and intent to issue for each plan approval application, except plan approval applications subject to the notice requirements of subsection (b). The Department will prepare a notice of receipt and intent to issue in accordance with § 127.45(a) (relating to contents of notice).

(b) The Department will prepare a notice, in accordance with § 127.45(b), of action to be taken on applications for plan approvals for the following:

(1) Sources subject to Subchapter D (relating to prevention of significant deterioration of air quality).

(2) Sources subject to Subchapter E (relating to new source review).

(3) Sources of VOCs that submit plan approval applications demonstrating compliance with Chapter 129 (relating to standards for sources) using § 129.51(a) (relating to general).

(4) Sources located within a Title V facility.

(5) Other sources for which the Department has determined there is substantial public interest or for which the Department invites public comment.

(c) The notice required by subsection (b)(1)—(4) will be completed and sent by the Department to the applicant, the EPA, any state within 50 miles of the facility and any state whose air quality may be affected and that is contiguous to this Commonwealth. The applicant shall, within 10 days of receipt of notice, publish the notice on at least 3 separate days in a prominent place and size in a newspaper of general circulation in the county in which the source is to be located; proof of the publication shall be filed with the Department within 1 week thereafter. A plan approval will not be issued by the Department in the event of failure by the applicant to submit the proof of publication.

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

(e) In each case, the Department will publish notices required in this section in the *Pennsylvania Bulletin*.

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

(1) The location at which the application may be reviewed. This location must be in the region affected by the application.

(2) A 30-day comment period, from the date of publication, will exist for the submission of comments.

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

§ 127.45. Contents of notice.

(a) The notice of receipt and intent to issue for each plan approval required by § 127.44(a) (relating to public notice) must include the following:

(1) The name and address of the applicant.

(2) The location and name of the source or facility at which the construction, modification, reactivation or installation is proposed.

(3) A brief description of the proposed action, including a brief description of the:

(i) Air contamination source to be constructed, modified, reactivated or installed.

(ii) Air cleaning device or control technology required including best available technology.

(iii) Type of conditions being placed in the plan approval with reference to applicable State and Federal requirements.

(4) The type and quantity of air contaminants being emitted.

(5) The name and telephone number of a person to contact at the Department for additional information.

(6) A statement that a person may oppose the proposed plan approval by filing a written protest with the Department, at the appropriate regional office described in § 121.4 (relating to regional organization of the Department).

(b) The notice of proposed plan approval issuance required by § 127.44(b) must include the following:

- (1) The name and address of applicant.
- (2) The location and name of the source or facility at which construction, modification, reactivation or installation is proposed.
- (3) The type and quantity of air contaminants being emitted.
- (4) For sources subject to Subchapter D (relating to prevention of significant deterioration of air quality), the degree of increment consumption expected to result from the operation of the source or facility.
- (5) A brief description of the conditions being placed in the plan approval with reference to applicable State and Federal requirements.
- (6) A description of the procedures for reaching a final decision on the proposed plan approval action including:
 - (i) The ending date for the receipt of written comments or written protests.
 - (ii) Procedures for requesting a hearing and the nature of that hearing.
 - (iii) Other procedures by which the public may participate in the final decision.

(7) The name and telephone number of a person to contact at the Department for additional information.

(8) A statement that a person may oppose the proposed plan approval by filing a written protest with the Department, at the appropriate regional office described in § 121.4 (relating to regional organization of the Department).

§ 127.48. Conferences and hearings.

(a) Prior to any plan approval issuance, the Department may, in its discretion, hold a fact finding conference or hearing at which the petitioner, and any person who has properly filed a protest under § 127.46 (relating to filing protests) may appear and give testimony; provided, however, that in no event will the Department be required to hold such a conference or hearing.

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

[Pa.B. Doc. No. 08-972. Filed for public inspection May 23, 2008, 9:00 a.m.]

NOTICES

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 May 13, 2008.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-7-2008	<i>From:</i> The Merchants National Bank of Bangor Bangor Northampton County <i>To:</i> Merchants Bank of Bangor Bangor Northampton County	Bangor	Approved

Application for conversion from a Federally-chartered bank to a Pennsylvania State-chartered bank.

Section 112 Applications

<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
5-6-2008	Michael G. Crofton to acquire up to 10.60% of the common stock of The Philadelphia Trust Company, Philadelphia	Philadelphia	Filed
5-6-2008	Robert G. Thomson to acquire up to 13.04% of the common stock of The Philadelphia Trust Company, Philadelphia	Philadelphia	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-8-2008	S & T Bancorp, Inc., Indiana, to acquire 100% of IBT Bancorp, Inc., Irwin	Indiana	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-8-2008	S & T Bank, Indiana, and Irwin Bank, Irwin Surviving Institution: S & T Bank, Indiana	Indiana	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-5-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	2nd Avenue, Route 29 Collegeville Montgomery County	Opened
5-7-2008	Community State Bank of Orbisonia Orbisonia Huntingdon County	415 Fulton Drive McConnellsburg Fulton County	Filed
5-12-2008	Susquehanna Bank PA Lititz Lancaster County	Koser Road and Fruitville Pike Lititz Lancaster County	Filed
5-12-2008	Graystone Bank Lancaster Lancaster County	2270 East Market Street Springettsbury Township York County	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-5-2008	Northwest Savings Bank Warren Warren County	<i>To:</i> 1918 Minno Drive Johnstown Cambria County <i>From:</i> 1740 Lyter Drive Johnstown Cambria County	Effective
5-7-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>To:</i> 101 East Baltimore Avenue Lansdowne Delaware County <i>From:</i> 727 Church Lane Yeadon Delaware County	Withdrawn
5-7-2008	Fulton Bank Lancaster Lancaster County	<i>To:</i> 9030 Stony Point Parkway Richmond Richmond County, VA <i>From:</i> 8730 Stony Point Parkway Suite 100 Richmond Richmond County, VA	Approved
5-8-2008	Northwest Savings Bank Warren Warren County	<i>To:</i> 730 Main Street Clarion Clarion County <i>From:</i> 601 Main Street Clarion Clarion County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Community Charter Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-8-2008	Superior Credit Union Collegeville Montgomery County	Collegeville	Approved

The credit union proposes to amend its Articles of Incorporation to serve a field of membership limited to the following community: All people who live, work, worship, attend school in, and businesses and other legal entities in Montgomery County, PA.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-9-2008	Pennsylvania State Employees Credit Union, Harrisburg, and Clarion University Federal Credit Union, Clarion Surviving Institution: Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Approved

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-12-2008	TruMark Financial Credit Union Trevose Bucks County	5th and Berks Streets Philadelphia Philadelphia County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
4-23-2008	Pennsylvania State Employees Credit Union Harrisburg Dauphin County	Amendment to the Field of Membership Section of the Articles of Incorporation provides for inclusion of "the Select Employee Group (SEG) employer entity" and members of the households of eligible persons.	Filed

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-973. Filed for public inspection May 23, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Two Engineering Firms; Project Reference No. FDC-500-911

The Department of Conservation and Natural Resources (Department) will retain two engineering firms for an open-end contract to perform National Bridge Inspection Standards (NBIS) Bridge Safety Inspections on Department owned bridges located on State park and State forest land in this Commonwealth. One firm will be assigned inspections that are located primarily in the eastern half of this Commonwealth, and the other firm shall work primarily in the western half of this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis in order to ensure proper and safe operation of Department infrastructure and facilities. The maximum dollar amount and duration of the open-end agreement will be at the discretion of the Department.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Bridges of various structure types and materials could be involved; that is, reinforced concrete, prestressed concrete, steel beam, steel truss, timber and others. Once a signed contract is in place a detailed listing of the bridges will be distributed during the scope of work meeting.

Approximately 100 structures will be required to be inspected during each 12 month period. The majority of the structures to be inspected under this contract are structures with a span of less than 20'.

All bridge safety inspections must be performed using the Department of Transportation's (DOT) electronic data collection software called iForm. The selected engineering firm must utilize iForm (version 2.1) to record bridge inspection data in the field and then upload that information to DOT Bridge Management System 2 (BMS2) database by means of the Internet. To utilize iForm, the selected engineering firm must be registered as Business Partner with DOT. The iForm software is available free of charge and is posted on the DOT's external FTP site: <ftp://ftp.dot.state.pa.us/BQAD/>.

Inspection types shall consist of the following:

a. Initial NBIS Inspection

An NBIS inspection has not previously been completed. Initial NBIS Inspections include load rating to determine the bridge live load capacity. Upload bridge inspection data from iForm to DOT's BMS2.

b. Routine NBIS Inspection

An NBIS inspection has been previously completed. The structure may or may not be included in DOT's BMS2 but a previous inspection report and/or documentation is available. Perform load rating analysis if the structural condition changes since the last load rating analysis. Upload bridge inspection data from iForm to DOT's BMS2

c. Damage Inspection

An NBIS inspection has been previously completed. The structure may or may not be included in DOT's BMS2 but a previous inspection report is available. Perform an inspection that is usually limited to portions of the structure where problems have been found. The information obtained is used by the Department to design needed repairs or the Department may request that the retained engineering firm design the repairs. The information obtained is also used to establish the need to place emergency restrictions or to close the bridge. Damage Inspections are performed on an as-needed basis.

d. In-Depth Inspection

Perform work to collect data that is difficult to obtain during Routine Inspections, generally focusing on the entire structure or specific components as authorized by the Department. In-depth tasks may include the following material tests to confirm the existence of or determine the extent of deterioration through the use of: Nonde-

structive Testing (except dye penetrant), Laboratory Analysis, Geotechnical sampling and testing, structure instrumentation and underwater inspections. In-Depth inspections are performed on an as-needed basis.

e. Flood Inspection

Perform work beyond the scope of the periodic inspections, assessing the entire structure, focusing on the substructure and its foundation or specific components as authorized by the Department. This could include an underwater inspection. Flood Inspections are performed on an as-needed basis.

f. High Hazard Inspection

Perform work beyond the scope of the periodic inspections, focusing on the entire structure or specific components of the structure as authorized by the Department. Rigging, cranes, bucket trucks, "snooper" cranes, and the like may be required to perform the work.

g. Traffic Control

Provide traffic control signing and flagging personnel as required. Inspection requirements shall consist of the following:

1. All bridges:

- a. Perform a bridge safety inspection.
- b. Update/supplement the structure's current condition for the purpose of determining a load rating for the structure. If the current load rating summary indicates that the structure has weight restrictions and new defects are found, determine if a rerating of the structure is warranted. If the structure is to be rerated, use the existing load rating analysis for updating the new load-rating summary. Incorporate the results of the previous or new load ratings into the report.
- c. Update/amend the Inspection File by providing new photographic documentation or sketches as needed.
- d. Prepare an Inspection Report to document all work and findings including costs for any repairs.
- e. Upload bridge inspection data from iForm to DOT's BMS2.

2. Other types of inspection requirements may be discussed at the Scope of Work meeting.

3. The work and services which may be required under this Agreement encompass all necessary professional and nonprofessional services, work, material and equipment necessary to perform bridge inspection/re-inspection and evaluate the condition of state owned bridges and structures at the various locations. The firm will provide updated inspection reports including a bridge load capacity rating/rerating and/or posting evaluation and recommendation as warranted. Structure inventory and appraisal data, and completed BMS2 coding sheets are also to be furnished.

Personnel assigned, by the engineering firm, to complete the NBIS inspections shall meet the requirements set forth in the National Bridge Inspection Standards for all work levels. Inspection personnel must hold a valid certification as "Bridge Safety Inspector" issued by DOT.

The dollar amount of the contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and the need for additional bridge inspections for those years, also at the discretion of the Department.

The services shall include, but not be limited to, a preliminary meeting with the Bureau of Facility Design and Construction, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, for this project. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. The work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction, and when acceptable, approved by same staff.

Special Provisions Concerning Disadvantaged Businesses and Enterprise Zone Businesses for Requests for Proposals

Disadvantaged Business Information

The Commonwealth encourages participation by Small Disadvantaged Businesses as prime contractors, joint ventures, and subcontractors/suppliers, and by Socially Disadvantaged Businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes: 1) Department of General Services Bureau of Minority & Women Business Opportunities (BMWBO)-certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that qualify as small businesses, and 2) United States Small Business Administration (SBA)-certified Small Disadvantaged Businesses (SDBs) or 8(a) small disadvantaged business concerns.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members or minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. In order for a business to qualify as "socially disadvantaged", the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to Department of General Services, Bureau of Minority & Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, gs-bmwbo@state.pa.us, (717) 787-6708, fax (717) 772-0021.

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgs.state.pa.us, Keyword: BMWBO. The Federal vendor database can be accessed at www.ccr.gov by clicking on Dynamic Small Business Search (certified companies are so indicated).

Information Concerning Small Businesses in Enterprise Zones

The Commonwealth of Pennsylvania encourages participation by small businesses whose primary headquarters facility is physically located in areas designated by the Commonwealth as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of *Designated Enterprise Zones* can be obtained by contacting:

Aldona M. Kartorie
Center for Community Building
Department of Community and Economic Development
4th Floor, Keystone Building
400 North Street
Harrisburg, PA 17120-0225
Phone: (717) 720-7409
Fax: (717) 787-4088
Email: akartorie@state.pa.us

Disadvantaged Businesses Information

To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business, entering into a joint venture agreement with a Small Disadvantaged Business, or subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), a company must include proof of Disadvantaged Business qualification in the Disadvantaged Business submittal of the proposal:

a) Small Disadvantaged Businesses qualifying as a result of MBE/WBE certification from BMWBO must provide a photocopy of their BMWBO certificate.

b) Disadvantaged Businesses qualifying as a result of certification from the U.S. Small Business Administration as an 8(a) or Small Disadvantaged Business must submit proof of Small Business Administration Certification. The owners of such businesses must also submit proof of United States citizenship.

c) All companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must attest to the fact that the business has 100 or fewer employees.

d) All companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender. The submitted evidence of prejudice or bias must:

a) Be rooted in treatment which the business person has experienced in American society, not in other countries.

b) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

c) Indicate that the businessperson's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

In addition to these verifications, this portion of the proposal should include the following information:

- The name and telephone number of your project (contact) person for the Small Disadvantaged Businesses.

- The company name, address, telephone number of the prime contact person for each specific Small Disadvantaged Business or Socially Disadvantaged Business included in the proposal. The contractor must specify the Small Disadvantaged Businesses to which it is making commitments. The contractor will not receive credit by stating it will find a Small Disadvantaged Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods or services the Small Disadvantaged Businesses will perform or provide.

- The location where the Small Disadvantaged Businesses will perform these services.

- The timeframe for the Small Disadvantaged Businesses to provide or deliver the goods or services.

- The amount of capital, if any, the Small Disadvantaged Businesses will be expected to provide.

- The form and amount of compensation each Small Disadvantaged Business will receive. In the Disadvantaged Business submittal of the proposal, provide the estimated dollar value of the contract to each Small Disadvantaged Business.

- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Small Disadvantaged Businesses.

- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business portion of the proposal.

- Include in the Disadvantaged Business Submittal any and all information concerning the contractor's proposed utilization of small businesses located in *Designated Enterprise Zones* as required by [**Enter Section or Part # of the Enterprise Zone Small Business Utilization Response**], Enterprise Zone Small Business Utilization Response.

The Disadvantaged Business submittal of the proposal must be clearly identified as Disadvantaged Business information and sealed in an envelope separately from the remainder of the proposal. Only one copy of the Disadvantaged Business section is needed.

The dollar value of the commitment to each Small Disadvantaged Business must be sealed in the same envelope with the Disadvantaged Business submittal of the proposal. The selected contractor's Disadvantaged Business commitment amount, name of the Disadvantaged Business, services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

Offerors may submit, within the same proposal envelope, alternate proposals for differing utilization of Small Disadvantaged Businesses or Socially Disadvantaged Businesses. For example, a proposal may be submitted by prime contractor with a Small Disadvantaged Business as a subcontractor while an alternate proposal may be submitted by the Small Disadvantaged Business as the prime contractor. If an alternate proposal is offered, it must include separately sealed Technical, Price and Disadvantaged Business submittals for the alternate. The alternate proposal will be scored separately. Only the higher-scored proposal (prime proposal or alternate proposal) will be eligible for participation for Best and Final Offers.

Enterprise Zone Small Business Utilization Response

To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, a company must include the following information in the Disadvantaged Business submittal of the proposal:

- Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration).
- Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).
- Proof of United States citizenship of the owners of the business.
- Certification that the business employs 100 or fewer employees.
- Proof that the business's gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, this portion of the Submittal should include the following information:

- The company name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The contractor must specify the Enterprise Zone Small Business to which it is making commitments. The contractor will not receive credit by stating that it will find an Enterprise Zone Small Business after the contract is awarded or by listing several companies and stating it will select one later.
- The specific work, goods or services the Enterprise Zone Small Business will perform or provide.
- The location where the Enterprise Zone Small Business will perform these services.
- The timeframe for the Enterprise Zone Small Business to provide or deliver the goods or services.
- The amount of capital, if any, the Enterprise Zone Small Business will be expected to provide.
- The form and amount of compensation each Enterprise Zone Small Business will receive. In the Disadvantaged Business portion of the proposal, provide the estimated dollar value of the contract to each Enterprise Zone Small Business.

- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Enterprise Zone Small Business.

- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business Submittal of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business Submittal of the proposal.

The dollar value of the commitment to each Enterprise Zone Small Business must be sealed in the same envelope with the Disadvantaged Business Submittal of the proposal. The selected contractor's Enterprise Zone Small Business commitment amount, name of Enterprise Zone small Business, and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

Disadvantaged Business Participation

The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by Small Disadvantaged Businesses.

Priority Rank 2. Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.

Priority Rank 3. Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.

Priority Rank 4. Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the previously-listed priority ranking.

To the extent that a proposal is submitted by a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

Enterprise Zone Small Business Participation

The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by an Enterprise Zone Small Business will receive the highest score.

Priority Rank 2. Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.

Priority Rank 3. Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.

Priority Rank 4. Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that a proposal is submitted as a prime contractor by an Enterprise Zone Small Business, the Enterprise Zone Small Business cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract.

Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation

All contracts containing Disadvantaged Business participation must also include a provision requiring the contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors, and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business portion of the joint venture.

Commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO which will make a recommendation as to a course of action to the contracting officer.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Businesses participation and/or Enterprise Zone Small Business participation of the original contract.

The contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the agency that awarded the contract and BMWBO within 10 workdays at the end of each quarter the contract is in force. If there was no activity, the form must also be completed, stating "No activity in this quarter." This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Businesses and/or Enterprise Zone Small Businesses involved in Joint Ventures. Also, it is a record of fulfillment of the commitment your firm made and for which it received Disadvantaged Business and Enterprise Zone Small Business points.

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged business status or entitle a proposer to receive credit for disadvantaged business utilization.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Charles Lutter at (717) 783-3318 for general information concerning the RFP.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's most recently completed bridge inspection contracts. The description shall include the client, contact person and phone number, the estimated or actual cost of the bridge inspection and report, the project manager, the names of all personnel who made major contributions the bridge inspections and a copy of a bridge inspection report. The Letter of Interest shall indicate the firm's capability of working on multiple inspections at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS Home Page on the Internet at www.dgs.state.pa. Form 150-ASP may also be obtained in hard copy. Written request for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by means of e-mail by addressing your request to: pbianchi@state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current state rates. Miscellaneous expenses such as copies, prints, sepias, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm consist of specialized experience and technical competence including PA bridge safety inspection experience.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required and on demand response capabilities in the event of emergencies. All inspectors must hold valid "Bridge Safety Inspector" certification issued by the DOT.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to the previous criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on July 1, 2008. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the

solicitation requested under this notice, and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-974. Filed for public inspection May 23, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034631	Kung Mern Sern Tao Chang Tao Center, Inc.—Birchwood STP 3404 Birchwood Drive East Stroudsburg, PA 18301-9583	Pocono Township Monroe County	Cranberry Creek 1E	Y
PA-0012726 (Industrial Waste)	Sapa Extrusions, Inc. P. O. Box 187 Cressona, PA 17929-0187	Schuylkill County Cressona Borough	West Branch of the Schuylkill River 3A	Y

Southcentral Region: Water Management Program Manager, 900 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247197 (IW)	City of Lancaster Conestoga WTP 120 North Duke Street Lancaster, PA 17608-1599	Lancaster County Lancaster City	Conestoga River 7J	Y
PA0084638 (IW)	Borough of Boyertown 100 South Washington Street Boyertown, PA 19512-1599	Berks County Earl Township	UNT Ironstone Creek 3-D	Y
PA0083941 (IW)	Cumberland County Landfill Community Refuse Service, Inc. 135 Vaughn Road Shippensburg, PA 17257	Cumberland County Hopewell and North Newton Townships	Conodoguinet Creek 7-B	Y
PAS603505 (Stormwater)	Harry J. Darrah, President J & K Salvage, Inc. 1099 Kings Mill Road York, PA 17403	York County Spring Garden Township	Codorus Creek 7-H	Y
PA0247481 (CAFO)	Kreider Farms Mount Pleasant Farm 1461 Lancaster Road Manheim, PA 17545	Lebanon County South Annville Township	Quittapahilla Creek 7-D	Y
PA0007536 (IW)	Wilbur Chocolate Company Cargill Cocoa & Chocolate 48 North Broad Street Lititz, PA 17543-1005	Lancaster County Lititz Borough	Lititz Run 7-J	Y
PA0084212 (Sew)	Leacock Township Sewer Authority P. O. Box 558 3545 West Newport Road Intercourse, PA 17434	Lancaster County Leacock Township	Muddy Run 7-J	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.

PA0042943, Sewage, **Owen J. Roberts School District (East Coventry Elementary School)**, 901 Ridge Road, Pottstown, PA 19465. This facility is located in East Coventry Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit for discharge of treated sewage to a UNT to Schuylkill River.

The receiving stream, UNT to Schuylkill River, is in the State Water Plan Watershed 3D and is classified for: HQ-TSF. The nearest downstream public water supply intake is located on the Schuylkill River. The discharge is not expected to impact the public water supply.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0082 gpd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(5-1 to 10-31)			15		30
(11-1 to 4-30)			25		50
Total Suspended Solids			30		60
Ammonia as N					
(5-1 to 10-31)			5.0		10.0
(11-1 to 4-30)			15.0		30.0
Total Residual Chlorine			1.0		2.0
Fecal Coliform			200 Colonies/100 ml as a Geometric Average		
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH			Within the limits of 6.0 to 9.0 Standard Units at all times		

The EPA waiver is in effect.

PA0244414, SEW, SIC 4952, **Jaster Associates, LLC**, 437 King Road, Doylestown, PA 18901. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge 810 gpd of treated sewage into a UNT to Cabin Run.

The receiving stream, UNT to Cabin Run, is in the State Water Plan Watershed 2D and is classified for: CWF. The nearest downstream public water supply intake for NWRA and PECO is located on Delaware River and is 7.25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 810 gpd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅			10		20
Total Suspended			10		20
Total Nitrogen			20		40
Dissolved Oxygen			3.0 (Minimum)		
Fecal Coliform			200 Colonies/100 ml as a Geometric Average		1,000 Col./100 ml
pH			Within limits of 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. Dry Stream Discharge.
2. UV Disinfection Proposed.

PA0056421, Sewage, SIC 4952, **Warwick Township Water and Sewer Authority**, P. O. Box 315, 1733 Township Greene, Jamison, PA 18929-0315. This existing facility is located in Warwick Township, **Bucks County**.

Description of Proposed Activity: Renewal and amendment of NPDES permit to discharge treated sewage effluent from County Crossing WWTP. The amendment allows for a second discharge location. Treated effluent will continue to be discharged through existing Outfall 001 to a UNT to Little Neshaminy Creek from November 1 through March 31. For the period extending from April 1 through October 31, treated effluent will be pumped and discharged at Outfall 002 to a storage lagoon located on Heritage Creek Golf Course. Overflow from the lagoon will be discharged through an overflow pipe to a wetland that drains to Little Neshaminy Creek.

The receiving streams, Little Neshaminy Creek and the UNT to Little Neshaminy Creek, are located in the State Water Plan Watershed 2F and are classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua, PA, Southeast Division is located on Neshaminy Creek and is approximately 18 miles below the points of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 0.32 mgd.

The proposed effluent limits for Outfall 001 apply from November 1 through March 31 and are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30		40
Total Suspended Solids	20	30		40
Ammonia as N	3.0			6.0
Phosphorus as P	1.0			2.0
Total Nitrogen as N	10.0			20.0
Fecal Coliform (col/100 ml)	200 Geometric Mean			1,000
pH (Standard Units)	6.0 Minimum			9.0
Dissolved Oxygen, minimum	5.0			
Dissolved Oxygen, average	Monitor			

The proposed effluent limits for Outfall 002 apply from April 1 through October 31 and are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30		40
Total Suspended Solids	20	30		40
Ammonia as N	1.5			3.0
Phosphorus as P	0.5			1.0
Total Nitrogen as N	10.0			20.0
Fecal Coliform (col/100 ml)	200 Geometric Mean			1,000
pH (Standard Units)	6.0 Minimum			9.0
Dissolved Oxygen, minimum	5.0			
Dissolved Oxygen, average	Monitor			

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

1. Notification of Designation of Responsible Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Change in Ownership.
7. Proper Sludge Disposal.
8. Instantaneous Maximum Limitations.
9. Fecal Coliform Reporting.
10. Operator Training.
11. Laboratory Certification.
12. Operations and Maintenance Plan.
13. Identification of Sampling Location for Outfall 002.
14. Re-opener Clause for Nutrient TMDL.

The EPA waiver is not in effect.

PA0021857, Amendment 1, Sewage, SIC 4952, **Souderton Borough**, 31 West Summit Street, Souderton, PA 18964. This Souderton facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated sewage from Souderton Borough Wastewater Treatment Plant. The receiving stream, UNT to Skippack Creek, is in the State Water Plan, Watershed 3E Perkiomen Creek Basin, and is classified for: TSF. This amendment is to resolve the appeal related to TMDL based limits.

The proposed effluent limits for Outfall 001 are based on an average annual flow of 2.0 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	3.6		7.2
Phosphorous as P			
(4-1 to 10-31)	1.0		2.0
(11-1 to 3-31)	2.0		4.0
Dissolved Oxygen	5.0 Minimum		
Fecal Coliform	200 # Col./100 ml		1,000 # Col./100 ml
pH (Standard Units)	6.0 Minimum		9.0
Total Residual Chlorine	0.01		0.038
Copper, Total	Monitor		Monitor

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

1. Remedial Measures.
2. Sewage Sludge Disposal.
3. Whole Effluent Toxicity Tests at Renewal.
4. TMDL/WLA Analysis.
5. Operations and Maintenance Plan.
6. Laboratory Certification.
7. Chlorine Minimization.
8. Stream Sampling.

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

Application No. PA 0051900, Sewage, **Robeson Township Municipal Authority**, 2689 Main Street, Birdsboro, PA 19508. This facility is located in Robeson Township, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.30 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20		40
Total Residual Chlorine	0.5		1.6
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	
Total PCBs	Monitor and Report		

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

The EPA waiver is not in effect.

Application No. PA 0084476, Sewage, **Girl Scout in the Heart of PA**, 350 Hale Avenue, Harrisburg, PA 17105. This facility is located in Jefferson Township, **Dauphin County**.

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

The receiving stream, UNT Armstrong Creek, is in Watershed 6-C, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0065 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	2.0		5.0
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	

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

The EPA waiver is in effect.

Application No. PA 0034886, Industrial Waste, SIC Code 3351, **ST Products, LLC**, P. O. Box 1674, Altoona, PA 16603. This facility is located in Allegheny Township, **Blair County**.

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

The receiving stream, permit, is in Watershed 11-A, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water Company located on the Susquehanna River, approximately 150 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 0.2276 mgd are:

Discharge Limitations

<i>Parameter</i>	<i>Mass (lbs/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>
Temperature			Report		
pH			Range of 6 to 9 Standard Units		
Total Copper	0.31	0.61	0.16	0.32	0.40
Total Zinc	2.13	4.25	1.12	2.24	2.8
Total Lead	0.21	0.42	0.11	0.22	0.28
Total Chromium	0.62	1.53	Monitor		0.83
Total Nickel	2.79	5.58	1.47	2.94	3.68

Outfalls 002 and 003

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			From 6.0 to 9.0 inclusive
Temperature			Monitor and Report

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

- Monitoring is required annually for Outfalls 004 and 005 which receives stormwater runoff.

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

The EPA waiver is in effect.

Application No. PA 0044598, Amendment No. 1, Sewage, **Susquehanna Area Regional Airport Authority (Harrisburg International Airport)**, One Terminal Drive, Suite 300, Middletown, PA 17057-5048. This facility is located in Lower Swatara Township, **Dauphin County**.

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

The receiving stream, a UNT to Susquehanna River (Post Run), is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 19.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.150 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	1.5		2.5
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

The proposed Final effluent limits for Outfall 001 for a design flow of 0.350 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N		Monitor and Report	
Total Phosphorus	2.0		4.0
Net Total Phosphorus		974 lbs per year annual	
Net Total Nitrogen		7,306 lbs per year annual	
Total Phosphorus		Monitor lbs per year annual and lbs per month	
Total Nitrogen		Monitor lbs per year annual and lbs per month	
TKN		Monitor	
NO ₂ + NO ₃ -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

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

- Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is in effect.

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

PA0021148, Sewage, **Borough of Mount Pleasant**, Etze Avenue, Mount Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Mount Pleasant Borough WWTP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Shupe Run, 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 McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 1.5 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 ₅				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	20	30		40
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.2	4.8		6.4
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	0.03			0.10
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 003, 005 and 009 will be permitted as combined sewer overflows.

The EPA waiver is not in effect.

PA0023892, Sewage, **Masontown Municipal Authority**, 2 Court Street, Masontown, PA 15461-1841. This application is for renewal of an NPDES permit to discharge treated sewage from Bessemer Sewage Treatment Plant (aka Cats Run Sewage Treatment Plant) in Masontown Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cats Run, 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 Masontown Borough WW located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.2 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 ₅	25	37.5		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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0026778, Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. This application is for renewal of an NPDES permit to discharge treated sewage from Ingleside Sewage Treatment Plant in Richland Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stony 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 Saltsburg Municipal Waterworks.

Outfall 001: existing discharge, design flow of 4.0 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 ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	7.8	11.7		15.5
(11-1 to 4-30)	23.0	34.5		46.0
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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0026891, Sewage, **Authority of the Borough of Charleroi**, 325—327 McKean Avenue, Charleroi, PA 15022. This application is for renewal of an NPDES permit to discharge treated sewage from Charleroi Sewage Treatment Plant in Charleroi Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela 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 Pennsylvania American Water Company.

Outfall 001: existing discharge, design flow of 3.0 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 ₅	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	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The Authority is permitted to discharge through various combined sewer overflows.

The EPA waiver is not in effect.

PA0028258, Sewage, **Ohiopyle Borough**, P. O. Box 83, Ohiopyle, PA 15470. This application is for renewal of an NPDES permit to discharge treated sewage from Ohiopyle Borough Sewage Treatment Plant in Ohiopyle Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Meadow Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.03 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 ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 as a Geometric Mean			
pH	not less than 6.0 nor greater than 9.0			

PA0026891, Sewage, **Authority of the Borough of Charleroi**, 325—327 McKean Avenue, Charleroi, PA 15022. This application is for renewal of an NPDES permit to discharge treated sewage from Charleroi Sewage Treatment Plant in Charleroi Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela 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 Pennsylvania American Water Company.

Outfall 001: existing discharge, design flow of 3.0 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 ₅	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	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The Authority is permitted to discharge through various combined sewer overflows.

The EPA waiver is not in effect.

The EPA waiver is in effect.

PA0023906, Sewage, **Masontown Municipal Authority**, 2 Court Street, Masontown, PA 15461-1841. This application is for renewal of an NPDES permit to discharge treated sewage from Big Run Sewage Treatment Plant in Masontown Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of the Monongahela 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 Masontown Borough WW located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.4 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 ₅	25	37.5		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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0038164, Sewage, **Confluence Borough Municipal Authority**, P.O. Box 6, Confluence, PA 15424. This application is for renewal of an NPDES permit to discharge treated sewage from Borough of Confluence STP in Confluence Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.137 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 ₅	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 in effect.

PA0098663, Sewage, **Wallace J. Woodhouse**, 72 Donley Road, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from R. P. Woodhouse STP in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Opossum Run, which are classified as a HQ-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 Water Company.

Outfall 001: existing discharge, design flow of 0.009 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	15			30
(11-1 to 4-30)	20			40
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	0.5			1.0
Total Phosphorus	Monitor and Report			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0219321, Sewage, **Shanksville Borough**, P. O. Box 127, Shanksville, PA 15560. This application is for renewal of an NPDES permit to discharge treated sewage from Shanksville Borough STP in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stony Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Hooversville Municipal Authority on Stony Creek.

Outfall 001: existing discharge, design flow of 0.05 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0038351, Sewage, **PHB Die Casting, Inc.**, 7900 West Ridge Road, Fairview, PA 16415. This existing facility is located in Fairview Township, **Erie County**.

Description of Proposed Activity: This application is for a new NPDES permit for an existing discharge of treated sanitary wastewater and nonpolluting stormwater to Trout Run.

The receiving stream, Trout Run, is in Watershed 15 and classified for: CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, sulfate, chlorine and phenolics, there is no existing/proposed downstream potable water supply to consider until Lake Erie.

The proposed effluent limits for Outfall 001 based on a design flow of 0.021 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
	CBOD ₅	25	
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus	1		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
Total Residual Chlorine	0.33		0.49
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 04-30)	2,000/100 ml as a Geometric Average		
pH	6.0 to 9.0 Standard Units at all times		

Outfalls 002 and 003—These outfalls consist of uncontaminated stormwater only.

The EPA waiver is in effect.

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

PA0023213, Amendment No. 1, Sewage, **Borough of Ridgway**, P. O. Box 149, Ridgway, PA 15853-0149. This facility is located in Ridgway Borough, **Elk County**.

Description of Proposed Activity: Amendment of an existing discharge of treated sewage, industrial waste and to also allow treatment of oil and gas brine wastewater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the PA American Water Company intake located near Clarion on the Clarion River and is approximately 60 miles below point of discharge.

The receiving stream, the Clarion River, is in Watershed 17-A and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.2 mgd except for NH₃-N which is based on a design flow of 0.4 mgd.

Parameter	Loadings		Concentration		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD ₅	460	735	25	40	50
Total Suspended Solids	550	825	30	45	60
		Daily Maximum		Daily Maximum	
NH ₃ -N	729	1,458	XX	177	177
Fluoride	2,035	3,050	XX	XX	222
Nickel			XX		
Fecal Coliform* (5-1 to 9-30)		200/100 ml as a Geometric Average			
(10-1 to 4-30)		2,000/100 ml as a Geometric Average			
Total Residual Chlorine			0.5		1.6
Acute Whole Effluent Toxicity			8.09 TUa		
pH			6.0 to 9.0 Standard Units at all times		

*—Average Monthly limits expressed as a Geometric Mean.

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

PA0222283, Sewage, **Corsica Borough STP**, P. O. Box 176, Corsica, PA 15829-0176. This proposed facility is located in Corsica Borough, **Jefferson County**.

Description of Proposed Activity: A new NPDES Permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Hawthorn Water Authority is located on the Redbank Creek and is approximately 13 miles below point of discharge.

The receiving stream, the Welsh Run, is in Watershed 17-C and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.043 mgd.

Parameter	Loadings		Concentration		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
CBOD ₅	9	14	25	40	50
Total Suspended Solids	10.8	16	30	45	60
NH ₃ -N (5-1 to 10-31)			8.5		17
(11-1 to 4-30)			XX		XX

Parameter	Loadings		Concentration		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a Geometric Average		
Dissolved Oxygen			2,000/100 ml as a Geometric Average		
Ultraviolet Light Intensity	Monitor and report (on monthly DMRs) the average intensity meter readings in microwatts/ square centimeter for each bank of modules. Also refer to Special Condition 1			Minimum of 3 mg/l at all times.	
pH					6.0 to 9.0 Standard Units at all times

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 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. 2179410, Amendment 08-1, Sewerage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1185. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Application to rerate the wastewater treatment plant.

WQM Permit No. 6708406, Sewerage, **West Manheim Township**, 31 Fairview Drive, Hanover, PA 17331-1210. This proposed facility is located in West Manheim Township, **York County**.

Description of Proposed Action/Activity: Application for construction/operation of 50,000 L.F. of gravity sewer, 1,900 L.F. of force main and pump station to serve Areas 2 and 3.

WQM Permit No. 5008201, CAFO, **Trout Brothers, LLC**, R. D. 2, Box 200c, 508 Red Rock Road, Loysville, PA 17047. This proposed facility is located in Jackson Township, **Perry County**.

Description of Proposed Action/Activity: Application for the construction/operation of a manure management system including a manure storage pond and a sand lane.

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

WQM Permit No. WQG028315, Sewerage, **Farmington Township**, P. O. Box 148, Leeper, PA 16233 This proposed facility is located in Farmington Township, **Clarion County**.

Description of Proposed Action/Activity: Water and Sewer Extension Project, Phase IV.

WQM Permit No. 2007404, Sewerage, **Conneaut Lake Joint Municipal Authority**, 9888 Highway 285, Conneaut Lake, PA 16316-0277. This proposed facility is located in Sadsbury Township, **Crawford County**.

Description of Proposed Action/Activity: Conversion of Sludge Drying Beds into Reed Beds.

WQM Permit No. 4208402, Sewerage, **Norwich Township**, 3853 West Valley Road, Smethport, PA 16749. This proposed facility is located in Norwich Township, **McKean County**.

Description of Proposed Action/Activity: The proposed project consists of a pressure sewer collection system and treatment plant to serve a portion of Norwich Township, McKean County.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011508031	Joseph and Patricia Kandler 571 Porters Mill Road Pottstown, PA 19465	Chester	East Coventry Township	Stony Run HQ-TSF
PAI010907019	Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057-3529	Bucks	Bensalem, Bristol and Middletown Townships	UNTs to Neshaminy, Mill and Black Ditch Creeks WWF, MF Neshaminy and Mill Creeks and Delaware River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108009	Roadway Express, Inc. Claudia Ryan-Mosley 5125 County Road 101 Suite 100 Minnetonka, MN 55345	Cumberland	Middlesex Township	UNT to Letort Spring Run HQ-CWF
PAI000108001	CVDA, LLP Dannie Holsinger 113 Country Club Road Fairfield, PA 17320	Adams	Hamiltonban	Middle Creek HQ-CWF
PAI000108002	Greater Ortanna Investment Company, LP 601 Mason Dixon Road Gettysburg, PA 17325	Adams	Hamiltonban and Highland Townships	Muddy Run-Little Marsh Creek CWF

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

Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051103003 (1)	Fiberblade, LLC 100 Commerce Drive Ebensburg, PA 15931	Cambria	Cambria Township	Stewarts Run HQ-CWF

Indiana County Conservation District, USDA Service Center, 1432 Route 286 Highway East, Indiana, PA 15701, (724) 463-8547.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053208002	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Indiana	Pine Township	Yellow Creek, Leonard Run and North Branch Blacklick Creek CWF Little Yellow Creek HQ-CWF

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

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

CAFO Notices of Intent Received

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

PAG124833, CAFO, SIC 0213, **Jonathan Dietrich**, 5931 Buffalo Road, Mifflinburg, PA 17844. This existing facility is located in Buffalo Township, **Union County**.

Description of Size and Scope of Existing Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for his existing finishing swine farm, a newly regulated facility according to the revised CAFO regulations. The facility is comprised of a two barns with no external manure storages. Total underbarn manure storage is 1,300,000 gallons. Animals onsite include 4,400 finishing swine, for a total of 585.6 animal equivalent units.

The receiving stream, a UNT to Beaver Run, is in Watershed 10C (Buffalo Creek) and is classified for CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PAG124825, CAFO, SIC 0211, 0213 and 0214, **Pine Hurst Acres**, 3036 Sunbury Road, Danville, PA 17821. This existing facility is located in Rush Township, **Northumberland County**.

Description of Size and Scope of Existing Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for this finishing swine, beef cattle and goat farm, a newly regulated facility according to the revised CAFO regulations. The facility is comprised of multiple barns with no external manure storage. Total underbarn swine manure storage is 1,325,034 gallons. Animals onsite include 4,360 finishing swine, 20 beef steer/heifers and 100 doe goats, for a total of 596.1 animal equivalent units.

The receiving stream, a UNT to Gravel Run, is in Watershed 5E (Roaring Creek) and is classified for CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determi-

nations 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

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

Application No. 4608507, Public Water Supply.

Applicant	North Penn Water Authority 300 Forty Foot Road P. O. Box 1659 Lansdale, PA 19446
Township	Various Municipalities
County	Bucks and Montgomery
Responsible Official	Daniel C. Preston North Penn Water Authority 300 Forty Road Lansdale, PA 19446
Type of Facility	PWS
Consulting Engineer	North Penn Water Authority 300 Forty Road Lansdale, PA 19446
Application Received Date	March 8, 2008
Description of Action	Conversion from gaseous chlorine to hypochlorite at 24 well locations.

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

Permit No. 6708503, Public Water Supply.

Applicant	New Freedom Borough
Municipality	New Freedom Borough
County	York

Responsible Official Tanya L. Crawford
Borough Administrator
49 East High Street
New Freedom, PA 17349

Type of Facility Public Water Supply

Consulting Engineer Paul Gross, P. E.
Buchart Horn, Inc.
445 West Philadelphia Street
York, PA 17405 7040

Application Received: May 7, 2008

Description of Action New .750 mg Storage Tank

MINOR AMENDMENT

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

**Application No. 4577501MA, Minor Amendment,
Public Water Supply.**

Applicant **Penn Estates Utilities, Inc.**
Stroud Township
Monroe County

Responsible Official Charles Madison
Penn Estates Utilities, Inc.
503 Hallet Road
East Stroudsburg, PA

Type of Facility Public Water System

Consulting Engineer Niclaus Engineering, Corp.
804 Sarah Street
Stroudsburg, PA

Application Received Date May 2, 2008

Description of Action The installation of a .129 million
gallon finished water storage
tank.

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

Application No. 0208505MA, Minor Amendment.

Applicant **Monroeville Municipal
Authority**
219 Speers Lane
Monroeville, PA 15146

Township or Borough Monroeville Borough

Responsible Official James Hunter, Superintendent
Monroeville Municipal Authority
219 Speers Lane
Monroeville, PA 15146

Type of Facility Boyce Park Water Storage Tank

Consulting Engineer Chester Engineers
260 Airside Drive
Moon Township, PA 15108

Application Received Date May 7, 2008

Description of Action Painting and repair of the Boyce
Park water storage tank.

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

**W-134-C, Water Allocation, Brodhead Creek Re-
gional Authority (BCRA), 410 Stokes Avenue, East
Stroudsburg, PA 18301, Stroud Township, Monroe
County.**

The applicant is requesting a renewal of its existing water allocation permit for withdrawal of 3,200,000 gpd from Brodhead Creek and 1,000,000 gpd from Stokes Mill Spring, (both Peak Day). These sources will be used in conjunction with three groundwater sources, Well Nos. 1—3 (proposed) to meet current and projected demands for potable water in the BCRA service area consisting of Stroudsburg Borough, Stroud, Smithfield, Hamilton and Pocono Townships.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 1**

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Central Air Freight Services, Inc., Hazle Township, **Luzerne County**. Douglas Fisk, United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Notice of Intent to Remediate (on behalf of his client, Triple K Leasing, LLC, 425 Jaycee Drive, West Hazleton, PA 18202), concerning the remediation of soils found or suspected to have been impacted by No. 2 fuel oil as a result of a release, during tank closure activities, from an underground storage tank with corrosive holes. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property is nonresidential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Czeitner Property, Silver Lake Township, **Susquehanna County**. Dawn Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 has submitted a Notice of Intent to Remediate (on behalf of her client, Lori Czeitner, 19 Arlington Street, Johnson City, NY 13790), concerning the remediation of soils found or suspected to have impacted by No. 2 fuel oil as a result of a release from a 275-gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the site will continue to be used as a private residence. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

McIntosh Road Site, Lower Paxton Township, **Dauphin County**. CMX, Inc., 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Russell Standard Corporation, Box 479, Ridgeville, PA 15017, submitted a Notice of Intent to Remediate site soils contaminated with petroleum-related VOCs and SVOCs. A paving company had originally used the site, and the future use of the site is unknown. The site is to be remediated to Statewide Health Standards.

Lebanon Plaza Mall Dry Cleaners Site, North Cornwall Township, **Lebanon County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Prestige Properties & Development Company, Inc., 546 Fifth Avenue, 15th Floor, New York, NY 10036, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCE and TCE. The site was formerly a dry cleaners located in a retail shopping mall. The applicant will remediate the site to Statewide Health Standards.

RESIDUAL WASTE GENERAL PERMITS

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 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 Application No. WMGR118. Delta-Energy PA 1, LLC, 350 Hochberg Road, Monroeville, PA 15146-1516. This general permit application is for the processing of shredded waste tires using a tire depolymerization process and the beneficial use the primary products of carbon black and fuel-grade oil that will be produced. Central Office received the application on February 5, 2008, and determined administratively complete on February 25, 2008.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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.

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

Permit Application No. 100691. Waste Management of Pennsylvania Inc., 1154 West 16th Street, Erie, PA 16502, City of Erie, **Erie County**. The application is for a Permit Renewal for the Greater Erie Transfer Station and Recycling Center. The application was found to be administratively complete by Northwest Regional Office on May 8, 2008.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office (814) 332-6848. TDD users may contact the Department of Environment Protection through the Pennsylvania Relay Service (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

58-303-007: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) for installation of a new RAP crusher w/screen to their existing asphalt plant at their facility in Clifford Township, **Susquehanna County**.

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

24-009F: Domtar Paper Co., LLC (100 Center Street, Johnsonburg, PA 15845) for replacement of an existing boiler with a new natural gas fired boiler at their facility in Johnsonburg Borough, **Elk County**. This is a Title V facility.

25-996A: Advanced Finishing USA—Fairview Plant (7401 Klier Drive East, Fairview, PA 16506) for increasing the facility VOC limit to 12 tpy in Fairview Township, **Erie County**. This is a State-only facility.

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

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

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 located 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 (PAL) 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.

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

06-05069N: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) for modification of various sources at the assembly plants A-2 and S-1 at their plant in Richmond Township, **Berks County**. The modification involves one new source; a new fabric collector; relocation and control of existing sources and the control of existing sources. The sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources, NSPS and 40 CFR Part 63, National Emission Standards for HAPs from Battery Assembly Plants, MACT. The plan approval will include monitoring, testing, recordkeeping, work practices and reporting requirements designed to keep the source within all applicable air quality requirements. The facility is presently covered by the Title V operating permit application No. 06-05069. The plan approval will be incorporated into a permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

07-05003C: Norfolk Southern Railway Corp. (200 North 4th Street, Altoona, PA 16601-6702) to install two wet scrubbers, in parallel, and expand the existing baghouse at the Juniata Locomotive Shop in Logan Township, **Blair County**. The project is proposed to reduce hydrochloric acid emissions generated from the operation of the existing coal-fired boiler plant by approximately 200 tpy. The plan approval and subsequent Title V operating permit amendment will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05041A: Defense Distribution Susquehanna Pennsylvania (2001 Mission Drive, Building 1, Bay 3, New Cumberland, PA 17070-5011) for construction of three No. 2 oil fired boilers and an engine generator in Fairview Township, **York County**. This plant will replace the existing No. 4 oil fired boiler plant, and will result in emissions reductions. The sources estimated potential annual NOx emissions are 158 tons. 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 plan approval will be incorporated into the facility's Title V operating permit No. 67-05041.

OPERATING PERMITS

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

AR-03-00027: Reliant Energy Northeast Management Co.—Keystone Power Plant (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) for operation of two coal-fired boilers in Plumcreek Township, **Armstrong County**. This is a renewal of the Title IV (Acid Rain) operating permit.

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.

09-00053: Greif Packaging, LLC (695 Louis Drive, Warminster, PA 18974) for operation of three spray booths and three associated bake ovens at their facility in Warminster Township, **Bucks County**. The renewal permit is for a non-Title V (State-only) facility. The potential to emit VOCs from the facility exceeds 25 tpy; however, Greif Packaging, LLC operates and maintains a regenerative thermal oxidizer to capture and control VOC emissions from the spray booths and bake ovens. Therefore, the facility is categorized as Synthetic Minor. The renewal permit will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

23-00087: Greif Brothers Corp. (3033 Market Street, Twin Oaks, PA 19014) for operation of their paper drum manufacturing site in the Upper Chichester Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. Sources of air emissions include printing and spraying operations. The permit will include operational limitations in the average number of drums to be sprayed per hour, which will keep the facility operating below 24.9 tons of VOCs per year and within all applicable air quality requirements.

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

18-00016: Pine Creek Veterinary Associates, P.C. (HC 80, Box 41, Lock Haven, PA 17745) for the renewal of a State-only operating permit for the operation of a veterinary hospital (Susque Valley Animal Hospital) in Pine Creek Township, **Clinton County**.

The facility incorporates an animal crematory incinerator. The air contaminant emissions from the facility are not expected to exceed .9 ton of PM/PM10, .67 ton of NOx and .5 ton of CO per year.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 18-00016. The Department intends to incorporate into the renewal all conditions currently contained in State-only Operating Permit 18-00016 with these exceptions and changes:

1. A condition requiring the permittee to maintain records of the sulfur content of the fuel oil delivered to the facility has been deleted as the crematory incinerator is fired on propane.

2. Conditions requiring the performance of monthly inspections of the facility to detect the presence of visible air contaminant emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions, and the maintenance of records of the results of these inspections, have been modified to state that it is only the crematory incinerator which is to be inspected and clarified with respect to the specific information which is to be recorded.

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

42-00198: Elkhorn Gas Processing, LLC—Kane Plant (6307 Route 6, Kane, PA 16735) for re-issuance of natural minor permit to operate a gas processing plant in Wetmore Township, **McKean County**. The major sources included, oil-medium heater, two 800 HP compressor engines, one 365 HP compressor engine, equipment leaks, glycol regenerator and three storage tanks and loading. The facility is natural minor because the emission of pollutants from the facility is less than the Title V emission threshold.

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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

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

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

Permit Number 32831602 and NPDES Permit No. PA0214515. General Trade Corporation, (One 8th Street, Braddock, PA 15104), to renew the permit for The

Central Preparation Plant in West Wheatfield Township, **Indiana County** and related NPDES permit. No additional discharges. Application received March 24, 2008.

Permit Number 56911302 and NPDES Permit No. PA0213772. RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Long T Permit in Stonycreek Township, **Somerset County** to change the land use of 70.9 surface activity site acres from pastureland to unmanaged natural habitat. No additional discharges. Application received May 2, 2008.

Permit Number 63841304 and NPDES Permit No. PA0111643. Laurel Run Mining Company, (1800 Washington Road, Pittsburgh, PA 15241), to renew the

permit for the Vesta Mine in North Bethlehem, West Bethlehem and East Bethlehem Townships and Centerville and Deemston Boroughs, **Washington County** and related NPDES permit. No additional discharges. Application received October 17, 2007.

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

11050102 and NPDES No. PA0249831. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to add 18.5 acres of surface and auger mining activities on the Lower Freeport coal seam in Adams Township, **Cambria County**, affecting 90.6 acres. Receiving streams: Paint Creek and UNTs to Paint Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 5, 2008.

56010106 and NPDES No. PA0249076. Marquise Mining Corporation, P. O. Box 338, Blairsville, PA 15717, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 325.0 acres. Receiving streams: Dixie Run and Fallentimber Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received May 5, 2008.

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

03860108 and NPDES Permit No. PA0588695. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for reclamation only to an existing

bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 262.0 acres. Receiving streams: UNT to Limestone Run and Allegheny River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Western PA Water Company. Renewal application received May 6, 2008.

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

54080201. Waste Management and Processors, Inc. (P. O. Box K, Frackville, PA 17931), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Mechanicsville, Palo Alto and Port Carbon Boroughs, **Schuylkill County** affecting 162.0 acres, receiving stream: Schuylkill River, classified for the following use: CWF. Application received April 30, 2008.

Noncoal Applications Returned

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

32070801. David C. Adams, 136 Blanket Hill Road, Kittanning, PA 16201 commencement, operation and restoration of a small noncoal (industrial minerals) operation in Armstrong Township, **Indiana County**, affecting 1.0 acre. Receiving stream: Curry Run. Application received April 3, 2007. Permit returned April 30, 2008.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

28940801. Allen L. Mills, 7201 Slabtown Road, Waynesboro, PA 17268, bond release on a small noncoal (industrial minerals) operation in Antrim Township, **Franklin County**, affecting 5.0 acres. Receiving stream: UNT Conococheague Creek classified for the following use: WWF. Application received April 30, 2008.

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

43080302 and NPDES Permit No. PA0258580. White Rock Silica Sand Company, Inc. (331 Methodist Road, Greenville, PA 16125). Commencement, operation and restoration of a sandstone operation in Hempfield Township, **Mercer County** affecting 116.0 acres. Receiving streams: Sixteen UNTs to Shenango River and Four

UNTs to Mathay Run, (classified for the following use: WWF) to Shenango River, (classified for the following uses: WWF and TSF). The first downstream potable water supply intake from the point of discharge is Reynolds Water Company. Application received April 28, 2008.

1972-43080302-E-1. White Rock Silica Sand Company, Inc. (331 Methodist Road, Greenville, PA 16125). Application for a stream encroachment to encroach to conduct surface mining activities within 100 feet of three UNTs to Shenango River and one isolated stream channel and to mine through 720 feet of two UNTs to Shenango River and mine through 286 feet of isolated stream channel. Receiving streams: 16 UNTs to Shenango River and Four UNTs to Mathay Run, (classified for the following use: WWF) to Shenango River, (classified for the following uses: WWF and TSF). The first downstream potable water supply intake from the point of discharge is Reynolds Water Company. Application received April 28, 2008.

3175SM3. IA Construction Corporation (158 Lindsay Road, Zelenople, PA 16063). Renewal of NPDES Permit No. PA0208103, Plain Grove Township, **Lawrence County**. Receiving streams: UNT to Jamison Run and

Jamison Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received May 8, 2008.

37870301. IA Construction Corporation (158 Lindsay Road, Zelenople, PA 16063). Renewal of NPDES Permit No. PA0107913, Wayne Township, **Lawrence County**. Receiving streams: Duck Run and UNT to Duck Run and UNT to Connoquenessing Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Western Pennsylvania Water Company. NPDES Renewal application received May 8, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E40-690. Ralph and Mary Herbert, 297 Hartman Road, Hunlock, PA 18621, in Hunlock Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a single-span bridge, having a clear span of approximately 37 feet and an under clearance of approximately 6 feet. The bridge is located across a tributary to Hunlock Creek (CWF) for the purpose of providing access to a single-family residence. The project is located on the south side of SR 4001 (Hartman Road), approximately 0.2 mile east of the intersection of SR 4001 in T-544 (Nanticoke, PA Quadrangle N: 17.8 inches; W: 8.1 inches).

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

E21-403. Shippensburg Investors, LP, John L. Knott III, Interstate 81 Commerce Park, 770 Township Line Road, Yardley, PA 19067, Shippensburg Township, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To fill an 0.045 acre pond located along the Burd Run Watershed in order to construct Interstate 81 Commerce Park, located about 1,000.0 feet northwest of I-81 and PA 174 interchange (Walnut Bottom, PA Quadrangle N: 11.20 inches; W: 15.10 inches, Latitude: 40° 03' 42"; Longitude: 77° 28' 59") in Shippensburg Township, Cumberland County.

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

E02-1509-A1. Pittsburgh Water and Sewer Authority, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222. To include the construction, maintenance and repair of sewer lines in Bellevue Borough, City of Pittsburgh and Ross Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh West, PA Quadrangle N: 20.2 inches; W: 6.6 inches, Latitude: 40° 29' 10"; Longitude: 80° 02' 51"). The applicant proposes to amend Permit No. E02-1509 to include the construction and maintenance of a 39.9 foot extension to the existing 84-inch diameter storm sewer line consisting of an 84 inch diameter culvert, to repair the existing 72-inch diameter storm sewer line, to modify the inlet structure of the existing 72-inch diameter storm sewer line, to rehabilitate and maintain the existing 60-inch diameter storm sewer line in and along the channel of Jacks Run (WWF) and to restore and maintain approximately 1,200 linear feet of the channel of said stream for the purpose of improving the existing Jacks Run Storm Sewer Line. The project is located at the intersection of Belgium and Farragut Streets and will impact 1,200.0 linear feet of stream channel.

E63-607. Department of Transportation, District 12-0, 825 North Gallatin Avenue, Uniontown, PA 15401. To construct a 52 foot long extension to an existing box culvert in North Strabane Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Washington East, PA Quadrangle N: 7.5 inches; W: 6.5 inches, Latitude: 40° 9' 57"; Longitude: 80° 10' 13"). The applicant proposes to construct and maintain a 52 ft. long extension to an existing 6 ft by 6 ft concrete box culvert in Little Chartiers Creek (HQ-WWF) with a drainage area of 0.22 square miles and fill and maintain 0.02 acre of PEM wetland to facilitate widening and other improvements to SR 70.

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

E20-569. Gary Baker, Meadville Medical Center, 751 Liberty Street, Meadville, PA 16335. Ambulatory Surgery Facility Addition, in the City of Meadville, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Meadville, PA Quadrangle N: 41° 38' 1"; W: 80° 8' 2").

To construct and maintain a 14,000 square foot ambulatory surgery addition to the Meadville Medical Center Grove Street facility over the existing concrete box stream enclosure in Neason Run on the Meadville Medical Center property having a section with 4.5-foot wide by 4.5-foot high waterway opening and having a section with a 6.7-foot wide by 3-foot high waterway opening located adjacent to the intersection of Grove and Poplar Streets (Meadville, PA Quadrangle N: 41° 38' 1"; W: 80° 8' 2") in the City of Meadville, Crawford County. Project includes maintenance of the existing stream enclosure and construction and maintenance of parking areas, a riparian restoration enhancement area, utilities and stormwater management facilities including a 1.5-foot diameter RCP stormwater outfall to Neason Run. Neason Run is a perennial stream classified as a WWF.

E25-722. Millcreek Township, 3608 West 26th Street, Millcreek, PA 16506-2037. Edgevale Drive Pipe, in Millcreek Township, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Erie, PA Quadrangle N: 42° 4' 54.55"; W: 80° 4' 28.11").

The applicant proposes to construct and maintain a 60-foot long 5-foot diameter CMP extension of an existing

stream enclosure in a UNT Mill Creek approximately 600 feet SW of the intersection of Edgevale Drive and Heidi Avenue. The purpose of the extension is to alleviate severe bank erosion that threatens several structures adjacent to the stream. The UNT Mill Creek is a perennial stream classified as a WWF and MF.

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

E3309-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Washington Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes 1,700 linear feet of dangerous highwall. The project will include backfilling 3.7 acres of hazardous open water, POW, 0.04 acre of PEM wetland, and 350 linear feet of stream channel. The project will directly impact 0.04 acre of wetland, which is considered de minimis, and therefore does not require mitigation. Impacts to the wetland, water body and small section of stream channel are unavoidable in order to address the public safety hazards at this site. As mitigation, the applicant proposes to construct approximately 1,700 linear feet of new stream channel (using natural stream channel design) in the area of the reclaimed pit impoundment, revegetating the constructed stream area with a wetland seed mix, riparian seed mix, tree seed mix and tree seedlings (Falls Creek, PA Quadrangle Latitude 41° 11' 42"; Longitude 78° 47' 47", N 12.7 inches; W 6.3 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08006	McLane PA 43 Valley View Business Park Jessup, PA 18434 Attn: Steve Stacey	Lackawanna	Jessup Township	2 ASTs storing diesel fuel	25,000 gallons total
08008	Luther P. Miller, Inc. South Edgewood Avenue Somerset, PA 15501 Attn: Troy Miller	Westmoreland	Ligonier Township	4 ASTs storing petroleum products	60,000 gallons total

ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088102 (Sew)	CFR Development Corporation Gray Stone WWTP 3969 Two Springs Farm Lane Glen Rock, PA 17327	York County Codorus Township	Buffalo Valley Hollow 7-H	Y
PA0084450 (Sew and IW)	Washington Headquarters Service Raven Rock Mountain Complex—Site R 201 Beasley Drive Suite 100 Fort Detrick, MD 21702	Adams County Liberty Township	Miney Branch and UNTs to Miney Branch 13-D	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0246891 (IW)	Letterkenny Army Depot Opening Burning/Open Detonation Grounds One Overcash Avenue Chambersburg, PA 17201	Franklin County Greene, Hamilton and Letterkenny Townships	UNT Rocky Spring Branch 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205877 Sewage	Redstone Township Sewer Authority 1002 Main Street P. O. Box 751 Republic, PA 15475	Fayette County Redstone Township	Dunlap Creek	Y
PA0098663 Sewage	Wallace J. Woodhouse 72 Donley Road Eighty Four, PA 15330	Washington County Somerset Township	Opossum Run	Y
PA0026778 Sewage	Windber Area Authority 1700 Stockholm Avenue Windber, PA 15963	Cambria County Richland Township	Stony Creek	N
PA0023892 Sewage	Masontown Municipal Authority 2 Court Street Masontown, PA 15461-1841	Fayette County Masontown Borough	Cats Run	Y
PA0023906 Sewage	Masontown Municipal Authority 2 Court Street Masontown, PA 15461-1841	Fayette County Masontown Borough	UNT of the Monongahela River	Y
PA0028258 Sewage	Ohiopyle Borough P. O. box 83 Ohiopyle, PA 15470	Fayette County Ohiopyle Borough	Meadow Run	Y
PA0094013 Sewage	Hillary C. Hoffer 1605 East Laurel Circle Mount Pleasant, PA 15666	Westmoreland County Unity Township	UNT to Brinker Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0037974	Washington Township 11800 Edinboro Road Edinboro, PA 16412	Washington Township Erie County	UNT to Darrows Run 16-A	Y
PA0090514	Gulick MHP 123 Beatty Drive Saxonburg, PA 16056-9520	Winfield Township Butler County	UNT to Buffalo Creek 18-F	Y
PA0100757	Lakeview Mobile Estates, Inc. 2771 Lincoln Highway Box 219 Ronks, PA 17572-0219	New Lebanon Township Mercer County	Mill Creek 16-D	Y
PA0239186	The Davis foundation OH1-1074 1111 Polaris Parkway Columbus, OH 43240-2050	Forward Township Butler County	UNT to Connoquenessing Creek 20-C	Y

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

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

NPDES Permit No. PA0013323, IW, The Boeing Company, P. O. Box 16858, MC P25-75, Philadelphia, PA 19142, Ridley Township, Delaware County.

The following notice reflects changes to the notice published at 38 Pa. B. 1496 (March 29, 2008):

For Outfall 001, the parameter Total Residual oxidant is changed into Free Chlorine.

For Monitoring Point MP101, the monitoring requirements for Cyanide, Total and Lead, Total are removed.

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. 2107201, Sewage, **Richard Mulfinger, Fish and Boat Commission**, 450 Robison Lane, Bellefonte, PA 16823-9616. This proposed facility is located in Penn Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of industrial waste facilities consisting of: a 100' by 440' HDPE lined polishing pond, screening building with 5-20 micron microscreens, solids removal, pump stations and piping for wastewater conveyance.

WQM Permit No. 6706406, Amendment 08-1, Sewage, **Jefferson Codorus Joint Sewer Authority**, P. O. Box 223, Codorus, PA 17311. This proposed facility is located in Codorus Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of modifications to the construction of the wastewater treatment plant and collection system.

WQM Permit No. WQG01210703, Sewage, **Richard Mulfinger, Fish and Boat Commission**, 450 Robison Lane, Bellefonte, PA 16823-9616. This proposed facility is located in Penn Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/replacement of their existing sewage treatment plant.

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

WQM Permit No. 6308401, Sewerage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a relief sanitary interceptor sewer.

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

WQM Permit No. WQG018614, Sewerage, **Cynthia R. Fowle**, 555 Maple Lawn Drive, Edinboro, PA 16412-3804. This proposed facility is located in Washington Township, **Erie 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. 1508403, Sewerage, **Pennsylvania American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033-2400. This proposed facility is located in the City of Coatesville, **Chester County**.

Description of Action/Activity: Construction of a 3,300 ft. of new sanitary sewer interceptor to replace undersized portions of existing West End Trunk Line.

WQM Permit No. 1580401, Sewerage, **ENSERV, Inc.**, 1145 King Road, Immaculata, PA 19345. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Remove existing communitor replace with new fine bar screen and install new effluent filter.

WQM Permit No. WQG02-090804, Sewerage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a low pressure system.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1508019	Honey Brook Township 495 Suplee Road P. O. Box 1281 Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S065-3	Brodhead Creek Regional Authority 410 Stokes Avenue East Stroudsburg, PA 18301	Monroe	Stroud Township	Tributaries to Brodhead Creek TSF Little Pocono Creek HQ-CWF McMichael Creek HQ-CWF
PAI023508001	Gould Electronics, Inc. 34929 Curtis Boulevard East Lake, OH 44095-4001	Lackawanna	Throop Borough	Sulphur Creek CWF

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

PAI030607011	Love's Travel Stops & Country Stores P. O. Box 26210 Oklahoma City, OK 73126	Berks	Upper Bern Township	Wolf Creek CWF
PAI030607007	Francis X. Hanson Atlas Minerals & Chemicals 1227 Valley Road P. O. Box 38 Mertztown, PA 19539	Berks	Longswamp Township	Toad Creek-Little Lehigh HQ

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated 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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Doylestown Township Bucks County	PAG200 0903063-1	Doylestown Hospital 595 West State Street Doylestown, PA 18901	Cooks Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warwick Township Bucks County	PAG200 0908023	Spectrum Metals, Inc. 1900 Stout Drive Warminster, PA 18974	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Doylestown Township Bucks County	PAG200 0908016	Keith Klein 3189 Bristol Road Doylestown, PA 18901	Neshaminy Creek PWS, WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Brandywine Township Chester County	PAG200 1503028-R	Wawa, Inc. 260 Baltimore Pike Wawa, PA 19063	Beaver Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG200 1508017	West Chester Area Sports Association P. O. Box 2142 West Chester, PA 19381	UNT Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG200 1507068	JPI, Inc. 8300 Greensboro Drive Suite 600 McLean, VA 22102	Goose Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG200 2305047	Nolen Investments, LLC 950 West Valley Forge Road King of Prussia, PA 19465	Baldwin Run and Marcus Hook Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG200 4606196	Montgomery Office Park, LLC 301 Oxford Valley Road Suite 201A Yardley, PA 19067	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG200 4607194	Thor Equities, LLC 25 West 39th Street 10th Floor New York, NY 10018	Rock Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG200 4605222	Signature Living at New Hanover 2500 York Road Jamison, PA 18929	Swamp Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG200 4606146	Peter Rotelle 219 Niautic Road Barto, PA 19504	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG200 4608047	North Penn School District 401 East Hancock Street Lansdale, PA 19446	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Greenville Township Montgomery County	PAG200 4607179	Upper Perkiomen Middle School 203 West 5th Street 2229 West Buck Road East Greenville, PA 18041	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lansdale Borough Montgomery County	PAG200 4607176	Lansdale Borough 1 Vince Street Lansdale, PA 19446	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5107005	School District of Philadelphia 440 North Broad Street 3rd Floor Philadelphia, PA 19130	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108005	Philadelphia School District 440 North Broad Street Suite 373 Philadelphia, PA 19130	Cobbs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108012	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAR10 -5313-R2	City of Philadelphia Department of Streets 1401 John F. Kennedy Boulevard Philadelphia, PA 19102-1676	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Nazareth Township Northampton County	PAG2004808003	Cleon Swartzentruber Green Acres 1176 Mickley Road Allentown, PA 18052	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Scott Township Lackawanna County	PAG2003508008	Salvatore Maiolatesi 42 Spring Street Carbondale, PA 18407-2027	Hull Creek CWF	Lackawanna County Conservation District (570) 281-9495
Jenkins Township Luzerne County	PAG2004007012	Jenkins Township Properties Courtyard, Inc. Attn: George Albert 90 East Oak Street Pittston, PA 18640	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Hazle Township Luzerne County	PAG2004006017 (Phase 3)	Randy Gracy Eagle Rock Resort Co. 1031 Valley of Lakes Hazleton, PA 18201	Black Creek CWF Stony Creek CWF	Luzerne County Conservation District (570) 674-7991
Monroe and Upper Allen Townships Cumberland County	PAG2002103014R	West Shore Evangelical Free Church 105 South Market Street Mechanicsburg, PA 17055	UNT to Yellow Breeches Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Ruscombmanor Township Berks County	PAG2000607082	Joe Benyo Westrum Development Company 370 Commerce Drive Suite 100 Fort Washington, PA 19034	Tributary No. 1 to Furnace Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lycoming County City of Williamsport	PAG2004108002	Lycoming Housing Authority 1941 Lincoln Drive Williamsport, PA 17701	UNT to Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Armstrong County Redbank Township	PAG2000308002	Hawthorn Area Water Authority c/o Mark Wyant, Chairperson P. O. Box 241 Hawthorn, PA 16230	Redbank Creek TSF	Armstrong County Conservation District (724) 548-3425
Fayette County Dunbar Township	PAG2002608006	Gerald Means 2102 Ridge Boulevard Connellsville, PA 15425 Tony Gashie The Widewaters Group, Inc. 5786 Widewaters Parkway Dewitt, NY 13214 Stephen and Bonnie Blackburn 917 Breakneck Road Connellsville, PA 15425	Opossum Run WWF	Fayette County Conservation District (724) 438-4497
Cranberry Township Butler County	PAG2001007014(1)	Westinghouse at Cranberry Woods Trammell Crow Development and Investment, Inc. 800 Cranberry Woods Drive Cranberry Township, PA 16066	UNT to Brush Creek WWF	Butler County Conservation District (724) 284-5270
Adams Township Butler County	PAG2001008010	Timothy D. Kelly 147 Link Lane Slippery Rock, PA 16057	UNT to Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Conneaut Lake Borough Crawford County	PAG2002008003	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Conneaut Lake Outlet WWF	Crawford County Conservation District (814) 763-5269
City of Hermitage Mercer County	PAG2004308005	City of Hermitage Gary Hinkson 800 North Hermitage Road Hermitage, PA 16148	Baker Run, Pine Run Tributary WWF	Mercer County Conservation District (724) 662-2242
Shenango Township Mercer County	PAG2004308007	James E. Winner 32 West State Street Sharon, PA 16146	Tributary Hogback Run WWF	Mercer County Conservation District (724) 662-2242
Oil City Venango County	PAG2006108004	Graff Commons Assoc. Graff Street Oil City, PA 16301	Allegheny River WWF	Venango County Conservation District (814) 676-2832
Sandycreek Township Venango County	PAG2006108005	Terra Alta Estates Pone Lane and Crisswell Road Franklin, PA 16323	UNT Allegheny River WWF	Venango County Conservation District (814) 676-2832
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lebanon County Millcreek Township	PAG043587	Paul C. and E. Flere Bomba 421 Cocalico Road Denver, PA 17517	Cocalico Creek 7-J HQ-CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clearfield County Bradford Township	PA045251	Shirley Guelich 391 Dale Road Woodland, PA 16881	UNT to Valley Fork Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Washington Township Erie County	PAG049424	Cynthia R. Fowle 5550 Maple Lawn Drive Edinboro, PA 16412-3804	UNT to Conneauttee Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG048913	Raymond P. Stempka 225 Zwilling Road Erie, PA 16509-5437	UNT to Walnut Creek 15-WC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Snow Shoe Township Centre County	PAG054812	Snow Shoe Travel Plaza, Inc. 529 East Sycamore Road Snow Shoe, PA 16874	South Fork Beech Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
<i>General Permit Type—PAG-8</i>				
<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Metal Township Franklin County	PAG083580	Metal Township Authority 17001 Fannettsburg Road E. Fannettsburg, PA 17221	Metal Township Authority WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Bedford Township Bedford County	PAG083582	Municipal Authority of the Borough of Bedford 244 West Penn Street Bedford, PA 15522	Bedford WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
South Londonderry Township Lebanon County	PAG083520	South Londonderry Township Municipal Authority 200 Market Street P. O. Box 3 Campbelltown, PA 17010	Campbelltown West WWTF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
South Londonderry Township Lebanon County	PA083583	South Londonderry Township Municipal Authority 200 Market Street P. O. Box 3 Campbelltown, PA 17010	Campbelltown East WWTF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>		<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Antrim Township Franklin County		PAG083579	Waynesboro Borough 57 East Main Street P. O. Box 310 Waynesboro, PA 17268	Barr Farms 1 and 2 Antrim Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
North Lebanon Township Lebanon County		PAG083503	City of Lebanon Authority 2321 Ridgeview Road Lebanon, PA 17042	Hain Farm North Lebanon Township Lebanon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Salem Township Westmoreland County			Mon Valley Sewage Authority 20 Washington Street Donora, PA 15033	Lone Maple 2 Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Salem Township Westmoreland County			Mon Valley Sewage Authority 20 Washington Street Donora, PA 15033	Lone Maple 1 Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9 (SSN)

<i>Facility Location: Municipality & County</i>		<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Southampton Township Franklin County		PAG093510	Chamberlin and Wingert Sanitary Services, LLC 535 Lurgan Avenue Shippensburg, PA 17257	Paul E. Witter Farm Southampton Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1508504, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Township	West Caln
County	Chester

Type of Facility PWS
 Consulting Engineer Pennsylvania American Water Company
 100 Cheshire Court
 Coatesville, PA 19320

Permit to Construct February 27, 2008
 Issued

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

Permit No. 2907501, Public Water Supply.

Applicant **HMS Host**
 Municipality Taylor Township
 County **Fulton**
 Type of Facility Addition of arsenic treatment at the Sidling Hill Travel Plaza
 Consulting Engineer Stephen A. Marcino, P. E.
 Applied Water Management Inc.
 453 Boot Road
 Downingtown, PA 19335

Permit to Construct May 5, 2008
 Issued

Permit No. 4408501 MA, Minor Amendment, Public Water Supply.

Applicant **Lewistown Municipal Authority PA**
 Municipality Milroy
 County **Mifflin**
 Type of Facility Repainting and minor repairs to both chlorine contact tanks. Repairs include new entrance ways into the tanks, new vents and extending overflows to ground level.

Consulting Engineer Kirt L. Ervin, P. E.
 Kirt L. Ervin, LLC
 13742 Mary Lane
 Aviston, IL 62216

Permit to Construct May 8, 2008
 Issued

Operations Permit issued to **Hillside Manor Apartments**, 7500025, Oliver Township, **Perry County** on May 5, 2008, for the operation of facilities approved under Construction Permit No. 5007502.

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

Permit No. 1808501—Construction, Public Water Supply.

Applicant **Suburban Lock Haven Water Authority**
 Township or Borough Bald Eagle Township
 County **Clinton**
 Responsible Official Jack Peters, Chairperson
 Suburban Lock Haven Water Authority
 326 Main Street
 Mill Hall, PA 17751

Type of Facility Public Water Supply—Construction
 Consulting Engineer David W. Swisher, P. E.
 Herbert Rowland & Grubic, Inc.
 474 Windmere Drive
 Suite 100
 State College, PA 16801

Permit Issued Date May 7, 2008

Description of Action Addition of a booster pump station at Draketown Road.

Permit No. M. A.—Construction and Operation, Public Water Supply.

Applicant **Jersey Shore Area Joint Water Authority**
 Township or Borough Porter Township
 County **Lycoming**
 Responsible Official Mike Zellers, Manager
 Jersey Shore Area Joint Water Authority
 220 South Main Street
 Jersey Shore, PA 17740

Type of Facility Public Water Supply—Construction and Operation

Consulting Engineer Paul Krizan, P. E.
 Larson Design Group
 1000 Commerce Park Drive
 Williamsport, PA 17701

Permit Issued Date May 7, 2008

Description of Action Application of an interior coating (C.I.M. 1061) in the existing 2 million gallon concrete finished water storage tank and operation of the tank following completion of construction.

Permit No. 4146363—Transfer, Public Water Supply.

Applicant **Culligan Store Solutions, LLC**
 County **Centre, Clearfield, Clinton, Columbia, Northumberland, Tioga**

Responsible Official Jeanne Cantu
 Culligan Store Solutions, LLC
 1030 Lone Oak Road
 Suite 110
 Eagan, MN 55121-2251

Type of Facility Public Water Supply—Transfer

Consulting Engineer N/A

Permit Issued Date May 7, 2008

Description of Action Transfer from Culligan Store Solutions Inc. to Culligan Store Solutions, LLC. Permit No. 4146363 w/8 entry points. EP104-715852, EP107-715855, EP108-715858, EP111-715860, EP112-715864, EP113-715868, EP114-715869, EP115-715872

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

Permit No. 0207504, Public Water Supply.

Applicant **Moon Township Municipal Authority**
1700 Beaver Grade Road
Suite 200
Coraopolis, PA 15108-3193

Borough or Township Moon Township

County **Allegheny**

Type of Facility Water storage tanks

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct Issued May 6, 2008

Operations Permit issued to **Meyersdale Municipal Authority**, 236 Center Street, Meyersdale, PA 15552, (PWSID No. 4560012) Summit Township, **Somerset County** on May 2, 2008, for the operation of facilities approved under Construction Permit No. 5688509-A2.

Operations Permit issued to **Borough of Sewickley Water Authority**, P. O. Box 190, 601 Thorn Street, Sewickley, PA 15143, (PWSID No. 5020050) Sewickley Borough, **Allegheny County** on April 30, 2008, for the operation of facilities approved under Construction Permit No. 0205502.

Operations Permit issued to **Borough of Shippingport**, P. O. Box 76, Shippingport, PA 15077, (PWSID No. 5040086) Shippingport Borough, **Beaver County** on May 1, 2008, for the operation of facilities approved under Construction Permit No. 0484502MA.

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

Permit No. 2007502, Public Water Supply.

Applicant **Steven and Joycie Pfaff d/b/a Pinedale Mobile Home Park**

Township or Borough East Fallowfield Township

County **Crawford County**

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P. E.
Deiss & Halmie Engineering
105 Meadville Street
Edinboro, PA 16412

Permit to Construct Issued May 7, 2008

Transfer of Operations Permit issued to **Steven and Joycie Pfaff, d/b/a Pinedale Mobile Home Park**, PWSID No. 6200076, East Fallowfield Township, **Crawford County**. Permit Number 2002503-T1, issued May 7, 2008, for the operation of existing facilities at Pinedale Mobile Home Park, in accordance with Operations Permit No. 20002503, issued by the Department of Environmental Protection on August 15, 2003.

Operations Permit issued to **Clarendon Water Company**, PWSID No. 6620021, Clarendon Borough, **Warren County**, on May 13, 2008, for the operation of the treatment system for the removal of arsenic from the water company's supply well. The project involved the

addition of Adedge AD26 treatment system to the existing system. Issued in accordance to specifications approved by Construction Permit 6207504, issued March 21, 2008.

Operations Permit issued to **Clintonville Borough Sewer and Water Authority**, PWSID No. 6610016, Clintonville Borough, **Venango County**, on May 13, 2008, for the operation of the water treatment filter replacement project. Issued in accordance to specifications approved by Construction Permit 6107502, issued March 28, 2008.

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

Public Notice of Proposed Consent Order and Agreement

Bottle House Site City of Allentown, Lehigh County

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), notice is hereby provided that the Department has entered into de minimis settlements in the form of a Consent Order and Agreement (CO&A) with BYK-Chemie USA, Inc., n.k.a. BYK USA, Inc.; General Electric Company and its successors in interest, Sabic Innovative Plastics US, LLC and Momentive Performance Materials, Inc.; Hartz Mountain Corporation; Occidental Chemical Corporation; Pfizer, Inc.; Sartomer Company, Inc. and The Dow Chemical Company and its affiliated entities Inc., without limitation, Union Carbide Corporation (Settlers). The CO&A's address the investigation and removal of hazardous substances that were left on the Bottle House Site (Site) by the Settlers. The Settlers will reimburse the Department their portion of the costs incurred to perform the site investigation/response activities at the Site.

The Site is located at 401—451 North Front Street, Allentown, Lehigh County and consists of a large three-story brick building that was the former bottling house for the Neuweiler Brewery. Brewery operations ceased at this site in the late 1960's. The Site then became an industrial property being utilized as a warehouse and manufacturing facility, which is surrounded on three sides by family residences and by a community recreational area on the fourth side. The operations resulted in large quantities of hazardous substances and or contaminants being stored in the building. The Department alleges that the Settlers sent nominal amounts of hazardous substances and/or contaminants to the Site. The Department initiated a prompt interim response action under the HSCA on September 27, 1999. The objective of this prompt interim response action was to eliminate the immediate threat to human health and safety and the environment posed by the hazardous substances and/or contaminants that were present on the site. The response was completed on April 28, 2000, at a cost of \$1,563,183.46.

The settlements proposed in each of the CO&A's referenced previously would resolve certain potential claims of the Department solely against the Settlers, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of HSCA. The proposed settlements would require the Settlers to pay the Department the amounts listed for their portion of the response costs.

<i>Settlor</i>	<i>Amount</i>
BYK-Chemie USA, Inc.	\$ 19,810
General Electric Company	\$ 17,829
Hartz Mountain Corporation	\$ 5,943
Occidental Chemical Corporation	\$ 11,886
Pfizer, Inc.	\$ 13,867
Sartomer Company, Inc.	\$ 29,715
The Dow Chemical Company	\$ 25,753

The specific terms of the settlements are set forth in the CO&A's between the Department and the Settlers, which is available for public review and comment. The Department will receive and consider comments relating to the CO&A's for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO&A's if the comments concerning the CO&A's disclose facts or considerations which indicate that the CO&A's are inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with the Settlers shall be effective upon the date that the Department notifies the Settlers, in writing, that the CO&A's are final and effective in its present form and that the Department has filed a response to significant written comments to the CO&A's, or that no such comments were received.

Copies of the CO&A's are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Karen Unruh, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Karen Unruh, at (570) 826-2511. TDD users should contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

sis. 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:

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

Bangor Former Manufactured Gas Plant Site, Bangor Borough, Northampton County. John J. Mahfood, The Mahfood Group, LLC, 260 Millers Run Road, Bridgeville, PA 15017 has submitted a combined Risk Assessment Report/Cleanup Plan (on behalf of his client, PPL Utilities Corp., Two North Ninth Street, GENTW-17, Allentown, PA 18101-1179), concerning the remediation soils and groundwater found to have been impacted by coal tar residuals, including polycyclic aromatic hydrocarbons, benzene, toluene, ethylbenzene and xylenes (BTEX compounds) associated with the manufacturing of coal gas. The combined report was submitted in partial fulfillment for demonstrating attainment of the Site-Specific Standard. A Public Notice regarding the submittal of the combined Risk Assessment Report/Cleanup Plan was published in *The Express-Times* on April 15, 2008.

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

Village at Laurel Run, Franklin Township, Adams County. Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465, on behalf of Village at Laurel Run, 6375 Chambersburg Road, Fayetteville, PA 17222, submitted 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.

McIntosh Road Site, Lower Paxton Township, Dauphin County. CMX, Inc., 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Russell Standard Corporation, Box 479, Ridgeville, PA 15017, submitted a Final Report concerning remediation of site soils contaminated with petroleum-related VOCs and SVOCs. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Lotta Hill Dairy Farm, Springfield Township, Bradford County. Resource Environmental Mgt., Inc., 8 Ridge Street, Montrose, PA 18801 on behalf of Lotta Hill Dairy Farm, Roy Beardsley, R. R. 3, Box 413B, Pisgah View Road, Troy, PA 16947 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

CPO 2, Inc., Mifflinburg Borough, **Union County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of CPO 2, Inc., 200 East Chestnut Street, Mifflinburg, PA 17844 has submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil and leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Bechtel's Dairy & Restaurant, Lewisburg Borough, **Union County**, Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Shawn Lloyd, Bechtel Brothers, Inc., 6594 Col. John Kelly Road, Lewisburg, PA 17837 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.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Kruepke Trucking Inc. Paint Spill, Emmaus Borough, **Lehigh County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newton Square, PA 19073 submitted a Final Report package (on behalf of their client, Kruepke Trucking, Inc., 2881 County Road P, Jackson, WI 53037), concerning the remediation of soils found to have been impacted with paint as a result of a trucking accident and spill. The report demonstrated attainment of the Statewide Health Standard for soils, relating the compounds analyzed and was approved on May 6, 2008.

Endless Mountain Health Systems, Montrose Borough, **Susquehanna County**. Karl Pfizenmayer, Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090 submitted a Final Report package (on behalf of his client, Endless Mountain Health Systems, 3 Grow Avenue, Montrose, PA 18801), concerning the remediation of soils and groundwater impacted by No. 2 fuel oil as a result of a storage tank release. The report demonstrated attainment of the Statewide Health Standard for both the soils and groundwater, relating the compounds analyzed and was approved on May 7, 2008.

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

St. Joseph Medical Center, City of Reading, **Berks County**. Spotts, Stevens, and McCoy, Inc., 1047 North Park Road, Reading, PA 19610, on behalf of St. Joseph Medical Center, P. O. Box 316, Reading, PA 19603 and Reading School District, 800 Washington Street, Reading, PA 19601, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil and diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on May 6, 2008.

Small Tube Manufacturing, LLC (d/b/a, Small Tube Products), Allegheny Township, **Blair County**. Malcolm Pirnie, Inc., 1603 Carmody Court, Suite 403, Sewickley, PA 15143, on behalf of Wolverine Tube, Inc., 2100 Market Street NE, Decatur, AL 35609-2202, submitted a final report concerning remediation of site soils and groundwater contaminated with copper. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on May 8, 2008.

Steven Ohmsman Residence, Wyomissing Borough, **Berks County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Steven Ohmsman, 115 Grandview Boulevard, Reading, PA 19609 and Santilli Oil Company, 240 Franklin Street, Shoemakersville, PA 19555, 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 May 8, 2008.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Burning Well Crude Oil Gathering Facility, Sergeant Township, **McKean County**. ATC Associates, Inc., 103 North Meadows Drive, Suite 215, Wexford, PA 15090 on behalf of SOPUS, Inc., 203 Steepleview Drive, Clarion, PA 16214 has submitted a Final Report concerning the remediation of site soil contaminated with 1,3,5-trimethybenzene. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on April 25, 2008.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit approved 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. WMGR098D005. Kulp Foundry, Inc., 30 Stokes Avenue, East Stroudsburg, PA 18301. General Permit Number WMGR098D005 for the beneficial use of waste foundry sand and sand system dusts as a construction material, a soil additive or a soil amendment. Central Office approved the determination of applicability on May 7, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and 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.

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.

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

GP1-01-03028B: New Oxford Foods, LLC (304 South Water Street, New Oxford, PA 17350) on May 8, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in New Oxford Borough, **Adams County**.

GP3-06-03110D: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on May 9, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Douglass Township, **Berks County**.

GP7-67-03082B: York Graphic Services (3650 West Market Street, York, PA 17404) on May 8, 2008, for Sheet-Fed Offset Lithographic Printing Press under GP7 in West Manchester Township, **York County**.

GP9-06-03110: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on May 9, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Douglass Township, **Berks County**.

GP9-22-03078: Tyco Electronics (P. O. Box 3608, MS 106-018, Harrisburg, PA 17105-3608) on May 9, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Lower Paxton Township, **Dauphin County**.

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

GP5-12-01: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on May 9, 2008, authorization to operate a 145 brake horsepower natural gas-fired compressor engine 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) was denied due to the applicant's failure to demonstrate that the engine would comply with applicable NOx, CO and VOC emission limitations at the Emporium Compressor Station in Portage Township, **Cameron 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.

GP5-03-00205B: Range Resources Appalachia, LLC (380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317) on May 6, 2008, to allow for operation of an internal combustion Caterpillar G3306NA engine to operate under this GP will expire on May 6, 2013. The facility is called Kimmel Compressor Station and is in Cowanshannock Township, **Armstrong County**.

GP5-63-00923B: Range Resources Appalachia, LLC (380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317) on May 8, 2008, to allow for the re-authorization of an internal combustion engine to operate under this GP will expire on May 8, 2013. The facility is called Renz Compressor Station and is in Mt. Pleasant Township, **Washington County**.

GP5-03-00235A: North Coast Energy—State Game-lands Compressor Station (One GOJO Plaza, Suite 325, Akron, OH 44311) on May 9, 2008, to allow for the re-authorization of an internal combustion engine with dehydrator to operate under this GP will expire on May 9, 2013. The facility is in Mahoning Municipality, **Armstrong County**.

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

GP-33-172A: Original Fuels, Inc.—Grange Lime & Stone (883 St. Jacob Church Road, Punxsutawney, PA 15767) on April 30, 2008, for a diesel or No. 2 fuel-fired internal combustion engine (BAQ-GPA-GP-9) in Perry Township, **Jefferson County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

15-0029D: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335-3082) on May 9, 2008, to change 3.1 tons of VOC ERCs from internal netting to banking/trading at their facility in Downingtown Borough, **Chester County**. These ERCs has been previously approved and have an expiration date of June 12, 2013.

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

40-305-027B: Mountaintop Anthracite, Inc. (1550 Crestwood Road, Mountaintop, PA 18707) on May 1, 2008, to modify the anthracite coal drying, screening and packaging plant at their facility in Wright Township, **Luzerne County**.

48-317-021: Stroehmann Bakeries, LC (2400 Northampton Street, Easton, PA 18042) on May 12, 2008, to install a catalytic oxidizer to control VOC emissions from an existing bakery oven in Palmer Township, **Northampton County**.

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

36-05099B: Pennsy Supply, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on May 6, 2008, for use of on-specification waste derived liquid fuel at the asphalt plant in East Hempfield Township, **Lancaster 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.

65-00713B: Greenridge Reclamation, LLC (R. D. No. 1, Box 717, East Huntingdon Landfill Road, Scottsdale, PA 15683) on May 7, 2008, to control additional landfill gas (LFG) production at their existing facility in East Huntingdon Township, **Westmoreland County**. This approval will authorize an increase in the allowable LFG throughput for the Evaporation/Flare System from 3,500 cfm to 5,000 cfm but does not authorize any increase in landfill capacity or waste acceptance rates.

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

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

09-0126A: Air Liquide Electronics U.S., LP (19 Steel Road West, Morrisville, PA 19067) on May 6, 2008, to operate a specialty gas purification in Falls Township, **Bucks County**.

15-0009B: AGC Chemicals Americas, Inc. (255 South Bailey Road, Downingtown, PA 19335) on May 8, 2008, to operate a fluid bed dryer in Caln Township, **Chester County**.

15-0010C: ArcelorMittal Plate, LLC (139 Modena Road, Coatesville, PA 19320) on May 8, 2008, to operate a fabric collector in City of Coatesville, **Chester County**.

15-0104C: Tasty Baking Oxford, Inc. (700 Lincoln Avenue, Oxford, PA 19363) on May 8, 2008, to operate two Sveba-Dahlen V42 rack ovens in Oxford Borough, **Chester County**.

46-0031C: SmithKline Beecham—d/b/a Glaxo-SmithKline (709 Swedeland Road, King of Prussia, PA 19406) on May 8, 2008, to operate two new scrubbers in Upper Providence Township, **Montgomery County**.

15-0114: Action Manufacturing Co. (500 Bailey Crossroads Road, Atglen, PA 19310) on May 8, 2008, to operate a thermal treatment unit in West Fallowfield Township, **Chester County**.

46-0112C: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on May 8, 2008, to operate a thermal oxidizer in Skippack Township, **Montgomery County**.

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

67-03133: Separation Technologies, Inc. (101 Hampton Avenue, Neeham, MA 02494-2628) on May 9, 2008, for construction of a fly ash processing facility at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. This plan approval was extended.

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

59-304-008G: Hitachi Metals Automotive Components USA, LLC (P. O. Box 68, Blossburg, PA 16912) on May 9, 2008, to extend the authorization to operate a dip coat tank on a temporary basis to September 6, 2008, in Lawrence Township, **Tioga County**. The plan approval has been extended.

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

16-132E: Clarion Boards, Inc. (143 Fiberboard Road, Shipperville, PA 16254) on March 30, 2008, to install a finishing line in Paint Township, **Clarion County**.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2531.

48-00032: Grand Central Sanitary Landfill, Inc. (910 West Pennsylvania Avenue, Pen Argyl, PA 18072) on April 30, 2008, for renewal of their Title V Operating Permit for operation of a landfill gas collection system at their facility in Plainfield Township, **Northampton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

65-00839: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on April 29, 2008, for their Delmont Compressor Station in Salem Township, **Westmoreland County**. The facility's major source of emissions include various sources of natural gas combustion which includes internal combustion engines, turbines and emergency generators which emit major quantities of NOx. This is a Title V Renewal.

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.

09-00195: Harold Beck and Sons, Inc. (11 Terry Drive, Newtown, PA 18940) On May 6, 2008, to operate two paint booths and degreasing units at their plant, in Newtown Township, **Bucks County**. This plant manufactures electric actuators that are used for industrial process control with valves and dampers. The proposed permit is for a non-Title V (State-only), Natural Minor facility. It contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00096: Farm and Home Oil Co. (3115 State Road, Telford, PA 18969) On May 6, 2008, to operate a petroleum bulk station and terminal in West Rockhill Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility does not have the potential to emit over the major source thresholds for criteria pollutants; the facility is a Natural Minor. This action is a renewal of the State-only Operating Permit. The initial permit was issued on July 17, 2003. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

23-00069: The Trustee of the University of PA—Glenolden (500 South Ridgeway Avenue, Glenolden, PA 19036-2307) On May 6, 2008, for a renewal Non-Title V Facility, State-only, Natural Minor Permit in Glenolden Borough, **Delaware County**. The Trustee of the University of PA/Glenolden is a commercial physical research facility. The sources of emissions include boilers and a generator. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00098: Edon Corp. (1160 Easton Road, Horsham, PA 19044) On May 6, 2008, for a renewal of the State-only Operating Permit in Horsham Township, **Montgomery County**. The original SOOP was issued January 29, 2003. The facility manufactures fiberglass reinforced plastic products that are used mainly in architectural ornamentation for the building and construction industries.

46-00162: Hammond Lead Products (10 South Grosstown Road, Pottstown, PA 19464) On May 6, 2008, to operate a lead oxide manufacturing plant in West Pottsgrove Township, **Montgomery County**. The permit

is for a non-Title V (State-only) facility. The facility has a potential to emit less than 25 tpy of NOx and VOCs; the facility is a Natural Minor. This action is a renewal of the State-only Operating Permit. The initial permit was issued on May 14, 2003. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

15-00029: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335-3082) On May 9, 2008, to generate 60.3 tons of VOC ERCs resulting from the solvent to water conversion of four rotogravure printing presses at their facility in Downingtown Borough, **Chester County**. These ERCs have no expiration date due to overcontrol.

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

40-00042: SPCA of Luzerne County, Inc. (524 East Main Street, Wilkes-Barre, PA 18702) for operation of an animal crematory in Plains Township, **Luzerne County**. This is a renewal of the State-only operating permit.

58-00009: F.S. Lopke Contracting, Inc. (3430 SR 434, Apalachin, NY 13732) for operation of a portable stone crushing operation in Friendsville Borough, **Susquehanna County**. This is a new State-only operating permit.

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

06-03028: Berks Can, Inc. (326 June Avenue, Blandon, PA 19510) On May 6, 2008, to operate a can manufacturing facility in Muhlenberg Township, **Berks County**.

36-05022A: Bird-In-Hand Woodworks, Inc. (3031 Industry Drive, Lancaster, PA 17063) On April 22, 2008, to operate their wood furniture coating facility in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

36-05099: McMinn's Asphalt Company, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) On May 8, 2008, to operate an asphalt plant in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

65-00598: Citizens General Hospital (651 Fourth Avenue, New Kensington, PA 15068) On May 2, 2008, for renewal of a Natural Minor Permit to operate two 12.6 mmBtu natural gas/No. 2 fuel oil fired boilers, a 225 kW natural gas fired emergency generator and a 370 kW diesel fired emergency generator in the City of New Kensington, **Westmoreland County**. Emissions from this facility can not exceed 100 tons SO₂, 100 tons NOx, 100 tons PM10, 50 tons VOC, 10 tons of a single HAP and 25 tons of all HAP combined. The permit contains all applicable requirements including Commonwealth and Federal regulations, as well as monitoring, recordkeeping and reporting requirements to ensure compliance.

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

16-00134: Car Mate Trailers, Inc. (32591 Route 66, P. O. Box 155, Leeper, PA 16233) On May 6, 2008, for a re-issuance of a Natural Minor Permit to operate a trailers manufacturing facility in the Township of Farmington, **Clarion County**. Emissions sources associated with this facility include two spray paint booths, one manual paint application, one natural gas-fired boiler, one natural gas fueled heating furnace, welding operation, plasma cutting operation and oxyacetylene cutting operation. This facility is natural minor because the emissions of the pollutants from sources are less than Title V threshold.

43-00289: Spang and Co.—Power Electronics Division (5241 Lake Street, Sandy Lake, PA 16145) On May 8, 2008, the Department of Environmental Protection re-issued the Natural Minor Operating Permit to Spang and Company—Power Electronics Division in Sandy Lake Township, **Mercer County**. The facility's primary source of emissions is from surface coating operations.

43-00329: White Rock Silica Sand Co., Inc. (331 Methodist Road, Greenville, PA 16125) On May 5, 2008, the Department of Environmental Protection re-issued the Natural Minor Operating Permit is for the operation of the facility's air contamination sources consisting of a 125 ton/hour stone crushing and sizing operation and a 565 Kw diesel generator in Hempfield Township, **Mercer County**.

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.

09-00030: MSC Engineered Materials and Solutions Group (120 Enterprise Avenue, Morrisville, PA 19067-3703) On May 7, 2008, to addresses a typographical error under source ID 104 condition number 004 in Falls Township, **Bucks County**. The condition has been amended in the permit. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00157: Dana Driveshaft Products, LLC (125 South Keim Street, Pottstown, PA 19464-6007) On May 7, 2008, for a change of ownership from Torque Traction Manufacturing Technology, Inc. of an automotive parts manufacturer located in Pottstown Borough, **Montgomery County**. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

36-03106: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) On May 5, 2008, to operate their Schoeneck limestone/dolomite quarry and crushing and screening plant in West Cocalico Township, **Lancaster County**. This State-only operating permit was administratively amended due to a transfer of ownership. This is Revision No. 1.

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 30921301 and NPDES Permit No. PA0213900, River Processing Corporation, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Monongahela Resource Mine in Morgan and Jefferson Townships, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received November 16, 2007. Permit issued May 12, 2008.

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

32010109 and NPDES Permit No. PA0249025, Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, permit renewal for the continued operation and restoration of a bituminous surface refuse reprocessing mine in Rayne, Washington and White Townships, **Indiana County**, affecting 28.5 acres. Receiving stream: McKee Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 4, 2007. Permit issued May 8, 2008.

32010105. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16601, permit renewal for the continued operation and restoration of a bituminous surface mine in Center and Blacklick Townships, **Indiana County**, affecting 149.2 acres. Receiving streams: UNTs to/and Aultmans Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 29, 2008. Permit issued May 5, 2008.

56920114 and NPDES No. PA021334. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving streams: UNTs to North Branch of Jennings Run, Jennings Run and UNTs to Jennings Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 20, 2008. Permit issued May 5, 2008.

56663098, NPDES Permit No. PA0607932 and General Permit GP12-56663098. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541. Revision to an existing bituminous surface mine operation to add a refuse reprocessing facility in Shade Township, **Somerset County** affecting 412.3 acres. Receiving streams: Dark Shade Creek and Little Dark Shade Creek classified for the following use: CWF. There are no potable surface water intakes within 10 miles downstream. The refuse reprocessing facility on this site is authorized to operate under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms and conditions of authorization GP12-56663098. Application received March 13, 2008. Permit issued May 6, 2008.

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

30030101 and NPDES Permit No. PA0250376. Patriot Mining Co., Inc. (2708 Cranberry Square, Morgantown, WV 26508-9286). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Greene Township, **Greene County**, affecting 117.4 acres. Receiving streams: UNT to Whitely Creek. Application received January 28, 2008. Renewal issued May 7, 2008.

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

17920113 and NPDES No. PA0207071. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal for reclamation only of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 142.1 acres. Receiving streams: UNTs to Porter Run and Pine Run to Clearfield Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2008. Permit issued April 29, 2008.

17920115 and NPDES No. PA0207110. P & N Coal Company, Inc. (240 West Mahoning Street, Punxsutawney, PA 15767), permit renewal for the continued operation and restoration of a bituminous surface mine in Goshen Township, **Clearfield County**, affecting 16.5 acres. Receiving stream: UNT to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 3, 2008. Permit issued May 6, 2008.

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

54070102. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), commencement, operation and restoration of an anthracite surface mine operation in Butler Township, **Schuylkill County** affecting 149.7 acres, receiving stream: none. Application received April 6, 2007. Permit issued May 8, 2008.

22070201. Meadowbrook Coal Company, Inc., (6690 SR 209, Lykens, PA 17048), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Williams Township, **Dauphin County** affecting 23.5 acres, receiving stream: none. Application received September 21, 2007. Permit issued May 8, 2008.

Noncoal Permits Actions

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

Permit No. 4275SM14T and NPDES Permit No. PA0124532, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES permit, Warriors Mark and Snyder Townships, **Huntingdon and Blair Counties**. Receiving streams: Logan Spring Run; UNT to Little Juniata River; to Little Juniata River. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 20, 2008. Permit issued May 2, 2008.

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

40080801. Piacenti Trucking & Excavating, Inc., (538 Putnam Street, Rear, West Hazleton, PA 18202), commencement, operation and restoration of a quarry operation in Butler Township, **Luzerne County** affecting 5.0 acres, receiving stream: none. Application received March 10, 2008. Permit issued May 9, 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.

07084001. Douglas Explosives, P. O. Box 77, Philipsburg, PA 16866, blasting activity permit issued for building construction development in North Woodbury Township, **Blair County**. Blasting activity permit end date is December 30, 2008. Permit issued May 5, 2008.

21084123. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for highway/road development in Lower Mifflin and Upper Frankford Townships, **Cumberland County**. Blasting activity permit end date is April 22, 2009. Permit issued April 28, 2008.

21084124. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for residential development in Upper Allen Township, **Cumberland County**. Blasting activity permit end date is April 25, 2008. Permit issued May 1, 2008.

21084125. Warrens Excavating & Drilling, Inc., P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for utility development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is April 1, 2009. Permit issued May 1, 2008.

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

14084005. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), blasting for Centre County SR 6220 (A12), I-99 Corridor, located in Patton Township, **Centre County**. Permit issued May 9, 2008. Permit expires May 6, 2009.

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

35084110. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Toyota Pavilion Parking Lot Expansion in Moosic Borough, **Lackawanna County** with an expiration date of April 30, 2009. Permit issued May 5, 2008.

36084156. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for Providence Self Storage in Providence Township, **Lancaster County** with an expiration date of May 1, 2009. Permit issued May 5, 2008.

40084109. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting at Humboldt Industrial Park in the City of Hazleton, **Luzerne County** with an expiration date of May 1, 2009. Permit issued May 5, 2008.

45084120. Silver Valley Drilling & Blasting, Inc., (HCR 1 702, Route 209N), construction blasting for Water Gap Preserve in Middle Smithfield Township, **Monroe County** with an expiration date of May 15, 2009. Permit issued May 5, 2008.

67084114. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Central Transportation Project in Springettsbury Township, **York County** with an expiration date of June 30, 2008. Permit issued May 5, 2008.

40084001. Franzosa Trucking, Inc., (1037 Peace Street, Hazleton, PA 18201) and Bernard J. Hasara Drilling & Blasting, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for Foster Township Sewers in Foster Township, **Luzerne County** with an expiration date of May 1, 2009. Permit issued May 7, 2008.

36084157. Gerlach's Drilling & Blasting, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Giant Store in the Stonemill Plaza in Lancaster Township, **Lancaster County** with an expiration date of May 15, 2009. Permit issued May 7, 2008.

36084158. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554-0476), construction blasting for Lancaster Northwest Gateway in Lancaster City, **Lancaster County** with an expiration date of May 1, 2009. Permit issued May 7, 2008.

36084159. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for B & B Grocery Outlet in Providence Township, **Lancaster County** with an expiration date of June 30, 2008. Permit issued May 7, 2008.

52084107. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Ranchlands Development in Lehman Township, **Pike County** with an expiration date of May 31, 2009. Permit issued May 7, 2008.

64084103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Fox Ledge Spring Water Development in Dyberry Township, **Wayne County** with an expiration date of May 31, 2009. Permit issued May 7, 2008.

46084112. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Uplande Square in West Pottsgrove Township, **Montgomery County** with an expiration date of June 1, 2009. Permit issued May 9, 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.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-474. Brodhead Creek Regional Authority, 410 Stokes Avenue, East Stroudsburg, PA 18301. Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a well house and fenced parking area which are part of Well No. 3 Public Water Supply Improvements Project situated in the 100-year floodplain of McMichael Creek (HQ-CWF). Five utility line stream crossings in wetlands, McMichael Creek and tributaries thereof and two minor road crossings in wetlands were previously authorized by General Permit Nos. GP054506408 and GP074506406, respectively. The project is generally located 900 feet southwest of SR 2004 (Glenbrook Road) Bridge across McMichael Creek (Stroudsburg, PA-NJ Quadrangle N: 17.0 inches; W: 12.5 inches). (Subbasin: 1E)

E40-677. Can Do, Inc., 1 South Church Street, Suite 200, Hazleton, PA 18201. Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in two EV, PFO wetland areas totaling 0.035 acre for the purpose of constructing a parallel section of railroad track to improve train movements in the Humboldt Industrial Park. The permittee is required to provide 0.035 acre of replacement wetlands. The project is located 2,500 feet southeast of the intersection of SR 0924 and Oak Ridge Road (Conyngham, PA Quadrangle N: 8.2 inches; W: 10.5 inches). (Subbasin: 4B)

E39-480. John Grogan and Jenny Vogt, 4600 Mill Road, Coopersburg, PA 18036-1525. Sanitary Sewer Connection across Mill Run Project, Coopersburg Borough, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District (Allentown East, PA Quadrangle Latitude: 40° 30' 58.36"; Longitude: 75° 24' 9.00").

The permittee shall construct, operate and maintain a 6-inch diameter ductile iron sanitary sewer beneath a UNT to Saucon Creek, locally known as Mill Run and associated wetlands for connection to public sewage collection and treatment. The sanitary sewer line beneath Mill Run shall be 15-feet in length with maximum wetland impact of 0.01-acre. Construction of the sanitary sewer line shall be performed in dry work conditions by dam and pumping, fluming stream flow around the work area or boring beneath stream and wetlands. Since the project is adjacent to bog turtle habitats, sanitary sewer construction and future repair work shall only be conducted in or along the stream channel and wetland between November 1 and March 31. The sanitary sewer project is located along the southeastern right-of-way of Mill Road approximately 625-feet northeast of Gun Club and Mill Roads intersection. Construction of the sanitary sewer permanently impacts 0.01-acre of wetland, which the Department of Environmental Protection has deemed as de minimis and replacement wetland for mitigating the impacts will not be required.

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

E21-400: Fish and Boat Commission, Bureau of Engineering and Development, 450 Robinson Lane, Bellefonte, PA 16823-9616, Penn Township, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 4-inch diameter and a 30-inch diameter outfall pipes along the right bank of Yellow Breeches Creek (HQ-CWF) for the purpose of improving the water quality along the Hunt Dale Fish Culture Station located in Hunt Dale Village (Dickinson, PA Quadrangle N: 18.89 inches; W: 7.88 inches, Latitude: 40° 06' 14"; Longitude 77° 18' 23" and N: 18.10 inches; W: 7.13 inches, Latitude: 40° 05' 59"; Longitude: 77° 18' 04") in Penn Township, Cumberland County.

E06-615, Lyons View Estates, The Development Group, LLC, 119 West Lancaster Avenue, Shillington, PA 19607, in Maxatawny Township, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To relocate and maintain 1,630 feet of an ephemeral watercourse within a 30-foot long 15" SLCPP and a 1,600-foot long 30" SLCPP in the Sacony Creek (CWF) watershed for the purpose of constructing the proposed Huntly Drive and to construct and maintain a sanitary sewer and waterline crossing of the UNT. The impacts are associated with a subdivision known as Lyons View Estates located on the North side of Lyons Road approximately 2,000 feet South of Fleetwood Road (Fleetwood, PA Quadrangle N: 18 inches; W: 0 inch, Latitude: 40° 28' 25" Longitude: 75° 45' 0") in Maxatawny Township, Berks County.

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

E17-444. Robert Molnar, 139 Rem Lane, Ruffs Dale, PA 15765. Molnar private ford crossing and deer fencing project in Sandy Creek, in Covington and Girard Townships, **Clearfield County**, United States Army Corps of Engineers, Baltimore District (Devils Elbow, PA Quadrangle Latitude: 41° 08' 0.40"; Longitude: 78° 14' 28.5").

The applicant proposes to construct, operate and maintain two ford crossings and two deer fence crossings in Sandy Creek for private, noncommercial use. The ford crossings shall be constructed with clean, washed R-4 rock. Breakaway lower section of deer fence across the stream shall be constructed and maintained, so that debris and bankfull flows do not cause stream channel erosion or scour. The project is located along the eastern right-of-way of Township Road No. 648 (T-648) approximately 3,000-feet east of Buck Run Road and T-648 intersection.

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

E42-327, Catalyst Energy, Inc., 800 Cranberry Woods Drive, Suite 290, Cranberry Township, PA 16066. Moody Lot 65 Wells 60 and 63 Gathering Lines, in Lafayette Township, **McKean County**, United States Army Corps of Engineers, Pittsburgh District (Lewis Run, PA Quadrangle N: 41° 51' 20.35"; W: 78° 37' 49.6").

To install by means of directional drilling and maintain 2-inch diameter natural gas pipelines across Railroad Run (EV) and a tributary to Railroad Run (EV) serving as gathering lines from gas wells being drilled on the Moody Lot 65 parcel approximately 750 feet southwest of the intersection of Big Shanty and Droney Roads.

E61-279, William Jobs, 127 Jobs Lane, Polk, PA 16342-9803. Tributary to Little Sandy Creek Channel Realignment for Pond Bypass, in Frenchcreek Township, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Utica, PA Quadrangle N: 41° 22' 50.9"; W: 79° 59' 55.9").

To realign approximately 800 feet of the channel of a tributary to Little Sandy Creek (HQ-CWF) extending upstream from Utica-Raymilton Road in order to bypass an existing dam and pond approximately 2.15 miles north of SR 62.

E61-283, Venango County Conservation District, 1793 Cherrytree Road, Franklin, PA 16323-7539. Sugar Creek Stream Protection, in Sugar Creek Borough, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Utica, PA Quadrangle N: 41° 27' 15"; W: 79° 53' 31").

To construct and maintain a stream stabilization and habitat improvement project approximately 0.5 mile N of the intersection of SR 427 and SR 322 (Utica, PA Quadrangle N: 41° 27' 15"; W: 79° 53' 31") in Sugar Creek Borough, Venango County for a length of approximately 500 feet of Sugar Creek utilizing log vanes, log sills, habitat rocks, native rock riprap, riparian plantings, a fishing access ramp and a bankful bench.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
8-01-002	Raven Rock Mountain Complex—Site R 201 Beasley Drive Suite 100 Fort Detrick, MD 21702-5029 Attn: John R. Kober	Adams	Liberty Township	1 AST storing diesel fuel	< 21,000 gallons

SPECIAL NOTICES

Chesapeake Bay Point Source Nutrient Reduction Strategy

In accordance with the 2000 Chesapeake Bay Agreement, the Commonwealth has agreed to develop a Tributary Strategy (strategy) to reduce total nitrogen and phosphorus to the Chesapeake Bay by about 40% from both point and nonpoint sources by 2010. This reduction is projected to improve the water quality in the Chesapeake Bay to allow it to be removed from the impaired waters list. The point source part of the strategy requires that the existing dischargers start to monitor for total nitrogen and phosphorus. The following dischargers start to monitor for total nitrogen and phosphorus. The following dischargers have been identified as possible significant contributors of nutrients. These dischargers are being notified by letter that their NPDES permits will be modified to include monitoring requirements for nutrients. The monitoring requirements for nutrients. The monitoring requirements concern Ammonia-N. Total Nitrogen (calculated as the sum of Kjeldhal-N and Nitrate) and Total Phosphorus.

Comments should be directed to the Southcentral Region, Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

- PA0009326 Motts North American Division of Cadbury
- PA0008265 Appleton Roaring Spring Paper Manufacturing
- PA0009229 Norfolk Southern
- PA0007552 Empire Kosher
- PA0035092 Tyson Foods
- PA0044741 Hanover Foods
- PA0038598 Susquehanna Aquaculture, Inc.
- PA0046680 Republic Service of PA, LLC
- PA0028886 Quarryville Borough Authority, Lancaster County
- PA0030597 Franklin County General Authority
- PA0070424 Caernarvon Township Municipal Authority, Berks County
- PA0081574 Salisbury Township, Lancaster County
- PA0084425 Conewago Township Sewer Authority, York County
- PA0088048 New Morgan Borough, Berks County
- PA0110361 Freedom Township Water & Sewer Authority
- PA0085511 West Hanover
- PA0084026 Northwestern Lancaster County Auth
- PA0081591 Eastern York County
- PA0021865 Adamstown Borough
- PA0038385 Defense Distribution Depot Susquehanna
- PA0020508 McConnellsburg Borough STP

Request for Proposal

The Department of Environmental Protection (Department) will issue a Request for Proposals, BWE-08-1, for Professional Design Services—Lomar/Levee Certification Engineering Consulting Services, effective May 24, 2008. The scope of work will be focused on completing all necessary work associated with analyzing existing flood protection projects and subsequently obtaining levee certifications and/or Letter of Map Revisions from the Federal Emergency Management Agency (FEMA). The work may also include providing the Department with engineering expertise and assistance with flood protection projects. Copies of this RFP may be obtained by contacting Deborah Librandi, Bureau of Waterways Engineering, Department of Environmental Protection; e-mail dlibrandi@state.pa.us, (717) 772-0439. The deadline for submittal of proposals is 4 p.m. on July 25, 2008.

[Pa.B. Doc. No. 08-975. Filed for public inspection May 23, 2008, 9:00 a.m.]

Final General Plan Approval for Pharmaceutical and Specialty Chemical Production (BAQ-GPA-24)

The Department of Environmental Protection (Department) has finalized the General Plan Approval for Pharmaceutical and Specialty Chemical Production (BAQ-GPA-24).

This Pharmaceutical/Specialty Chemical Production General Plan Approval is designed to be used as a plan approval for regulated facilities that construct sources or modify sources to produce or handle, or both, pharmaceutical or specialty chemical products, or both, that result in an increase in emissions of volatile organic compounds (VOCs) or hazardous air pollutants (HAPs), or both, the emission of a HAP not previously emitted or a change in HAP emission release characteristics. Use of this Pharmaceutical/Specialty Chemical General Plan Approval is limited to Title V permitted facilities that produce or handle pharmaceutical or specialty chemical products and have a previously established Plantwide Applicability Limit for VOC emissions. BAQ-GPA-24 is now approved by the Department and available for use by qualifying applicants.

Notice requesting comments on the proposed General Permit was published at 37 Pa.B. 5833 (October 27, 2007). During the 45-day public comment period, the Department received no comments on the proposed General Permit. Copies of the General Permit with related documents can be obtained by contacting Jeanette Van Skike, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The documents are also available on the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Air Permits").

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-976. Filed for public inspection May 23, 2008, 9:00 a.m.]

Local Government Greenhouse Gas Pilot Grant Solicitation

The Department of Environmental Protection (Department) announces that on May 24, 2008, the Local Government Greenhouse Gas Pilot Grant solicitation will open. The Department is offering grant funding to municipalities to develop greenhouse gas inventories and emission reduction action plans. For purposes of this grant program, the term "municipalities" will be defined as: counties, towns, boroughs and townships of all classes and size.

Under this solicitation, the Department may award financial assistance in the form of grants of up to \$20,000 per municipality. There is a total of \$300,000 in funding available in this pilot grant program. Funding may be used to hire a qualified service provider to perform the tasks required by the solicitation. Administrative costs are not eligible.

This is a competitive solicitation and funding will be determined by the Department. Successful applicants will be progressive municipalities that have, for example, identified and taken action to reduce energy consumption, developed and/or purchased electricity from renewable resources and are addressing land use and transportation through Smart Growth principles. The grant program encourages regional participation among multiple municipalities although there is no such requirement. The Department will be looking for a diverse group of municipalities from throughout this Commonwealth to apply for these grants.

Guidelines and applications and other grant information may be viewed and downloaded from the Department's web site at www.depweb.state.pa.us (DEP Keyword: "Grants"). The application deadline is August 29, 2008.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-977. Filed for public inspection May 23, 2008, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Nutrient Trading Program Activities and NPDES Permits

The Department of Environmental Protection (Department) provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken in relation to the Interim Final Policy and Guidelines for Nutrient and Sediment Trading issued in 2005 and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Disposal Elimination

System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through May 9, 2008.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed. First, the credit or offset proposal must be approved, second, it must be verified and third, it must be registered.

Approval is also known as "certification," which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. Proposals, certifications and registrations described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. "Verification" means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. "Registration" occurs only after credits or offsets have been certified and verified, and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide the credits with an annual registry number for reporting and tracking purposes.

The Department has received 39 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 27 have been approved, 6 are in review, 1 has been withdrawn and the remaining proposals need additional clarification before they can be considered complete and further reviewed for certification.

Proposals under Review

The following proposals are being reviewed by the Department.

<i>Proposal Applicant</i>	<i>Proposal Description</i>
1. Union County Conservation District	Nitrogen and Phosphorus Credits generated by field lane stabilization projects.

Certifications:

To date, there are no new certifications.

Verifications and Registrations:

To date, there are no verifications and registrations.

Future notices:

In the future, the Department plans to provide notice in the *Pennsylvania Bulletin* at three separate times during the Trading Program.

First, notice will be provided when a complete proposal to generate credits or offsets has been received. Submitted proposals will be reviewed for technical feasibility, consistency with the Department's Trading Program and legal and policy requirements.

Second, upon approval of a proposal (certification), the Department will provide notice in the *Pennsylvania Bulletin* of the proposal details including the generation method and number of credits or offsets to be certified. This notice will include the chance for informal public input into the certification decisions.

Finally, the Department will also provide notice in the *Pennsylvania Bulletin* when the credits and offsets have been verified and registered.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-978. Filed for public inspection May 23, 2008, 9:00 a.m.]

State Water Plan Statewide Water Resources Committee; Policy and Integration Subcommittee Meeting Notice

The Policy and Integration Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss various policy issues impacting the development of the State Water Plan. The meeting will be held at 9 a.m. on June 6, 2008, in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-979. Filed for public inspection May 23, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Armstrong County Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Armstrong County Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.15 and 138.17(c) (relating to high-risk cardiac catheterizations; and PTCA).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-980. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of Ephrata Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 137.12(d) (relating to delivery suite).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-981. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of Good Shepherd Penn Partners Specialty Hospital at Rittenhouse for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Shepherd Penn Partners Specialty Hospital at Rittenhouse has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-982. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of LifeCare Hospital of Pittsburgh—Main Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that LifeCare Hospital of Pittsburgh—Main Campus has requested an exception to the requirements of 28 Pa. Code §§ 103.1, 103.31, 107.1, 107.11, 107.26(b)(1) and (7).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-983. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of LifeCare Hospital of Pittsburgh—North Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that LifeCare Hospital of Pittsburgh—North Campus has requested an exception to the requirements of 28 Pa. Code §§ 103.1, 103.31, 107.1, 107.11, 107.26(b)(1) and (7).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-984. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of Main Line Spine Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Spine Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.1.4.1 (relating to medical gas systems).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-985. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 5.3.3.2(4) (relating to post anesthesia care unit space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-986. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of Mount Nittany Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-2.1.1.1(1) (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-987. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of Physicians' Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physicians' Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-988. Filed for public inspection May 23, 2008, 9:00 a.m.]

Application of Warren General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Warren General Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards).

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.

This 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. 08-989. Filed for public inspection May 23, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

Alcohol Prohibition

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(c) (relating to limiting access to Commission property and other restrictions), has prohibited the use and possession of beer and alcoholic beverages at its Rock Hill Access on the Conestoga River, Lancaster County. The Executive Director deems this prohibition to be appropriate for the protection and management of Commission property. The prohibition is effective when posted at the site. It is unlawful to violate restrictions imposed by the Executive Director on the Commission's behalf under § 53.4(c).

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 08-990. Filed for public inspection May 23, 2008, 9:00 a.m.]

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Souderton-Harleysville Game, Fish & Forestry Association, Inc.	Souderton-Harleysville Pond	Salford Township Montgomery County	13 acre lake which discharges into Ridge Valley Creek	Elodea canadensis Potamogeton spp. Ceratophyllum demersum

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 08-991. Filed for public inspection May 23, 2008, 9:00 a.m.]

VHS-Susceptible Species of Fish; Correction

The Fish and Boat Commission (Commission) previously published a notice pertaining to species of fish that are susceptible to Viral Hemorrhagic Septicemia (VHS) at 38 Pa.B. 2126 (May 3, 2008). However, the Commission has discovered that a portion of that notice was inadvertently omitted. Therefore, the Commission is republishing the notice as follows:

Under 58 Pa. Code § 69.3 (relating to transportation of VHS-susceptible fish out of the Lake Erie watershed), which went into effect on January 1, 2008, it is unlawful to transport or cause the transportation of fish susceptible to VHS out of the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except when certain conditions are met. Section 69.3 further provides that for purposes of the section, species of fish that are VHS-susceptible are those species that the Commission has defined as such by notice published in the *Pennsylvania Bulletin*. By notice published at 37 Pa.B. 6478 (December 8, 2007), the Commission provided an initial list of species that are susceptible to VHS.

For purposes of § 69.3, the Commission has defined the following additional species as those that are VHS-susceptible, effective May 3, 2008: Common carp (*Cyprinus carpio*); Lake trout (*Salvelinus namaycush*); Round goby (*Apollonia melanostoma*); and White sucker (*Catostomus commersoni*).

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 08-992. Filed for public inspection May 23, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Applications for Approval to Acquire Control of the Pennsylvania Domiciled Insurance Subsidiaries of Highmark, Inc. and Independence Blue Cross; Notice of Public Informational Hearing [Correction]

An error occurred in the second numbered paragraph of this document which appeared at 38 Pa.B. 2205 (May 10, 2008). The address for the Westin Convention Center, the location of the July 8, 2008, Public Informational Hearing in Pittsburgh, was incorrectly listed. The correct address for the Westin Convention Center is: 1000 Penn Avenue. The correct version of the paragraph in question is as follows:

2. *Locations:* Pittsburgh—Westin Convention Center, 1000 Penn Avenue
Harrisburg—Harrisburg Hilton, 1 North Second Street
Philadelphia—Philadelphia Sheraton, 17th and Race Streets

[Pa.B. Doc. No. 08-993. Filed for public inspection May 23, 2008, 9:00 a.m.]

Highmark Blue Cross Blue Shield; Filing No. 1A-MUPPO and HDHP-08-HBCBS; Medically Underwritten Direct Pay PPO and Medically Underwritten Direct Pay PPO High Deductible Health Plans (Western Region); Rate Filing

On May 7, 2008, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield submitted a filing for its medically underwritten Direct Pay PPO Plan and Direct Pay PPO

High Deductible Health Plans in the Western Pennsylvania Region, requesting an average rate increase of 2.2%. This filing will affect about 12,200 contract holders and will produce an annual premium income of about \$807,600. The requested effective date of change is October 1, 2008.

In addition to the increase in premium rates, the preventive benefits are being enhanced slightly.

A copy of the filing is available on the Insurance Department's (Department) web site at 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 Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-994. Filed for public inspection May 23, 2008, 9:00 a.m.]

Highmark Blue Cross Blue Shield (Western Region); CompleteCare Program; Rate Filing

By filing No. 1A-CCP-08-HBCBS, Highmark Blue Cross Blue Shield requests approval to increase the CompleteCare Program rates by 15%. This filing will affect approximately 31,500 contracts and will produce additional income of about \$15.12 million annually. The requested effective date of the change is October 1, 2008.

This filing also proposes some benefit enhancements including waiving the deductible for the following preventive services: mammography, adult immunizations, pediatric immunizations, adult routine physical, pediatric care, pediatric routine physical, gynecological exams and pap smears.

Unless formal administrative action is taken prior to August 7, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at 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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-995. Filed for public inspection May 23, 2008, 9:00 a.m.]

Highmark Blue Shield; Filing No. 1A-MUPPO and HDHP-08-HBS; Medically Underwritten Direct Pay PPO Plan and Medically Underwritten Direct Pay PPO High Deductible Health Plans (Central Region); Rate Filing

On May 7, 2008, Highmark, Inc., d/b/a Highmark Blue Shield, submitted a filing for its medically underwritten Direct Pay PPO Plan and Direct Pay PPO High Deductible Health Plans in the Central Pennsylvania Region, requesting an average rate increase of 14.3%. This filing will affect about 11,700 contract holders and will produce an annual premium income of about \$5 million. An effective date of October 1, 2008, is requested.

In addition to the increase in premium rates, the preventive benefits are being enhanced slightly.

A copy of the filing is available on the Insurance Department's (Department) web site at 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 Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-996. Filed for public inspection May 23, 2008, 9:00 a.m.]

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Acting Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

Export List*Amusements*

Amusement Parks and their Devices
Recreational and Sporting Events
Special Short Term Events
Theatrical Presentations

Aviation

Fixed Base Operations
Chemical Spray and/or Drift
Day Care Centers Liability, including Sexual Abuse Coverage
Demolition Contractors Liability
Firework Sales/Manufacturing
Flood Insurance not provided under Federal Flood Insurance
Hunting Clubs
Kidnapping, Ransom and Extortion Insurance
Liquor Liability—Monoline
Medical Malpractice Liability with or without related General Liability Coverages
Nursing Home Liability with or without other Affiliated Elder Care Services
Railroad, including Consultants, Contractors and Suppliers
Real-Estate Environmental Impairment Coverage
Security/Detective/Patrol Agencies
Taxicab Liability
Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 37 Pa.B. 5103 (September 15, 2007) and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-997. Filed for public inspection May 23, 2008, 9:00 a.m.]

Vincent I. Karlski; Prehearing

**Appeal of Vincent I. Karlski under 40 P. S.
§§ 991.2101—991.2193; Keystone Health Plan West;
Doc. No. HC08-05-006**

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on June 19, 2008. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 1, 2008. A date for a hearing shall be determined, if necessary, at the prehearing telephone/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before June 5, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before June 12, 2008.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-998. Filed for public inspection May 23, 2008, 9:00 a.m.]

**Keystone Health Plan West; Individual Blue HMO—
Medically Underwritten and Guaranteed Issue;
Rate Filing**

By filing No. 1A-DPHMO-08-KHPW, Keystone Health Plan West HMO requests approval to increase the individual direct pay rates by an average of 8.5%. This filing will affect approximately 9,400 contracts and will produce additional income of about \$3.79 million annually. The requested effective date of the change is October 1, 2008.

Unless formal administrative action is taken prior to August 7, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at 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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-999. Filed for public inspection May 23, 2008, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Re-
fusal of Insurance**

The following insurer has 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 insurers automobile policies. The hearing 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 hearing will be held in the Insurance Department's regional office in 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 Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of State Farm Mutual Automobile Insurance Company; file no. 08-214-50354; Ullrich and Susan Klamm; doc. no. PH08-05-005; June 18, 2008, 10:30 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.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-1000. Filed for public inspection May 23, 2008, 9:00 a.m.]

Suburban General Hospital; Prehearing

Appeal of Suburban General Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-05-002

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before June 18, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 4, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 9, 2008, 2 p.m. Each party shall provide a telephone number to be

used for the telephone conference to the Hearings Administrator on or before June 1, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 25, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 2, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-1001. Filed for public inspection May 23, 2008, 9:00 a.m.]

Western Pennsylvania Hospital; Prehearing

Appeal of Western Pennsylvania Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-05-007

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before June 19, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 16, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 10, 2008, at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 3, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 26, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 3, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-1002. Filed for public inspection May 23, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Sunshine Meetings for Fiscal Year 2008-2009

July 2, 2008	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.
August 6, 2008	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.
September 3, 2008	Room 309 Agriculture Building Harrisburg, PA 17110	1 p.m.
October 1, 2008	Room 309 Agriculture Building Harrisburg, PA 17110	1 p.m.
November 5, 2008	Room 309 Agriculture Building Harrisburg, PA 17110	1 p.m.
December 3, 2008	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.
January 7, 2009	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.
February 4, 2009	Room 202 Agriculture Building Harrisburg, PA 17710	1 p.m.
March 4, 2009	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.
April 1, 2009	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.
May 6, 2009	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.
June 3, 2009	Room 202 Agriculture Building Harrisburg, PA 17110	1 p.m.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-1003. Filed for public inspection May 23, 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 9, 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.

Application of the following for approval to *begin operating as common carriers* for transportation of *persons as described under each application.*

A-2008-2036325. Dynasty Limousine Service, LLC (Corrected) (64 East Uwchlan Avenue, No. 210, Exton, Chester County, PA 19320)—group and party service, in vehicles seating 11–15 passengers, from points in the Counties of Chester, Delaware, Lancaster, Montgomery and the City and County of Philadelphia, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Richard T. Mulcahey, Jr., Esq., Two Penn Center, Suite 1400, 1500 JFK Boulevard, Philadelphia, PA 19102.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.*

A-2008-2039762. Airlines Acquisition Co., Inc., t/d/b/a Airlines Transportation Company (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15223), a corporation of the Commonwealth—persons upon call or demand from the Allegheny County Airport in the Township of Mifflin, Allegheny County: *So As To Permit* the transportation of persons, upon call or demand: (a) in the Borough of Brentwood and the Townships of Bethel, Upper St. Clair and Snowden, Allegheny County; (b) in the Township of Baldwin, the Borough of Whitehall, and that portion of the Township of Jefferson, all in Allegheny County, bounded and described as follows: Beginning at a point common to Jefferson, Snowden and Baldwin Townships, thence from said point of beginning along the line dividing Snowden Township from Jefferson Township to Highway Route 02085; thence along Highway Route 02085 in a northeasterly direction to the Mowery, Gin Hall and Cochrans Mill Roads; thence along said road to Highway Route 072; thence along Highway Route 072 and the Coal Valley Road to Highway Route 51; thence in a northwesterly direction along highway Route 51 to Highway Route 02113, thence along Highway Route 02113 to the line dividing Jefferson Township for (sic) West Mifflin Borough; thence along said township line to a point common to Jefferson Township, Baldwin Township and West Mifflin Borough; thence along the Jefferson Township-Baldwin Township line to the palace of beginning; including the Borough of Pleasant Hills; (c) in that portion of the Borough of West Mifflin, Allegheny County, bounded and described as follows: Beginning at a point at the southwesterly corner of West Mifflin Borough, at a point common to Jefferson and Baldwin Boroughs; thence along a line dividing West Mifflin and Baldwin Boroughs, to a point on a line dividing property now or formerly of Terminal Coal Company and property of Charles Davis; thence along said dividing line and along a line dividing property now or formerly of Willock Land Company from property of Carnegie Illinois Steel Corporation, in a southeasterly direction to State Highway Route 885 and Monongahela, Southern Railroad, also known as the Union Railroad; thence in a northeasterly direction along the line of the Union Railroad and along the northerly line of the Municipal Airport property, to Buttermilk Hollow Road; thence along Buttermilk Hollow Road in a southerly direction to Lebanon Church Road; thence in a southwesterly direction along Lebanon Church Road to

the Jefferson Borough line, thence along the Jefferson Borough line in a northerly direction to the place of beginning; (d) in the Borough of Castle Shannon; (e) in the Borough of Finleyville, Washington County, and within a radius of 5 miles thereof; (f) in the City of Pittsburgh, Allegheny County; which is to be a transfer of the rights authorized under the certificate of public convenience issued at A-00116130, F.2, to Pittsburgh Transportation Company, t/d/b/a Cruiser Cab, subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

A-2008-2040379. Airlines Acquisition Co., Inc., t/d/b/a Airlines Transportation Company (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15223), a corporation of the Commonwealth—persons in airport transfer service, from points in the Counties of Armstrong, Bedford, Beaver, Butler, Clarion, Crawford, Fayette, Indiana, Lawrence, Mercer, Somerset and Venango, to the Pittsburgh International Airport located in the Townships of Moon and Findley, Allegheny County, and the Allegheny County Airport located in the borough of West Mifflin, Allegheny County: *So As To Permit* the transportation of persons, in airport transfer service: (a) in limousines and luxury-type vehicles from points in the Township of North Huntingdon, and the Cities of Jeanette and Greensburg, and the Boroughs of Irwin, Mt. Pleasant, Scottsdale, Latrobe and Monessen, all in the County of Westmoreland, to the Greater Pittsburgh International Airport in the Townships of Moon and Findlay, and vice versa, limited to the transportation of persons having prior or subsequent movement by air; and provided that the service shall be rendered in vehicles having a seating capacity of not less than seven or more than 11 passengers, without the use of taximeters or dome lights; (b) from the Greater Pittsburgh International Airport in the Townships of Moon and Findlay, Allegheny County, to points in Washington County, and vice versa; limited to the transportation of persons having prior or subsequent movement by air; excluding service between intermediate points; and provided that no service will be rendered to points in the Borough of Findleyville, Washington County, and within a radius of 5 miles of the limits thereof, and vice versa; (c) from the Greater Pittsburgh International Airport, to points in Westmoreland County, and vice versa; limited to the transportation of persons having prior or subsequent movement by air; (d) in limousines and luxury-type vehicles from points in the Counties of Armstrong, Beaver, Butler, Cambria, Greene, Indiana, Somerset and Westmoreland, to the Greater Pittsburgh International Airport in the Township of Moon, Allegheny County; and the Allegheny County Airport in the Borough of West Mifflin, Allegheny County; right d subject to the following two conditions: That no right, power or privilege is granted to provide service from points in the Townships of Adams, Connoquenessing, Cranberry, Forward, Jackson, Lancaster, Butler, Penn and Middlesex, and the Boroughs of Seven Springs and Zelenople, Butler County; That service from Westmoreland County is restricted to the transportation of four or more persons from one origin point for whom a reservation has been made by a single party or person, but who are charged individually; which is to be a transfer of the rights authorized under the certificate of public convenience issued at A-00116130, F.4, to Pittsburgh Transportation Company, t/d/b/a Cruiser Cab, subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.

A-2008-2040373. Airlines Acquisition Co., Inc., t/d/b/a Airlines Transportation Company (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15223), a corporation of the Commonwealth—additional right—person, in group and party service, in vehicles seating 15 passengers or less, including the driver: (a) from points in Allegheny County to points in Pennsylvania, and return; (b) between points in the Counties of Westmoreland, Washington, Indiana, Jefferson, Cambria and Bedford, and from points in said counties to points in Pennsylvania, and return; which is to be a transfer of the rights authorized under the certificate of public convenience issued at A-00116130, F.3, to Pittsburgh Transportation Company, t/d/b/a Cruiser Cab, subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

A-2008-2039893. Airlines Acquisition Co., Inc., t/d/b/a Airlines Transportation Company (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15223), a corporation of the Commonwealth—additional right—persons, in limousine service, between points in the County of Allegheny: which is to be a transfer of the right authorized under the certificate of public convenience issued at A-00116130, F.5, to Pittsburgh Transportation Company, t/d/b/a Cruiser Cab, subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Aurora Taxi, Inc.;
Doc. No. C-2008-2035504*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Aurora Taxi, Inc. (respondent) is under suspension effective November 5, 2007 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 115 North Water Street, Lewisburg, PA 17837.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 28, 1997, at Application Docket No. A-00113979.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00113979 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and
Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1004. Filed for public inspection May 23, 2008, 9:00 a.m.]

Telecommunications

A-310557F7002. The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Access Point, Inc. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Access Point, Inc. for approval of an adoption of a master interconnection, collocation and resale agreement under section 252(i) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Access Point, Inc., by its counsel, filed on April 29, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Access Point, 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. 08-1005. Filed for public inspection May 23, 2008, 9:00 a.m.]

Tentative Order

Public Meeting held
May 1, 2008

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Tyrone J. Christy;
Kim Pizzingrilli

*Cat Communications International Inc.; A-310701,
A-310701F0002*

Tentative Order

By the Commission:

Cat Communications International Inc. (Cat) has failed to pay its \$903 general assessment for 2007-2008 pursuant to section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Cat is a competitive local exchange carrier (CLEC) and a telecommunications interexchange reseller (IXC reseller) certificated at A-310701 on October 2, 2000, and A-310701F0002, on December 16, 2002, respectively. On or about August 23, 2007, Commission staff sent an invoice to Cat notifying it that its 2007-2008 annual assessment was due. The Commission has not received payment for this invoice. Cat is also delinquent in filing its 2006 annual reports for both its CLEC and IXC reseller entities, its 2006 Telecommunications Relay Service (TSR) report, and has a current \$2,975.93 universal service fund delinquency with this Commission.

In response to communications with Commission staff about the overdue annual assessment, general counsel for Cat advised the Commission by letter dated February 8, 2008, that the company no longer has any customers in Pennsylvania and has discontinued all business in the state, effective March of 2007. The letter further requests cancellation of its certificates of public convenience and all tariffs. Cat, however, failed to respond to repeated requests to file a formal application to abandon services.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the representations contained in Cat's letter and because of Cat's failure to pay both its annual assessment for 2007-2008

and its universal service fund assessment and its failure to file annual reports for 2006 and a 2006 TRS report, we tentatively conclude that it is appropriate to revoke Cat's certificates of public convenience without the necessity of a formal complaint as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Cat seeks relief from this Tentative Order; *Therefore,*

It is Ordered That:

1. Revocation of Cat Communications International Inc.'s certificates of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Absent the filing of adverse public comment within 20 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificates of public convenience held by Cat Communications International Inc. at A-310701 and A-310701F0002 shall be canceled, and Cat Communications International Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1006. Filed for public inspection May 23, 2008, 9:00 a.m.]

Tentative Order

Public Meeting held
May 1, 2008

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Tyrone J. Christy;
Kim Pizzingrilli

*Volo Communications of PA, Inc.; A-311297,
A-311297F0002*

Tentative Order

By the Commission:

Volo Communications of PA, Inc. (Volo) is a competitive local exchange carrier (CLEC) and a telecommunications interexchange reseller (IXC reseller) certificated at A-311297 and A-311297F0002, respectively, on January 6, 2005. While Volo is not currently delinquent in the payment of any assessment or the filing of any report, a Volo employee advised Commission staff several months ago that Volo has ceased operations. A subsequent attempt was made by the Bureau of Fixed Utilities Services to advise Volo of the process to cancel its certificate of

public convenience; however, to date, Volo has taken no formal action to abandon its certificate. Additionally, the telephone number and e-mail address the Commission has on file for Volo are no longer valid.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the above facts, we believe it is appropriate to revoke Volo's certificate of public convenience without the necessity of a formal complaint. Also, Volo currently has no NXX codes. For these reasons, we tentatively conclude that revocation of Volo's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Volo seeks relief from this Tentative Order; *Therefore,*

It is Ordered That:

1. Revocation of Volo Communications of PA, Inc.'s certificates of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Absent the filing of adverse public comment within 20 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificates of public convenience held by Volo Communications of PA, Inc. at A-311297 and A-311297F0002 shall be canceled, and Volo Communications of PA, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1007. Filed for public inspection May 23, 2008, 9:00 a.m.]

Professional Nursing Licensure Law (63 P.S. §§ 211—244.9). Under 1 Pa. Code § 33.31 (relating to service by the agency) and Pa.R.C.P. Rule 430, providing for service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you by way of an Order to Show Cause. You may lose your nursing license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$1,000 for each violation.

If you wish to defend against the charges in the Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from Kelly Diller, Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. Proceedings are conducted under the 2 Pa.C.S. §§ 501—505 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedures).

You are directed to respond to the charges by filing a written answer within 30 days of this notice. If you do not file an answer, disciplinary action may be taken against you without a hearing. To file your answer, you must bring or send an original and three copies of your answer and any pleadings or other documents related to this matter to the following address:

Kelly Diller, Prothonotary
Department of State
2601 North Third Street
P. O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

MARY E. BOWEN, R.N., CRNP,
Chairperson

[Pa.B. Doc. No. 08-1008. Filed for public inspection May 23, 2008, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v.
Tanya L. Evans Cetina, RN; Doc. No. 0798-51-05,
File No. 05-51-04137

On June 9, 2005, the Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against Tanya L. Evans by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the

SUSTAINABLE WATER INFRASTRUCTURE TASK FORCE

Meeting Notice

The Sustainable Water Infrastructure Task Force (Task Force), established under Executive Order 2008-02, will meet on June 3, 2008, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Information on the Task Force is available on

the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (select "Sustainable Water Infrastructure Task Force" under "Hot Topics").

The Task Force was established by Governor Rendell to evaluate the resources needed to ensure this Commonwealth maintains a sustainable water and wastewater infrastructure in light of recent and continued cuts from the Federal government. The Task Force will issue a report by October 1, 2008, which will provide a comprehensive strategy including recommendations and financing options to support water-related services in the Governor's Fiscal Year 2009-2010 budget proposal.

The Task Force will hold subcommittee workgroup meetings to discuss specific issues such as Needs Assessment, Innovative Measures, Financial Resources, Financial Sustainability and Legislative and Regulatory Issues. These workgroups will discuss issues and make recommendations for consideration by the Task Force for inclusion in the final report. Official actions on the proposed recommendations of the workgroups will take place at Task Force meetings. Meeting locations, dates and times will be posted on the Department's web site at the link provided previously.

Questions concerning the Task Force may be directed to Marcus Kohl at (717) 783-7404 or by e-mail to mkohl@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marcus Kohl at (717) 783-7404 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 08-1009. Filed for public inspection May 23, 2008, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Comments and Hearings Scheduled

The Susquehanna River Basin Commission (Commission) has released its draft revised Comprehensive Plan for a 90-day public review and comment period. To facilitate public comment, three public hearings will be held on the draft plan. Details concerning the subject

matter of the public hearings are contained in the Supplementary Information section of this notice.

Public hearings have been scheduled for: 1) July 8, 2008, at 2 p.m.—Treadway Inn and Suites, 1100 State Route 17C, Owego, NY 13827; 2) July 9, 2008, at 2 p.m.—Days Inn and Conference Center, 50 Sheraton Drive, Danville, PA 17821; 3) July 10, 2008, at 10 a.m.—Best Western Eden Resort, 222 Eden Road, Lancaster, PA 17603. Comment periods are scheduled for May 19, 2008, to August 18, 2008.

For further information contact: The draft Comprehensive Plan can be obtained from Commission's web site at www.srbc.net/programs/planning/compplanfiles.asp or by calling Deborah Dickey at (717) 238-0422, Ext. 301.

Supplementary Information

As noted in the summary, the purpose of the 90-day comment period is to receive comments on a proposed revision of the entire Commission Comprehensive Plan and the hearings are being held in conjunction with the 90-day public comment period. The Comprehensive Plan provides an overarching framework for the Commission to manage and develop the basin's water resources and serves as a guide for all the Commission programs and activities, as required by the Susquehanna River Basin Compact, US Pub. L. No. 91-575. It is further intended as a useful resource for the Commission's member jurisdictions, water resource managers, private sector interests and others in the basin. The Comprehensive Plan was last revised in 1987.

Opportunity to Appear and Comment

Interested parties may appear at the previous hearings to offer written or oral comments to the Commission. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearings. Persons planning to comment at the public hearings should contact Richard A. Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, (717) 238-0423, Ext. 306 by July 1, 2008. Written comments will also be accepted during the 90-day comment period, which ends August 18, 2008, and may be sent to Richard A. Cairo by mail, by e-mail at Comp_Plan_Comments@srbc.net and by fax at (717) 238-2436.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: May 9, 2008.

THOMAS W. BEAUDUY,
Deputy Director

[Pa.B. Doc. No. 08-1010. Filed for public inspection May 23, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280, 3290 AND 3300]

Child Care Facilities

The Department of Public Welfare (Department), by this order, adopts a final-form rulemaking to read as set forth in Annex A under the authority of Articles IX and X of the Public Welfare Code (62 P.S. §§ 901—922 and 1001—1087). Notice of proposed rulemaking was published at 36 Pa.B. 2686 (June 3, 2006).

Purpose of the Final-Form Rulemaking

The child care facility regulations in Chapters 3270, 3280 and 3290 provide standards designed to protect the health, safety and rights of children and to reduce risks to children in child day care centers, group child day care homes (GDCH) and family child day care homes (FDCH). The regulations identify the minimum level of compliance necessary to operate a child day care center, GDCH or FDCH.

The final-form rulemaking is needed to update the minimum standards for child care facilities. The current regulations were published at 22 Pa.B. 1651 (April 4, 1992) and must be updated to reflect the current laws that directly impact the operation of child care facilities, to incorporate the Department's statements of policy issued since 1992, to implement developments in recommended health and safety practices and to reflect best practice in the field of child care.

Affected Individuals and Organizations

Children and families are directly affected by the final-form rulemaking. The minimum health and safety standards in Chapters 3270, 3280 and 3290 protect children who attend the more than 9,000 child care facilities in this Commonwealth. The cost of child care is of concern to families and directly affects the choices that families make regarding child care. The final-form rulemaking may result in decreased costs to parents due to the decreased costs associated with providing updated child health reports to the facility. The final-form rulemaking also will facilitate inclusion of children with special needs in child care facilities.

Child care facilities and staff also are affected by the final-form rulemaking. The final-form rulemaking may increase costs to some facilities. The effective date of the regulations provide 120 days from the publication date for facilities to assess and plan for increased costs. In addition, a facility has 2 years to comply with the requirements relating to playground surfacing. The delay in implementation of the final-form rulemaking will afford the Department time to provide information and tools to assist in understanding and complying with the final-form rulemaking to facilities. The final-form rulemaking relating to staff health appraisals and tuberculosis testing will decrease costs to facilities and staff.

Accomplishments and Benefits

The final-form rulemaking updates and codifies statements of policy. Since the child care service regulations were last published in April 1992, many changes have occurred that affect the regulations and operation of a child care facility. The Department published 12 state-

ments of policy clarifying or interpreting the regulations, including statements of policy regarding emergency plans, supervision of children, Syrup of Ipecac, release of children, posting inspection summaries, Departmental access and swimming pool accessibility. Laws that impact operating a child care facility have changed regarding certificate of occupancy, vehicle safety, childhood immunizations and children with special needs. New research has resulted in changes to health and safety recommendations regarding Sudden Infant Death Syndrome (SIDS) prevention, playground safety and tuberculosis testing. In addition, the Department noted areas in which facilities have difficulty complying with requirements and examined the reasons for noncompliance. The final-form rulemaking makes clarifications that will assist facilities to comply with the regulations and continue to ensure minimum health and safety at a facility.

The final-form rulemaking also addresses the child abuse and criminal history clearance requirements for household members in a family child care home enacted by Act 2006-179. (See 23 Pa.C.S. § 6344.1 (relating to information relating to family day-care home residents).) Act 179 amends the Child Protective Services Law (CPSL) and became effective on May 28, 2007. Act 179 requires that the operator of a family child care home shall submit along with the application for registration certificate child abuse and criminal history clearances as required by the CPSL for each individual 18 years of age and older who resides in a family child care home for at least 30 days in a calendar year. This change appears in § 3290.11(m) (relating to application for and issuance of a certificate of registration).

The final-form rulemaking also extends the prohibition against hazardous toys and equipment to FDCHs in § 3290.102(f) (relating to condition of play equipment). Children receiving care in FDCHs also need the protection afforded by the regulation.

Fiscal Impact

Kindergarten Child as a Young School-Age Child

The final-form rulemaking changes the definition of "young school-age child" to include a kindergarten child. A school-age child care center or GDCH that enrolls a kindergarten child will be able to maintain its status as a school-age facility and will result in cost savings for many child day care centers and GDCHs relating to staffing and physical site. (See §§ 3270.241 and 3280.221 (relating to requirements specific to school-age programs).) A facility that transports kindergarten and school-age children to and from school will be able to count the driver in the staff:child ratio and will no longer have to supply an additional staff person on the vehicle to comply with staff:child ratio requirements related to transporting preschool children. The staff:child ratio for young school-age children is 1:12 and for preschool children is 1:10.

Changing the definition of "young school-age child" to include kindergarten children may result in lower reimbursement rates for some facilities that participate in the child care subsidy program. On average, the subsidy reimbursement rate for a preschool child is \$2.73 higher per day than the reimbursement rate for a young school-age child. Using the average full-time child care center reimbursement rates of \$26.55 per day for preschool child and \$23.70 per day for young school-age child and the required staff:child ratio of 1:10 for preschool children and 1:12 for young school-age children, the income from

each group of children is \$265.50 for one group of 10 preschool children and \$284.40 for one group of 12 young school-age children.

The wages for child care staff often vary according to position. The majority of staff in child care facilities are qualified as assistant group supervisors (AGSs). An AGS is permitted to be alone with children. According to the Department of Labor and Industry (L&I) wage statistics, the average wage for a child care worker is \$8.90 per hour. Using an estimate of a 10-hour full day of care, the cost of a child care worker for 10 hours is \$89. The income produced from a group of 10 preschool children less the cost of the child care worker is \$176.50. The income produced from a group of 12 young children less the cost of the child care worker is \$195.40. The addition of two children to the staff:ratio offsets the lower rate for a young school-age child.

A child care center must have one group supervisor (GS) for every group of 45 enrolled children. A GS has more qualifications than an AGS, may supervise children alone and is often referred to as a "teacher." According to the L&I wage statistics, the average wage for a preschool teacher is \$10.44 per hour. If a GS is counted as a staff person, the cost of a GS for 10 hours is \$104.40. The income produced from a group of 10 preschool children less the cost of the GS is \$161.20. The income produced from a group of 12 school-age children less the cost of the child care worker is \$180. Again, the addition of two children to the staff:ratio offsets the lower rate for a young school-age child.

Mandatory Orientation Training

Mandatory orientation training may create costs to an individual who wants to open a child care facility. The training will require a full day including travel and training time. The individual's costs will vary depending on the distance the individual must travel to participate in training. Using the Commonwealth mileage rate, an individual who travels 200 miles round trip will incur a travel cost of \$97.

For individuals currently operating or working in child care facilities, attendance at orientation training will be part of their job duties.

An individual who operates a FDCH or GDCH and who wants to open a new facility may have to arrange for staff to work at the facility while the individual attends orientation training. According to L&I wage statistics, the average wage for a child care worker is \$8.90 per hour. If substitute staff must be hired to cover an 8-hour shift, the estimated cost is \$71.20.

An individual who is employed outside the child care field and who wants to open a facility may miss a day of work to attend orientation training and may lose wages for that day. Based on L&I's statistics regarding the average State wage for all workers in this Commonwealth, the individual may lose \$158 in wages to attend orientation training.

Indoor Temperature of 82° F

The final-form rulemaking requires mechanical air circulation at 82° F, instead of 85° F, which is the current standard. Many facilities already have a means of ventilation in place. Ventilation may be provided through using a fan. If a facility has to purchase a fan, the cost of a fan will vary depending on the type of fan, such as a standing fan, window fan, wall fan or ceiling fan. The estimated costs would be anywhere from \$15 to \$100 depending upon the type of fan chosen by the provider.

Disposable, Nonporous Gloves in First Aid Kit

The addition of disposable, nonporous gloves to the first aid kit represents increased cost to a facility. The use of gloves is a universal precaution to prevent the spread of disease transmitted by means of body fluids. The cost of a box of 100 gloves ranges from \$2.99 to \$8.99. The rate at which the gloves are used to administer first aid is unknown. The health and safety protection afforded to children and staff by using gloves outweighs the cost.

Protective Surfacing Under Outdoor Play Equipment

The final-form rulemaking relating to surface covering under outdoor embedded play equipment may result in increased costs for facilities. Many facilities already meet the United States Consumer Product Safety Commission (CPSC) recommendations. The current regulation requires at least 6 inches of loose-fill material under embedded play equipment. The CPSC recommendations state that 6 inches of uncompressed wood chips, the most common protective surface covering used at child care facilities, provides adequate protection from a fall height from 7 feet. Six inches of loose-fill material will be adequate for most child care facilities. If a facility must modify the protective surface to comply with the regulation, the cost will depend upon the fall height from the equipment, the type of surface covering used and the size of the area that must be covered.

A facility that has a unitary surface covering that meets the requirements in the Department's statements of policy in §§ 3270.102a, 3280.102a and 3290.102a (relating to condition of play equipment—statement of policy) at 27 Pa.B. 2827 is in compliance with the final-form rulemaking.

Child's Service Report Form

Facilities will incur added costs in preparing a service report form every 6 months for each infant, toddler and preschool child and for each school-age child who attends the facility more than 15 hours per week. The Department estimates that on average, a form will take 10 minutes to complete. The Department estimates the average costs of preparing service report forms to be as follows: child care center—\$345.95; GDCH—\$81.40; and FDCH—\$40.70.

Staff Health

The final-form rulemaking changes the requirement for annual health appraisals to health appraisals every 2 years and eliminates bi-annual tuberculosis testing. These changes will save each staff person \$75 to \$150 per year and an additional \$25 to \$75 every 2 years.

Paperwork Requirements

Facilities must complete a service report form every 6 months for each infant, toddler and preschool child and for each school-age child who attends the facility more than 15 hours per week. The Department will develop a form for facilities to use. The form will take approximately 10 minutes to complete.

Each child care facility must ensure that no hazardous equipment is used by children on the premises. The Department will provide an affirmation form to child day care center and GDCH operators for this purpose. The form will take no more than 10 minutes for the facility to complete. In a FDCH, the operator's self-certification of compliance with all applicable regulatory requirements at the time of initial and renewal application will serve as certification of compliance with the regulation relating to no hazardous equipment in the facility.

Public Comment

Following publication of proposed rulemaking, the Department received 46 comments during the 30-day public comment period and three comments within 30 days after the close of the public comment period. The comments received during the public comment period came from 18 child care providers, 13 advocacy organizations, 7 medical professionals or organizations, 3 attorneys, 3 consumers, 1 Pennsylvania Key employee and 1 former Department employee.

The comments received within 30 days after the close of the public comment period came from two providers and one medical professional.

The Department also received comments from the House Children and Youth Committee and the Independent Regulatory Review Commission (IRRC).

Prior to publication of proposed rulemaking, the Department formed a regulation work group to gain input regarding the proposed rulemaking. Work group participants represent a variety of stakeholders interested in child care including providers from all types of child care facilities, advocates, medical professionals, early intervention professionals and representatives of the Departments of Education and Health. The work group met twice.

In February 2006, the Office of Child Development and Early Learning conducted leadership forums regarding initiatives for Fiscal Year 2006-2007. The forums were held in several locations across the State. Approximately 500 people attended the forums. Participants were provided the option of attending several topic-specific sessions regarding upcoming initiatives, including an overview and discussion of the proposed regulatory amendments.

Following publication of proposed rulemaking, the Department held two additional work group meetings. During the 30-day public comment period, the work group met once to discuss strategy to solicit comments regarding the proposed amendments. Following the close of the public comment period, the work group met to discuss the comments and possible revisions to the proposed rulemaking. In addition, Department staff contacted work group members who were unable to attend the meeting to get their input.

Discussion of Comments and Major Changes

Following is a summary of the major comments received within the public comment period following publication of the proposed rulemaking and the Department's response to those comments. A summary of major changes from proposed rulemaking is also included.

Statutory Authority

IRRC, citing the en banc Commonwealth Court's April 3, 2006 opinion and order in *St. Elizabeth's Child Care Center v. Department of Public Welfare*, 895 A.2d 1280 (Pa. CmLth. 2006), has questioned the Department's authority to "regulate" Article IX nonprofit child care facilities. In that case, the Court held that the Department lacked statutory authority under Article IX of the Public Welfare Code to promulgate regulations that require a nonprofit day care center to obtain a Certificate of Compliance to operate. The *St. Elizabeth's* case did not address the issue of whether the Department was authorized to issue regulations under the supervisory authority conferred by Article IX, apart from any requirement to obtain a certificate of compliance.

Under Article IX, the Department retains the statutory right to enter, visit, inspect and make and enforce rules in its supervision of all "children's institutions" and "supervised institutions" in this Commonwealth, which includes child care facilities, both before and after the facilities commence operation.

In response to the Commonwealth Court's ruling, the Department filed a Petition for Allowance of Appeal to the Pennsylvania Supreme Court. The Supreme Court granted the Department's Petition for Allowance of Appeal at 23 MAP 2007. See 591 Pa. 720, 919 A.2d 960 (Pa. 2007). The grant of the Petition for Allowance of Appeal operates as an automatic stay of the Commonwealth Court's order. Pa.R.A.P. 1736(b) (relating to exemption from security).

Despite the stay of the *St. Elizabeth's* order, the Department does not intend to take legal action to enforce its regulations that require Article IX nonprofit child care facilities to obtain a Certificate of Compliance, pending the disposition of the Supreme Court case at 23 MAP 2007. However, as provided in 62 P.S. § 911(b) under Article IX, these facilities shall continue to be subject to unannounced inspections by the Department and the Department will have free and full access to the facilities. If the Department, under inspections or access, finds conditions deemed in its opinion to be unlawful, unhygienic or detrimental, the Department will have the authority to pursue the statutory remedies set forth under 62 P.S. § 911(c).

§§ 3270.4, 3280.4 and 3290.4. Definitions—Preschool and young school-age child.

Fifteen commentators responded to the changed definitions of "preschool child" and "young school-age child." Seven commentators supported the change. Commentators stated the change will reduce operating costs. Another commentator stated that the change will increase opportunities for kindergarten children to participate in school-age child care programs, especially school-based, school-age care programs and that kindergarten children's access to regulated care will increase as a result. Another commentator stated that the change makes sense because the needs of children attending kindergarten are more similar to those of a school-age child as opposed to a preschool child.

Eight commentators opposed the change. Seven of the commentators opposed the change because the child care subsidy reimbursement rate is lower in their counties for a young school-age child than for a preschool child.

The House Children and Youth Committee (Committee) opposed the change due to concerns that a lower child care subsidy reimbursement rate for young school-age children will negatively impact providers.

IRRC also stated that the Department should carefully examine the impact of this change on facilities that provide care primarily to preschool children and provides care for only a few kindergarten children. A facility may not benefit from the less stringent staff:child ratio for young school-age children but will receive less subsidy reimbursement.

Response

The Department finds that including a kindergarten child in the definition of young school-age child will facilitate care for kindergarten children.

The majority of kindergarten children (63%) are participating in full-day kindergarten classrooms in this Commonwealth. School-age child care programs are established

to meet the needs of children who need child care only before and after school hours, including kindergarten children. The Department's regulation permits a child day care center or GDCH in which care is provided exclusively to school-age children to comply with fewer requirements than a facility that provides care for children of all age levels. (See §§ 3270.241 and 3280.221.) In addition, a school-age child care program located in a school building is exempt from physical site requirements in accordance with section 7-776.1 of the Public School Code of 1949 (24 P. S. § 7-776.1). A facility that enrolls a kindergarten child cannot be considered a school-age program under the current regulation because the facility is not providing care exclusively to school-age children. As a result, the facility must comply with all the requirements in Chapters 3270 and 3280 and will incur higher costs.

Some school-age child care programs transport children between school and the child care facility. The Department's current regulation relating to transportation of children states the driver may not be counted in the staff:child ratio when preschool children are transported but may be counted in the ratio when only school-age children are being transported. (See §§ 3270.173(b) and (c) and 3280.173(b) and (c) (relating to transportation ratios).) When a kindergarten child is being transported, the facility cannot count the driver as part of the staff:child ratio and must provide more staff on the vehicle to meet the preschool staff:child ratio of 1:10 rather than the young school-age ratio of 1:12. The cost of transporting a kindergarten child is, therefore, higher than the cost of transporting a school-age child.

Defining a kindergarten child as a preschool child under the Department's current regulation creates a disincentive for a school-age child care program to enroll a kindergarten child. By changing the definition of young school-age child to include a child in kindergarten, a school-age child care facility will be able to enroll a kindergarten child and continue to operate as a school-age program as provided in §§ 3270.241 and 3280.221. The facility will not incur the higher costs of providing care to a preschool child as discussed more fully in our fiscal impact analysis. The final-form rulemaking will facilitate before- and after-school care for kindergarten children.

The child care subsidy reimbursement rate was the basis for comments opposing changing the definition to make a kindergarten child a young school-age child. The subsidy reimbursement rate is a separate issue from the child care facility regulations and is outside the scope of this final-form rulemaking. Therefore, the Department made no changes to the final-form rulemaking.

§§ 3270.4, 3280.4 and 3290.4. Definitions—Child with special needs.

Nine commentators addressed the proposed definition of "child with special needs." Eight commentators supported the change in definition. One commentator made suggestions to include a reference to a service agreement under 22 Pa. Code Chapter 15 (relating to protected handicapped students) as a document that identifies that a child has a special need. The same commentator objected to the term "formal behavioral plan" and suggested that a behavioral plan written by a certified behavior analyst should be accepted as indication that the child has a special need.

IRRC commented that a service agreement under 22 Pa. Code Chapter 15 should be included as a document that identifies that a child has a special need. IRRC also

objected to the use of the word "formal" in reference to the behavioral plan and suggested adding a certified behavior analyst to the list of professionals who may write a behavioral plan.

Response

The Department agreed and incorporated the suggested changes into the final-form rulemaking. In addition, the Department made the editorial change of deleting "psychiatrist" from the definition in subparagraph (ii) since "physician" already includes a "psychiatrist". (See 1 Pa.C.S. § 1991 (relating to definitions).)

§§ 3270.4, 3280.4 and 3290.4. Definitions—IEP, IFSP and service agreement.

IRRC suggested that adding the following definitions to the regulation will provide clarity:

- Define "individualized education program (IEP)" as defined defined in 22 Pa. Code §§ 14.1 and 14.131—14.133 (relating to definitions; IEP).
- Define "individualized family service plan (IFSP)" as defined in Chapter 4226 (relating to early intervention services).
- Define "service agreement" as defined in 22 Pa. Code Chapter 15.

Response

The Department added these definitions to the final-form rulemaking.

§§ 3270.17, 3280.16 and 3290.15. Service to a child with special needs—Overall comments.

Six commentators made general comments regarding the proposed amendments to §§ 3270.17, 3280.16 and 3290.15 (relating to service to a child with special needs). Five supported the amendment. One commentator opposed the amendments based on concerns about the need for staff training specific to a child's special need and providing a program tailored to a child's special need without additional supports or funding.

Response

Training in numerous topic areas relating to children with special needs is available through the Pennsylvania Key Professional Development System, the Department's contracted comprehensive Statewide training system for child care providers. Over 70 training opportunities were offered Statewide in Fiscal Year 2005-2006. Individuals who provide specialized services to a child with special needs can come to the facility to provide those services. In addition, Federal and State laws provide guidance and parameters regarding reasonable accommodations that a facility may be required to make in caring for a child with a special need.

Changes to each section are discussed as follows.

§§ 3270.17(a), 3280.16(a) and 3290.15(a). Service to a child with special needs.

Four commentators supported the requirement to make reasonable accommodation to include a child with special needs but expressed concerns regarding the definition of "reasonable accommodation" and reference to the Americans With Disabilities Act (ADA) only.

Response

Federal and State laws establish requirements relating to reasonable accommodation. The requirements regarding reasonable accommodation are not identical for all child care facilities and the regulation cannot address

every situation. The Department changed the language to reference applicable Federal and State laws in general. Consistent with other rulemaking (35 Pa.B. 2499 (April 23, 2005)), the regulation does not provide an exhaustive list of applicable laws. A comprehensive list of laws is unnecessary because their applicability does not depend on this final-form rulemaking.

§§ 3270.17(b), 3280.16(b) and 3290.15(b). Service to a child with special needs.

Three commentators supported the requirement to permit service providers to come into the facility. One commentator suggested adding a reference to services specified in a service agreement under 22 Pa. Code Chapter 15 or by a licensed practitioner.

IRRC commented that some parents may not share the IEP or IFSP with the facility and the regulation should acknowledge this by instructing child care staff that it is up to the parent to provide the document. IRRC also asked whether early intervention must include a child care facility representative on an IFSP team under Chapter 4226.

Response

A service agreement applies only to a school setting; therefore, the Department did not add to the final-form rulemaking the suggested reference to a service agreement. The Department considers the reference to licensed practitioner to be covered by an IEP or IFSP and did not add to the final-form rulemaking the suggested reference to a licensed practitioner. At this time, the Department's regulation relating to early intervention does not require inclusion of a child care facility representative in development of the IFSP; however, participation of a child care facility representative is encouraged in Early Intervention policy. The Department will provide information to facilities regarding Early Intervention services and will include information that a parent is not required to provide a copy of an IEP or IFSP to the facility.

The Department made minor changes to this subsection to add clarity.

§§ 3270.17(c), 3280.16(c) and 3290.15(c). Service to a child with special needs.

Two commentators supported the requirement that the facility must provide information regarding resources for early intervention services to facility staff and to the parent of a child who staff believe may need an assessment for early intervention services. One commentator cautioned that child care staff should not make a diagnosis regarding whether a child has special needs.

The Committee commented that the proposed rulemaking places the facility director in a difficult situation in which the director must determine if parents have or have not had their child evaluated and if it is prudent to advise them to have the child evaluated. The Committee recommended changing this requirement to a suggestion.

IRRC also expressed concern about training for child care staff to complete the developmental checklist and to talk with a parent regarding a child who may need an assessment. IRRC recommended that child care staff should complete training before completing an observation of a child's development, assessing a child for a possible disability and approaching a parent with referral information.

Response

The Department changed the final-form language to require that the operator shall make staff persons and parents aware of community resources for the family of a child who may have special needs. The Department will provide to the operator information regarding community resources.

§§ 3270.27, 3280.26 and 3290.24. Emergency plan.

IRRC requested that the Department add a definition of emergency to the regulation and referred to the definition of "emergency" that appears in the child care emergency planning tool kit prepared by the Pennsylvania Emergency Management Agency. IRRC commented that the list of requirements regarding the information that must be included in the emergency plan is unclear and incomplete and cited the requirements regarding shelter of children during an emergency and evacuation of children during an emergency. IRRC also commented that the plans for evacuation during a fire should cross-reference the existing regulations regarding "evacuation routes" and "evacuation plans" in §§ 3270.94(f) and (g), 3280.94(f) and (g) and 3290.94(f) and (g) (relating to fire drills) to avoid conflict or confusion regarding evacuation routes.

Response

The Department incorporated into the final-form rulemaking the existing statements of policy in §§ 3270.21a, 3280.20a and 3290.18a (relating to emergency plan—statement of policy) requiring emergency plans that was published at 33 Pa.B. 6428 (December 27, 2003) and has been in effect since June 2004. The definition of "emergency" has never been questioned during that time period. The Department did not add a definition of "emergency" because the Department intends for "emergency" to retain its dictionary definition.

The Department revised the language relating to shelter and evacuation of children in an emergency as suggested by IRRC's comments.

§§ 3290.31(a) and 3290.213. Age and training.

The Department received 13 comments regarding the requirement that an FDCH operator submit to the Department at the time of first certificate renewal proof that the operator has a high school diploma or general educational development (GED) certificate. Twelve commentators supported the proposed rulemaking, including two family child care provider associations. Four of the twelve commentators suggested that the Department extend the time line to get a GED, provide financial assistance for an operator to get a GED and grandfather all current operators at any location.

The Committee stated that a FDCH operator does not need a high school diploma or GED to operate a quality family child care program and recommended deletion of the requirement.

Response

Currently, 97% of registered FDCH operators have a high school diploma or GED. As of the September 22, 2008 effective date of September 22, 2008, the final-form rulemaking, a newly registered FDCH operator who does not have a high school diploma or GED will have 2 years, which is one full registration period, to obtain the credential and must demonstrate compliance at the time of the first registration renewal. GED classes are offered free of charge Statewide in 150 locations. The cost of taking the examination to obtain a GED is \$40 to \$60. The Depart-

ment maintains that 2 years is sufficient time to obtain a GED and did not change the time line for compliance in the final-form rulemaking.

The FDCH registration system is a self-certification system. The applicant for a registration certificate submits to the Department a signed statement certifying that the applicant has read and is in compliance with the FDCH regulation. By requiring the operator to have a high school diploma or GED at the time of certificate renewal, the Department is requiring a minimum level of literacy sufficient to comply with these regulations and operate a small business. This requirement will increase the health and safety of children in FDCHs and will also codify what already is the minimal educational background of 97% of current FDCH operators.

Further, these final-form regulations align staffing requirements across all child care settings since primary staff in child care centers and GDCHs are required to have a high school diploma or GED. In fact, any staff in centers or GDCHs who do not meet this educational requirement must be supervised at all times by a staff person with the required educational background.

In the final-form rulemaking, the Department permanently grandfathered all currently registered FDCH operators even if the operator moves to a new location.

§§ 3270.70, 3280.70 and 3290.68. Indoor temperature.

One commentator opposed the proposed rulemaking as it does not address the heat index.

IRRC noted the comment regarding factoring in the heat index and the standard published in *Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care, 2nd Edition* which references maintaining the humidity in a child care space at 30%–50%. IRRC suggested that the Department should review its policy concerning allowable high temperature.

Response

The Department researched the impact of referencing the heat index in the final-form rulemaking. The National Weather Service defines “heat index” as an accurate measure of how hot it really feels when the relative humidity is added to the actual air temperature. To determine the heat index, one must measure the relative humidity. Hygrometers are the instruments that measure relative humidity. The price for one hygrometer ranges from approximately \$30 to hundreds of dollars. To monitor relative humidity, the facility would need a hygrometer in each child care space and would incur significant costs.

The National Health and Safety Performance Standards represent state-of-the-art child care facility standards. The Department reviewed the child care facility regulations of the adjacent seven states which have climates similar to this Commonwealth. None of the seven states’ regulations reference indoor humidity. Only three of the seven states’ regulations establish a maximum indoor temperature and require ventilation above the maximum temperature.

The Department did not change the final-form rulemaking.

§§ 3270.102(c), 3280.102(c) and 3290.102(c). Condition of play equipment; §§ 3270.233, 3280.215 and 3290.212. Play surfaces.

Twenty-two commentators addressed the requirement that the surface covering under outdoor play equipment that requires embedded mounting must meet the guidelines for loose-fill or unitary playground protective surface covering established by the United States Consumer Product Safety Commission. Ten commentators supported the change.

Twelve commentators did not support the change. Eight commentators cited cost as the reason for opposing the change. Four commentators do not believe that FDCH and GDCH facilities located in residences should have to comply with the requirement. One commentator felt that 2 years was not sufficient time to come into compliance. Another commentator opposed the requirement because public schools are not required to comply.

Response

The CPSC guidelines for loose-fill and unitary surface coverings reflect the fall height of the equipment and the type and depth of surface covering required to protect a child from injury if the child falls from the highest point of the equipment. The CPSC standards state that 6 inches of uncompressed wood chips, the most common protective surface covering used at child care facilities, provides protection up to a fall height of 7 feet. The previous requirement for 6 inches of loose-fill material will be adequate for most child care facilities; thus, the majority of facilities are not likely to incur additional costs associated with implementation of the final-form rulemaking. Facilities that do not meet this requirement have 2 years to comply.

The Department did not change the final-form rulemaking.

§§ 3270.119, 3280.119 and 3290.118. Program plan.

Thirty-one commentators addressed the proposed rulemaking to require a program plan for each child in care. Five commentators supported the proposal. Twenty-six commentators opposed the proposal.

The Committee also commented on the proposed rulemaking. The Committee perceived a lack of clarity in the proposed rulemaking and were concerned about licensing repercussions if the plan was not followed, the burden of paperwork and costs to the provider, whether a provider is qualified to develop a program plan, the provider’s inability to access a child’s IEP or IFSP and have information regarding early intervention services being provided to the child, difficulty in writing program plans for school-age children who are in care for short periods of time and a complaint system for parents who disagree with the program plan.

IRRC expressed the same concerns as the House Children and Youth Committee with regard to lack of clarity, particularly regarding a child who has an IEP or IFSP and a child who does not. IRRC expressed concern regarding whether child care staff have sufficient experience, training and education to develop plans similar to IEPs and IFSPs. IRRC suggested that if the Department reduces the requirement and instead requires a semi-annual statement of the child’s use of child care services and the child’s developmental progress, then the Department should develop a form and prescribe the contents of the form.

Response

The Department changed the final-form rulemaking to require the completion of a service report form for each infant, toddler and preschool child and for each school-age child who attends the facility more than 15 hours per week. The form must be completed every 6 months and will address information about the child's growth and development within the context of the child care services provided by the facility. The form is referenced in amendments to §§ 3270.123(a)(3), 3280.123(a)(3) and 3290.123(a)(3) (relating to agreement). The Department will provide a form for the facility to use. The elements in the Department's form are based on the guidelines of the American Public Health Association, the American Academy of Pediatrics, and the Maternal and Child Health Bureau of the United States Department of Health and Human Services published in *Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care, 2nd Edition*. The information on the form parallels the health and developmental information that pediatricians request during check up visits. The facility must give the child's parent a copy of each report.

§§ 3270.120, 3280.120 and 3290.119. *Infant sleep position (now designated as §§ 3270.119, 3280.119 and 3290.118. Infant sleep position).*

Fifteen commentators supported the proposed rulemaking to require infants be placed on their backs to sleep in accordance with the current American Academy of Pediatrics (AAP) policy relating to SIDS prevention. Three commentators wanted to expand the requirement to include the entire content of the AAP policy relating to items in a crib. Three commentators suggested changing the language to reference the current AAP recommendation regarding infant sleep position so that the regulation would not have to be amended if the policy changed.

IRRC suggested changing the language to reference the AAP recommendation for preventing SIDS and to inform providers how they may obtain copies of the AAP recommendation.

Response

The Department revised this section to require facilities to comply with the current AAP recommendation on infant sleep position. The Department also added language in §§ 3270.106(j), 3280.105(j) and 3290.105(j) (relating to rest equipment) to prohibit toys, bumper pads and pillows in a crib while an infant is sleeping in the crib as per the AAP recommendation. The Department previously provided facilities with information regarding SIDS prevention, including brochures and materials regarding the AAP recommendation, and will continue to do so.

§§ 3270.131(a)—(d), 3280.131(a)—(d) and 3290.131(a)—(d). *Health information.*

Nine commentators supported the proposed changes related to the frequency and content of child health reports. Five of those commentators were providers and three commentators represented advocacy organizations.

Twelve commentators opposed the changes regarding the frequency and content of child health reports. Seven of those commentators were medical professionals or representatives of medical organizations and two were providers. Six of the 12 commentators specifically opposed the deletion of the requirement that health reports must include a review of age-appropriate screenings according to the standards of the AAP.

IRRC commented that the Department should retain current requirements relating to the AAP recommended schedule for health examinations and screenings but should provide for exceptions when families cannot meet the requirement or have privacy concerns. IRRC further commented that by doing so, the Department can gather useful information, provide facilities with relief from enforcement complications and encourage families to obtain recommended screenings. IRRC also asked for further explanation of the benefits of the changed requirements. IRRC also noted that a commentator said that the changed requirements would be inconsistent with the policies for Head Start; the Early and Periodic Screening, Diagnosis and Treatment program in the Medical Assistance Program and the goals of the Department of Health.

Response

The Department added to the final-form rulemaking two requirements relating to the content of the child health report, which is to be completed by the child's health care professional. First, the health report must include specific information regarding abnormal results of vision, hearing and lead screenings. This will provide the facility with valuable information regarding the child's health that may impact on the child within the context of the child care program. Second, the health report must also include a statement indicating whether AAP recommended screenings were conducted since the date of the child's previous health report. This statement will serve as the requested reminder to parents and health care providers about AAP recommended screenings.

There are wide variations in the source of a child's health care coverage, and in some instances, a lack of health care coverage. Thus, requiring the facility to have on file child health reports and health screening information that comply with the AAP recommendations may far exceed the scope of the health care coverage available to the family. If the facility does not comply, the Department will cite the facility for noncompliance with the regulation and require the facility to correct the violation.

Parents may incur added costs to comply with the AAP schedule if their health care coverage does not cover all the examinations and screenings included in the AAP schedule. In addition, some physicians charge parents to complete the health report required by regulation. In some areas of this Commonwealth, facilities report that parents must wait months for well-child appointments and cannot meet the time lines due to lack of availability of qualified physicians.

The Department is concerned about creating a regulation that provides for exceptions whereby a parent can simply document that the parent cannot get health information or has a privacy concern. The result is a lack of health information that is necessary to protect all children in care or to deal with a medical emergency involving a child.

The final-form rulemaking provides for submission of health information on a regular schedule, requires the child care facility to know if the AAP recommendations have been fulfilled, and focuses on submission of information that the facility needs to protect the health and safety of the child and all other children in the facility. The modifications in the final-form rulemaking also serve as a reminder and incentive to parents to have their children receive primary pediatric care in accordance with the AAP recommendations.

§§ 3270.131(e), 3280.131(e) and 3290.131(e). *Health information.*

Eight commentators specifically addressed the proposed immunization requirements which match the Department of Health requirements in 28 Pa. Code § 27.77 (relating to immunization requirements for children in child care group settings). Seven commentators supported the change. One commentator did not support the requirement to exclude a child who did not get immunizations within the time prescribed in the regulation.

Response

The immunization requirements in the Department's current regulations differ from the Department of Health's immunization requirements. The current differing requirements create confusion to providers and parents. The final-form rulemaking creates consistency in immunization requirements by adopting the Department of Health's immunization requirements for children who attend child care facilities. (See 28 Pa. Code § 27.77.)

The Department did not change the final-form rulemaking.

§§ 3270.133, 3280.133 and 3290.133. *Child medication and special diets.*

Eleven commentators supported the proposed rulemaking. One commentator stated the Department should reference other laws regarding disability discrimination that may impact on providing medication related to child's special need. Two commentators supported adding a requirement for medication administration training.

IRRC recommended that the Department add a requirement for medication administration training like that required for staff in Personal Care Homes in § 2600.190 (relating to medication administration training) and include a citation to the pertinent section of the ADA requiring reasonable accommodation. IRRC also noted that the language of the regulation could be interpreted to require administration of any and all medications or special diets to a child with a special need rather than only medications or special diets related to a child's special need. If this is not the Department's intent, the final-form rulemaking should be reworded to clearly state the intent.

Response

The ADA is not the only statute regarding disability discrimination. The Department changed the final-form rulemaking to reference all applicable Federal and State laws. The Department also changed the final-form rulemaking to specify that the requirement to administer medication or a special diet pertains only to a medication or special diet related to a child's special need.

The Department will not require medication administration training. Medication administration training is currently available to providers through the Pennsylvania Keys to Professional Development system. At this time, the Department does not know how many children with special needs will require medication during the time they are in care. Child care is provided for only a portion of the day; thus, medication schedules may not include the hours a child is in care. To meet the needs of some children with special needs, staff persons may need specialized training or instruction in administration that can be provided by the child's parent or a service provider or medical professional who works with the child. In

addition, service providers who come onsite to provide services to the child may be responsible for administering medication. The Department will monitor medication administration in child care facilities to determine whether it is necessary to require medication administration training for facility staff persons.

In addition to the major changes discussed previously, the Department made several changes in preparation of the final-form rulemaking including reformatting to enhance readability, revising language to enhance clarity and conforming to the changes previously discussed.

Regulatory Review Act

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on March 10, 2008, the Department submitted a copy of this final-form rulemaking to IRRC and to the Chairpersons of the House Committee on Children and Youth and the Senate Committee on Public Health and Welfare (Committees). In compliance with the act the Department also provided the Committees and IRRC with copies of all public comments received, as well as other documentation.

In preparing the final-form rulemaking, the Department reviewed and considered comments received from the Committees, IRRC and the public.

In accordance with § 5.1 (j.1) and (j.2) of the Regulatory Review Act, this final-form rulemaking was deemed approved by the Committees on March 30, 2008. IRRC met on April 17, 2008, and approved the final-form regulation.

In addition to submitting the final-form rulemaking, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Findings

The Department finds that:

(1) The public notice of intention to amend the administrative regulation by this order has been given under section 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations in 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking regulation in the manner provided by this Order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department acting under the authority of Articles IX and X of the Public Welfare Code orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290 are amended by amending §§ 3270.4, 3270.11, 3270.15, 3270.17, 3270.24, 3270.25, 3270.31, 3270.52, 3270.61, 3270.70, 3270.75, 3270.82, 3270.102, 3270.104, 3270.106, 3270.113, 3270.115, 3270.117, 3270.122—3270.124, 3270.131, 3270.133, 3270.135, 3270.151, 3270.175, 3270.176, 3270.182, 3270.233, 3270.241, 3280.4, 3280.11, 3280.15, 3280.16, 3280.23, 3280.24, 3280.31, 3280.52, 3280.61, 3280.70, 3280.75, 3280.102, 3280.105, 3280.108, 3280.113, 3280.115, 3280.117, 3280.122—3280.124, 3280.131, 3280.133, 3280.135, 3280.151, 3280.175, 3280.176, 3280.182, 3280.215, 3280.221, 3290.4, 3290.11, 3290.14, 3290.15, 3290.21, 3290.22, 3290.31, 3290.68, 3290.73, 3290.102, 3290.105, 3290.113, 3290.115, 3290.116, 3290.122—3290.124, 3290.131, 3290.133, 3290.135, 3290.151, 3290.173, 3290.174, 3290.182, 3290.212 and

3290.213; adding §§ 3270.27, 3270.119, 3280.26, 3280.119, 3290.24 and 3290.118; and by deleting §§ 3270.201—3270.210; 3280.201—3280.209, 3290.201—3290.208, 3300.1—3300.4, 3300.11—3300.13, 3300.31—3300.36, 3300.51—3300.54, 3300.101, 3300.102, 3300.111—3300.113, 3300.121 and 3300.131 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of the Department shall submit this Order and Annex A to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this Order and Annex A with the Legislative Reference Bureau as required by law.

(d) This Order shall take effect September 22, 2008, except for §§ 3270.102(c) and (e) and 3280.102(c) and (e) (relating to condition of play equipment) which shall take effect September 22, 2010. See 38 Pa.B. 2469 (May 24, 2008).

ESTELLE B. RICHMAN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 2132 (May 3, 2008).)

Fiscal Note: Fiscal Note 14-506 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 55. PUBLIC WELFARE

**PART V. CHILDREN, YOUTH AND FAMILIES
MANUAL**

**Subpart D. NONRESIDENTIAL AGENCIES,
FACILITIES AND SERVICES**

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS

GENERAL PROVISIONS

§ 3270.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The Public Welfare Code (62 P. S. §§ 101—1411).

Age level—The grouping category appropriate for the child's age.

(i) *Infant*—A child from birth to 1 year of age.

(ii) *Young toddler*—A child from 1 to 2 years of age.

(iii) *Older toddler*—A child from 2 to 3 years of age.

(iv) *Preschool child*—A child from 3 years of age to the date the child enters kindergarten in a public or private school system.

(v) *Young school-age child*—A child who attends kindergarten to the date the child enters the 4th grade of a public or private school system.

(vi) *Older school-age child*—A child who attends the 4th grade of a public or private school system through 15 years of age.

* * * * *

Child with special needs—A child who has one or more of the following:

(i) A disability or developmental delay identified on an IEP, an IFSP or a service agreement.

(ii) A written behavioral plan that has been determined by a licensed physician, licensed psychologist or certified behavior analyst.

(iii) A chronic health condition diagnosed by a licensed physician, physician's assistant or CRNP that requires health and related services of a type or amount beyond that required by children generally.

* * * * *

IEP—Individualized education program as defined in 22 Pa. Code §§ 14.101 and 14.131—14.133 (relating to definitions; and IEP).

IFSP—Individualized family service plan as defined in §§ 4226.5 and 4226.71—4226.77 (relating to definitions; and IFSPs).

Inspection summary—A document prepared by an agent of the Department describing each regulatory noncompliance item confirmed as a result of a facility inspection.

* * * * *

Service agreement—A service agreement as defined in 22 Pa. Code §§ 15.2 and 15.7 (relating to definitions; and service agreement).

* * * * *

GENERAL REQUIREMENTS

§ 3270.11. Application for and issuance of a certificate of compliance.

(a) A legal entity shall obtain a valid certificate of compliance to operate at a specific location. The certificate of compliance will be issued by the Department to a legal entity prior to commencement of operation at a specified location.

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the child day care center. The orientation does not count toward the annual minimum of 6 hours of child care training required in § 3270.31(e) (relating to age and training).

(c) Application for a certificate of compliance shall be submitted to the appropriate regional day care office in accordance with Chapter 20 (relating to the licensure or approval of facilities and agencies).

(d) A certificate of compliance is issued in the manner described in Chapter 20, for a period not to exceed 12 months from the date of issue.

(e) A facility will be inspected at least once every 12 months by an agent of the Department.

(f) The facility is subject to announced and unannounced inspections in accordance with § 3270.24(b) (relating to Departmental access).

(g) Sanctions relating to the status of a certificate of compliance are applied under the authority of applicable sections of the act, Chapter 20 and this chapter.

(h) A facility whose certificate of compliance is current as of September 22, 2008, will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

§ 3270.15. Building codes.

A certificate of compliance will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements of the Department of Labor and Industry in 34 Pa. Code § 403.23 (relating to child day care facilities).

§ 3270.17. Service to a child with special needs.

(a) The operator shall make reasonable accommodation to include a child with special needs in accordance with applicable Federal and State laws.

(b) The operator shall permit an adult individual who provides specialized services to a child with special needs to provide those services on the facility premises as specified in the child's IEP, IFSP or written behavioral plan.

(c) The operator shall make staff persons and parents aware of community resources for the family of a child who may have special needs. The Department will provide to the operator information regarding community resources.

§ 3270.24. Departmental access.

(a) A staff person shall provide to agents of the Department immediate access to the facility and, upon request, to the children and the files and records.

(b) An inspection will be conducted during normal business hours except when there is reasonable cause to believe that inspections at other times are necessary to detect violations of applicable laws and regulations.

(c) An agent of the Department will inspect for compliance with this chapter in all areas of the facility premises that are accessible to children.

§ 3270.25. Availability of certificate of compliance and applicable regulations.

(a) The facility's current certificate of compliance and a copy of the applicable regulations under which the facility is certified shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional day care office posted at the same location.

(b) The operator shall post a copy of each inspection summary issued by the Department in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each regulatory noncompliance item cited on the inspection summary has been corrected.

§ 3270.27. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

(1) Shelter of children during an emergency including shelter in place at the facility and shelter at locations away from the facility premises.

(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3270.94(f) and (g) (relating to fire drills).

(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

(c) Each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.

(d) The emergency plan shall be posted in the facility at a conspicuous location.

(e) The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.

(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the county emergency management agency.

FACILITY PERSONS**§ 3270.31. Age and training.**

(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the guidelines in this section are met.

(d) Child care professional credentials are equivalent to the staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year of experience with children.

(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council of Postsecondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education.

(iii) Supervision, discipline and guidance of children.

(iv) Nutrition for children.

- (v) Child care program development.
- (vi) Child care staff person or volunteer professional development.
- (3) Other training topics may be submitted for the Department's review and approval.
- (4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:
 - (i) *First-aid training.* Competence is the completion of training by a professional in the field of first-aid. First-aid training will be renewed on or before expiration of certification or every 3 years, as applicable.
 - (ii) *Firesafety training.* Staff persons shall participate, at least annually, in firesafety training conducted by a fire protection professional. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire extinguishers, not including discharge of the fire suppressant agent.
 - (iii) *Lifeguard training.* Competence is the completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.
 - (iv) *Water safety instruction.* Competence is the completion of basic instruction in water safety from a certified lifeguard.
 - (f) Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed. Documentation shall be retained in the facility person's file.

STAFF:CHILD RATIO

§ 3270.52. Mixed age level.

When children are grouped in mixed age levels, the age of the youngest child in the group determines the staff:child ratio and maximum group size in accordance with § 3270.51 (relating to similar age level).

PHYSICAL SITE

§ 3270.61. Measurement and use of indoor child care space.

- (a) A facility shall provide indoor child care space for individual and group small muscle activity.
- (b) Indoor child care space may not be used simultaneously as play space.
- (c) Indoor child care space is measured within permanent stationary partitions or walls. The allowable number of children in a space is determined by dividing the total square feet in a space by 40.
- (d) Measured indoor space includes space occupied by cupboards, shelves, furniture and equipment.
- (e) Measured indoor space excludes space occupied by halls, bathrooms, offices, kitchens and locker rooms.
- (f) Indoor space in which children are receiving care may not be used simultaneously for other business, commercial, social or another purpose unrelated to the child care being offered.
- (g) Preschool and school-age children may not be involved in small or large muscle activity in the same group space in which children are sleeping or resting.
- (h) The capacity established for an indoor space may not be exceeded except in the following situations:

(1) At naptime, when toddler or preschool children are resting on rest equipment described in § 3270.106 (relating to rest equipment) if the following conditions are met:

- (i) At naptime, the capacity is determined by the requirement for placement of rest equipment described in § 3270.106(f).
- (ii) At naptime, the capacity may be exceeded for a period not longer than 2 1/2 consecutive hours, no more than twice in a program day.

(2) When older toddler, preschool or school-age children are participating in a program activity if the following conditions are met:

- (i) The capacity of the indoor child care space may be exceeded for no more than two separate 1/2 hour time periods daily.
- (ii) Each time period shall be designated on the facility's schedule of daily activities.
- (iii) The space may not be occupied by children of the infant or young toddler age levels during a time period when the capacity is exceeded.
- (iv) The number of children present in the space may not be more than twice the measured capacity of the space.

(3) When a meal is served in a space designated and measured as indoor child care space if the following conditions are met:

- (i) The capacity of a space may be exceeded when children are eating for no more than 1 hour daily.
- (ii) The meal time shall be designated on the facility's schedule of daily activities.
- (iii) The number of children present in the space may not be more than twice the measured capacity of the space.

(i) The total number of children receiving child day care services at the facility at any one time may not exceed the facility's maximum capacity.

§ 3270.70. Indoor temperature.

- (a) The indoor temperature must be at least 65° F.
- (b) If the indoor temperature exceeds 82° F in a child care space, a means of mechanical air circulation must be operating.

§ 3270.75. First-aid kit.

- (a) A first-aid kit must be in a child care space.
- (b) A first-aid kit must be inaccessible to children.
- (c) A first-aid kit must contain the following: soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and disposable, nonporous gloves.
- (d) One first-aid kit per child care group must accompany children and facility persons on excursions from the facility. Each first aid kit taken on an excursion must contain a bottle of water in addition to the items specified in subsection (c).

§ 3270.82. Toilet areas.

- (a) The following ratio of flushing toilets to toilet-trained children applies:

<i>Similar Age Levels</i>	<i>Number of Toilet-Trained Children</i>	<i>Toilets</i>
Young or older toddler and preschool	15	1
School-age	20	1

(b) The following ratio of sinks to children applies:

<i>Similar Age Levels</i>	<i>Number of Toilet-Trained Children</i>	<i>Sinks</i>
Young or older toddler and preschool	25	1
School-age	30	1

(c) A sink must be located in or near a toilet area.

(d) A training chair is not a flushing toilet. A training chair shall be emptied and sanitized after each use. An acceptable sanitizing solution is 1/4 cup of bleach combined with 1 gallon of water. A sanitizing solution shall be treated as a toxic. See § 3270.66 (relating to toxics).

(e) Toilets and sinks must be at proper heights for children using them or must be easily approached by means of platforms or steps.

(f) Toilets and training chairs may not be located in an area used for cooking or eating.

(g) Toilet areas and fixtures shall be cleaned daily and be in good repair.

(h) A facility person and an able child shall wash their hands after toileting and before eating. A sign on which this requirement is written shall be posted at each toilet, training chair, diapering area and sink in the facility.

(i) A toilet area, training chair area, diapering area and sink area shall be equipped with a clean, lidded waste receptacle.

(j) A source of running water for handwashing must be present in infant and toddler diapering areas. If the running water does not flow directly into a drain that is connected to a sewage system, a receptacle shall be provided to contain the water used for washing. The receptacle shall be emptied into an approved sewage system at least once a day.

EQUIPMENT

§ 3270.102. Condition of play equipment.

(a) Toys, play equipment and other indoor and outdoor equipment used by the children must be clean, in good repair and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

(b) Toys soiled by secretion or excretion shall be cleaned with soap and water, rinsed and sanitized before being used by a child.

(c) Outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the United States Consumer Product Safety Commission. The equipment must be anchored firmly and be in good repair.

(d) Slides that are over 4 feet high must have guards along both sides of the ladder.

(e) Pea gravel and other materials with a diameter of less than 1 inch may not be used in spaces where infants or toddlers receive care.

(f) Indoor play equipment for climbing shall be installed or used over a protective surface covering which does not interfere with the stability of the equipment.

(g) Children's toys and equipment, including furniture and rest equipment, described as hazardous by the United States Consumer Product Safety Commission may not be used by children at the facility and may not be on the premises at the facility. At the time of inspection, the operator shall submit to the Department written affirmation on a form provided by the Department stating that the facility is in compliance with this requirement.

§ 3270.104. Furniture.

(a) Furniture must be durable, safe, easily cleaned and appropriate for the child's size, age and special needs.

(b) Study space, tables, chairs, paper and pencils shall be provided for school-age children in care, if necessary for the program offered by the facility.

§ 3270.106. Rest equipment.

(a) Individual, clean, age-appropriate rest equipment shall be provided for preschool, toddler and infant children as agreed between the child's parent and the operator. The rest equipment must be labeled for the use of a specific child and used only by the specified child.

(b) Bed linens may not be used alone as age-appropriate rest equipment.

(c) Stacked cribs may not be used.

(d) Crib and playpen slats may be no more than 2 3/8 inches apart.

(e) Seasonal, appropriate covering, such as sheets or blankets, shall be provided as agreed between the child's parent and the operator.

(f) At least 2 feet of space is required on three sides of a bed, cot, crib or other rest equipment while the equipment is in use.

(g) Linens, blankets and rest equipment shall be cleaned monthly, at a minimum. The operator shall arrange a cleaning schedule with the parent.

(h) Soiled bedding shall be cleaned before it is reused.

(i) The upper level of double-deck beds may not be used for children 8 years of age or younger.

(j) Toys, bumper pads or pillows may not be present in a crib while an infant is sleeping in the crib.

PROGRAM

§ 3270.113. Supervision of children.

(a) Children on the facility premises and on facility excursions off the premises shall be supervised by a staff person at all times. Outdoor play space used by the facility is considered part of the facility premises.

(1) Each staff person shall be assigned the responsibility for supervision of specific children. The staff person shall know the names and whereabouts of the children in his assigned group. The staff person shall be physically present with the children in his group on the facility premises and on facility excursions off the facility premises.

(2) The requirement for supervision on and off the facility premises includes compliance with the staff:child ratio requirements in §§ 3270.51—3270.55 (relating to staff:child ratio).

(b) A facility person may not use any form of physical punishment, including spanking a child.

(c) A facility person may not single out a child for ridicule, threaten harm to the child or the child's family and may not specifically aim to degrade the child or the child's family.

(d) A facility person may not use harsh, demeaning or abusive language in the presence of children.

(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.

§ 3270.115. Water activity.

(a) *Swimming.*

(1) A swimming pool must conform to 28 Pa. Code Chapter 18 (relating to public swimming and bathing places).

(2) An in-ground swimming pool accessible to children must be fenced with a locked gate.

(3) An aboveground swimming pool which is not in use must be made inaccessible to children in accordance with the swimming pool barrier guidelines of the United States Consumer Product Safety Commission.

(4) An indoor swimming pool which is not in use must be made inaccessible to children.

(5) The following staff:child ratios apply while children are swimming:

<i>Similar Age Level</i>	<i>Staff</i>	<i>Children</i>
Infant	1	1
Young or older toddler	1	2
Preschool	1	5
Young school-age	1	6
Older school-age	1	8

(6) When children are swimming, supervision shall include one person certified in lifeguard training, as described in § 3270.31(e)(4)(iii) (relating to age and training).

(7) The person certified in lifeguard training may not be included in the staff:child ratio.

(8) A facility person who is counted in the staff:child swimming ratio shall annually complete water safety instruction.

(b) *Wading.*

(1) Staff persons shall supervise day care children using wading pools. Staff:child ratios in subsection (a) apply when children are wading.

(2) A sanitizing solution shall be added to water in a wading pool. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water.

(3) A wading pool shall be emptied daily.

(c) *Water play tables.* A water play table or a container used for water play that contains unfiltered water shall be emptied daily.

§ 3270.117. Release of children.

(a) A child shall be released only to the child's parent or to an individual designated in writing by the enrolling parent. A child shall be released to either parent unless a court order on file at the facility states otherwise.

(b) In an emergency, a child may be released to an individual upon the oral designation of the parent, if the identity of the individual can be verified by a staff person.

(c) If a child is released upon the oral designation of the parent, the following information shall be logged in the child's record:

- (1) The name of the parent making the request.
- (2) The date and time of the request.
- (3) The name of the individual to whom the child is to be released.
- (4) The name of the staff person taking the call.
- (5) The name of the staff person releasing the child.

§ 3270.119. Infant sleep position.

Infants shall be placed in the sleeping position recommended by the American Academy of Pediatrics unless there is a medical reason an infant should not sleep in this position. The medical reason shall be documented in a statement signed by a physician, physician's assistant or CRNP and placed in the child's record at the facility.

PROCEDURES FOR ADMISSION

§ 3270.122. Admission interview.

A child shall be interviewed or observed by the operator and when possible shall have the opportunity to visit the facility prior to being admitted for care. The child shall be told as much about the service being planned as he can understand. If the parent indicates that the child has a special need, the operator shall discuss the condition with the parent, refer to § 3270.4 (relating to definitions), and comply with §§ 3270.17, 3270.124 and 3270.131 (relating to service to a child with special needs; emergency contact information; and health information).

§ 3270.123. Agreement.

(a) An agreement signed by the operator and the parent must specify the following:

- (1) The amount of the fee to be charged per day or per week.
- (2) The date on which the fee is to be paid.
- (3) The services to be provided to the family and the child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding emergency contact information in § 3270.124(f) (relating to emergency contact information).
- (4) The child's arrival and departure times.
- (5) The persons designated by a parent to whom the child may be released as specified in § 3270.117 (relating to release of children).
- (6) The date of the child's admission.
- (7) The services which are to be considered as extra.

(b) A parent shall receive the original agreement. The facility shall retain a copy of the agreement.

(c) The operator shall receive the original agreement. The facility shall retain a copy of the agreement.

(d) The operator shall receive the original agreement. The facility shall retain a copy of the agreement.

§ 3270.124. Emergency contact information.

(a) Emergency contact information is required for each enrolled child. Emergency contact information must reference who shall be contacted in an emergency.

(b) Emergency contact information must include the following:

- (1) The name and birth date of the child.
- (2) The name, address and telephone number of the child's physician or source of medical care.
- (3) The home and work addresses and telephone numbers of the enrolling parent.
- (4) The written consent signed by a parent for emergency medical care.
- (5) Information on the child's special needs, as specified by the child's parent, physician, physician's assistant or CRNP, which is needed in an emergency situation.
- (6) Health insurance coverage and policy number for a child under a family policy or Medical Assistance benefits, if applicable.
- (7) The name, address and telephone number of the individual designated by the parent to whom the child may be released.
- (c) When children are in the facility, emergency contact information must be present in a child care space for children receiving care in the space.
- (d) When children leave the facility on walking and riding excursions, emergency contact information specific to each child on the excursion accompany a staff person on the excursion.
- (e) A written plan identifying the means of transporting a child to emergency care and staffing provisions in the event of an emergency shall be displayed conspicuously in every child care space and accompany a staff person who leaves on an excursion with children.
- (f) The parent shall update in writing emergency contact information once in a 6-month period or as soon as there is a change in the information.

CHILD HEALTH

§ 3270.131. Health information.

(a) The operator shall require the parent of an enrolled child, including a child, a foster child and a relative of an operator or a facility person, to provide an initial health report no later than 60 days following the first day of attendance at the facility.

(1) The initial health report for an infant must be dated no more than 3 months prior to the first day of attendance at the facility.

(2) The initial health report for a young toddler must be dated no more than 6 months prior to the first day of attendance at the facility.

(3) The initial health report for an older toddler or preschool child must be dated no more than 1 year prior to the first day of attendance at the facility.

(4) The initial health report for a school-age child must be dated in accordance with the requirements for medical examinations for school attendance in 28 Pa. Code § 23.2 (relating to medical examinations).

(b) The operator shall require the parent to provide an updated health report in accordance with the following schedules:

(1) At least every 6 months for an infant or young toddler.

(2) At least every 12 months for an older toddler or preschool child.

(c) A health report must be written and signed by a physician, physician's assistant or a CRNP. The signature must include the individual's professional title.

(d) The health report must include the following information:

(1) A review of the child's health history.

(2) A list of the child's allergies.

(3) A list of the child's current medication and the reason for the medication.

(4) An assessment of an acute or chronic health problem or special need and recommendations for treatment or services, including information regarding abnormal results of screening tests for vision, hearing or lead poisoning.

(5) A review of the child's immunized status according to recommendations of the ACIP.

(6) A statement of the child's medical information pertinent to diagnosis and treatment in case of emergency.

(7) A statement that the child is able to participate in child care and appears to be free from contagious or communicable disease.

(8) A statement that age-appropriate screenings recommended by the American Academy of Pediatrics were conducted since the time of the previous health report required by this section.

(e) The facility may not accept or retain an infant 2 months of age or older, a toddler or a preschool child at the facility for more than 60 days following the first day of attendance at the facility unless the parent provides written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of the dates (month, day and year) the child was administered immunizations in accordance with the recommendations of the ACIP.

(1) The facility shall require the parent to provide updated written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of ongoing vaccines administered to an infant, toddler or preschool child in accordance with the schedule recommended by the ACIP.

(2) Exemption from immunization must be documented as follows:

(i) Exemption from immunization for religious belief or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record.

(ii) Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's physician, physician's assistant or CRNP. The statement shall be kept in the child's record.

(3) The facility shall implement dismissal policies in accordance with the Department of Health regulation in 28 Pa. Code § 27.77 (relating to immunization requirements for children in child care group settings).

(4) The facility shall comply with the annual immunization reporting requirements in accordance with the Department of Health regulation in 28 Pa. Code § 27.77.

§ 3270.133. Child medication and special diets.

The operator shall make reasonable accommodation in accordance with applicable Federal and State laws to facilitate administration of medication or a special diet that is prescribed by a physician, physician's assistant or CRNP as treatment related to the child's special needs.

Facility persons are not required to administer medication or special diets which are requested or required by a parent, a physician, a physician's assistant or a CRNP but are not treatment related to the child's special needs. When medication or special diets are administered, the following requirements apply:

(1) A prescription or nonprescription medication may be accepted only in an original container. The medication must remain in the container in which it was received.

(2) A staff person shall administer a prescription medication only if written instructions are provided from the individual who prescribed the medicine. Instructions for administration contained on a prescription label are acceptable.

(3) The label of a medication container must identify the name of the medication and the name of the child for whom the medication is intended. Medication shall be administered to only the child whose name appears on the container.

(4) Medication shall be stored in a locked area of the facility or in an area that is out of the reach of children.

(5) Medication shall be stored in accordance with the manufacturer's or health professional's instructions on the original label.

(6) A parent shall provide written consent for administration.

(7) An operator is responsible to establish and maintain a medication log if prescription or nonprescription medication is administered. A log must include the following minimum information:

- (i) The name of the medication.
- (ii) The name of the child receiving the medication.
- (iii) A requirement for refrigeration.
- (iv) The amount of medication administered.
- (v) The date of administration.
- (vi) The time of administration.
- (vii) The initials of the staff person who administered the medication.
- (viii) Special notes related to problems of administration.

(8) If a special diet is prescribed for a child and if the diet is administered to the child, written instructions and the parent's written consent shall be retained in the child's file.

§ 3270.135. Diapering requirements.

(a) When children are diapered, the facility shall use disposable diapers, a diaper service or arrange with the parent to provide a daily diaper supply.

(1) If nondisposable diapers are provided by a parent, a soiled diaper shall be placed in an individual, securely-tied plastic bag and returned to the parent at the end of the day.

(2) If nondisposable diapers from a diaper service are provided by a facility, a soiled diaper shall be placed in the container provided by the service or in a securely-tied plastic bag.

(3) If disposable diapers are provided by a parent or by a facility, a soiled diaper shall be discarded by immediately placing the diaper into a plastic-lined, hands-free covered can.

(4) A soiled diaper that is not in a tied bag may not be placed in an unlined outdoor trash container.

(b) Diaper changing surfaces shall be cleaned after each use by wiping the surface with a sanitizing solution or by changing a pad or other surface covering.

(c) The diapering area may not be used for food preparation or food service.

(d) Cloth and paper materials used as diapering aids shall be stored in a manner that prevents cross-contamination from a soiled diaper, contaminated hands or other changing materials.

(e) A staff person shall check a child's diaper at least every 2 hours and whenever the child indicates discomfort or exhibits behavior that suggests a soiled diaper. A staff person shall change a child's diaper when the diaper is soiled.

ADULT HEALTH

§ 3270.151. Health assessment.

(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment conducted within 12 months prior to providing initial service in a child care setting and every 24 months thereafter. A health assessment is valid for 24 months following the date of signature, if the person does not contract a communicable disease or develop a medical problem.

(b) A health assessment shall be conducted and a report shall be written and signed by a physician, physician's assistant or CRNP. The signature must include the individual's professional title.

(c) The health assessment must include the following:

- (1) A physical examination.
- (2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, physician's assistant, CRNP, the Department of Health or a local health department.
- (i) If a person's medical record demonstrates a positive tuberculin skin test, that record shall be placed on file at the facility.
- (ii) A record of a person with a positive tuberculin skin test must include the results of a chest X-ray and evaluation for chemoprophylaxis.
- (iii) A person with a positive tuberculin skin test and a negative x-ray is not required to have further tuberculosis testing, unless one of the following occurs:

(A) The person is exposed to an active case of tuberculosis.

(B) The person develops a productive cough which does not respond to medical treatment within 14 days.

(3) Examination for communicable diseases and the results of that examination.

(4) Information on medical problems that might threaten the health of the children or prohibit a staff person from providing adequate care to children.

(5) The physician's or CRNP's assessment of the person's suitability to provide child care.

(d) An adult individual who is employed by a facility and who provides children with social, medical, psychological or psychiatric services in addition to this chapter is required to have a current health assessment on file at the facility. An adult individual or an employe of an

agency who provides those services by contract with the child's parent or the facility is not required to have a current health assessment on file at the facility.

TRANSPORTATION

§ 3270.175. Safety restraints.

(a) A child 7 years of age or younger shall be transported in accordance with the requirements for parents and guardians as set forth in 75 Pa.C.S. § 4581 (relating to restraint systems).

(b) Safety restraints installed in the vehicle at the time of manufacturing shall be used by all occupants.

(c) Manufacturers' instructions for use of safety restraints shall be kept in the vehicle at all times.

(d) A school bus with a seating capacity of 16 or more children used in transporting preschool or school-age children is exempt from the requirements established under subsections (a)—(c).

§ 3270.176. Vehicles.

(a) A vehicle shall be insured in accordance with 75 Pa.C.S. §§ 1701—1799.7 (relating to the Motor Vehicle Financial Responsibility Law).

(b) The doors on a vehicle shall be locked whenever the vehicle is in motion.

(c) No more than three persons may occupy the front seat of an automobile.

(d) The back of a pick-up truck may not be used to transport children.

(e) The cargo area of a station wagon may not be used to transport children.

(f) In accordance with 67 Pa. Code Chapter 171 (relating to school buses and school vehicles), the facility may not transport a child in an 11—15 passenger van.

CHILD RECORDS

§ 3270.182. Content of records.

A child's record must contain the following information:

- (1) Initial and subsequent health reports.
- (2) The dates of application, admission and withdrawal of the child.
- (3) Signed parental consent for emergency medical care for the child. Written consent is required prior to admission.
- (4) Signed parental consent for administration of medications or special dietary needs.
- (5) Signed parental consent for administration of minor first-aid procedures by facility staff. Written consent is required prior to admission.
- (6) Signed parental consent for transportation, walking excursions, swimming and wading.
- (7) Reports of accidents, injuries and illnesses involving a child in care at the facility. The original report shall be given to the parent on the day of the incident. The second copy of the report shall be retained at the facility in an accident file. The third copy of the report shall be retained at the facility in the child's file.
- (8) A copy of the initial agreement and subsequent written agreements between the parent and the operator. The parent shall receive the original agreement.

§ 3270.201. (Reserved).

§ 3270.202. (Reserved).

§ 3270.203. (Reserved).

§ 3270.204. (Reserved).

§ 3270.205. (Reserved).

§ 3270.206. (Reserved).

§ 3270.207. (Reserved).

§ 3270.208. (Reserved).

§ 3270.209. (Reserved).

§ 3270.210. (Reserved).

SPECIAL EXCEPTIONS

§ 3270.233. Play surfaces.

(a) A facility lawfully operating as of September 22, 2008, has until September 22, 2010, to comply with the protective surface requirement described in § 3270.102(c) (relating to condition of play equipment).

(b) A facility lawfully operating as of September 22, 2008, which has a play surface not in compliance with § 3270.102(e) has until September 22, 2010, to comply with the requirement described in § 3270.102(e).

SCHOOL-AGE PROGRAMS

§ 3270.241. Requirements specific to school-age programs.

* * * * *

(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following sections:

(1) *General provisions.* Sections 3270.1—3270.4 (relating to general provisions).

(2) *General requirements.* Sections 3270.11—3270.27 (relating to general requirements).

(3) *Staff persons and volunteers.* Sections 3270.31, 3270.32 and 3270.33(a), (b) and (d) (relating to age and training; suitability of persons in the facility; and general requirements for facility persons). Special requirements for director, group supervisor and assistant group supervisor are set forth in subsection (c).

(4) *Staff-child ratio.* Sections 3270.51, 3270.53 and 3270.54 (relating to similar age level; children of an operator or a staff person; and minimum number of facility persons in the child care facility).

(5) *Physical site.*

(i) Physical site requirements do not apply for a school-age program located in a school building that is under section 776.1 of the Public School Code of 1949 (24 P. S. § 7-776.1); specifically, a program operated for school-age children in a public or private school building, a building used by an intermediate unit, or an area vocational-technical school building which meets the physical site requirements acceptable to the Department of Education.

(ii) A school-age program not located in a school building referenced in subparagraph (i) must comply with requirements in §§ 3270.61, 3270.62, 3270.64, 3270.67, 3270.69, 3270.72(a), 3270.73, 3270.74, 3270.76, 3270.78, 3270.79 and 3270.82(a), (b) and (h).

(6) *Fire safety.* Sections 3270.91(a), 3270.92—3270.94 (relating to fire safety).

(7) *Equipment.* Sections 3270.101, 3270.102(a)—(c) and (g), 3270.104, 3270.107 and 3270.108.

(8) *Program.* Sections 3270.111, 3270.113, 3270.115(a) and (b), 3270.116 and 3270.118.

(9) *Procedures for admission.* Sections 3270.121—3270.124 (relating to procedures for admission). When a school-age child attends the facility 15 hours or less per week, the operator is not required to complete the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided referenced in § 3270.124(a)(3).

(10) *Child health.* Sections 3270.131—3270.134(a) and 3270.136—3270.138. An equivalent health report completed by a school is acceptable as documentation of child health for a school-age child.

(11) *Adult health.* Sections 3270.151—3270.154(a) and 3270.155.

(12) *Nutrition.*

(i) In a facility operating a school-age program for fewer than 4 consecutive hours, none of the nutrition requirements applies.

(ii) If a program operates for 4 or more consecutive hours or if a program provides meals or snacks, the facility director shall comply with §§ 3270.161—3270.165.

(13) *Transportation.*

(i) A facility is exempt from transportation requirements when children attending care at the facility are transported in vehicles owned and operated by the school district in which the facility is located.

(ii) A facility not operating under the provisions referenced in subparagraph (i) shall comply with §§ 3270.171—3270.178 (relating to transportation).

(14) *Child records.* Sections 3270.181—3270.185 (relating to child records).

(15) *Adult records.* Sections 3270.191—3270.193 (relating to adult records).

(16) *Special exemptions.* Sections 3270.231—3270.233 (relating to staff qualifications; indoor and outdoor space and capacity; and play surfaces).

(17) *Telephone.* Staff persons shall have immediate access to a working telephone on the facility premises. If a land-line telephone is not accessible to staff persons during the hours of facility operation, a wireless telephone is acceptable.

(c) Special requirements for staff persons in school-age programs or in school-age spaces.

(1) *Director.*

(i) In a program operating 30 or fewer hours a week, a director or director/group supervisor shall be present at a facility as required at § 3270.34 (relating to director qualifications and responsibilities) at least 20% of the program's operational hours.

(ii) In a program operating 31 to 45 hours a week, a director or director/group supervisor shall be present at a facility site at least 35% of the program's operational hours.

(iii) In a program operating 46 or more hours a week, a director or director/group supervisor shall be present at a facility site as described at § 3270.34(c) and (d).

(iv) A responsible designee shall be appointed by a director as described at § 3270.34.

(2) *Group supervisor.* In a program in which 46 or more school-age children are enrolled, a group supervisor shall be present at a facility site as described at § 3270.35 (relating to group supervisor qualifications and responsibilities).

(3) *Assistant group supervisor.*

(i) In a program in which 45 or fewer school-age children are enrolled, assistant group supervisors shall be present at a facility site during the program's operational hours.

(ii) In a program in which 45 or fewer school-age children are enrolled, one assistant group supervisor is required to be present at a facility site for each group of 12 young school-age or 15 older school-age children in attendance.

(iii) In a program of 45 or fewer enrolled children, an assistant group supervisor is responsible for the following minimum duties:

(A) Planning and implementing, with the director, daily program activities.

(B) Coordinating activities with other assistant group supervisors.

(C) Assisting the director as needed.

(4) *Aides.* In a program in which 46 or more school-age children are enrolled, the responsibility of an aide is described at § 3270.37 (relating to aide qualifications and responsibilities).

**CHAPTER 3280. GROUP CHILD DAY CARE HOMES
GENERAL PROVISIONS**

§ 3280.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The Public Welfare Code (62 P. S. §§ 101—1411).

Age level—The grouping category appropriate for the child's age.

(i) *Infant*—A child from birth to 1 year of age.

(ii) *Young toddler*—A child from 1 to 2 years of age.

(iii) *Older toddler*—A child from 2 to 3 years of age.

(iv) *Preschool child*—A child from 3 years of age to the date the child enters kindergarten in a public or private school system.

(v) *Young school-age child*—A child who attends kindergarten to the date the child enters the 4th grade of a public or private school system.

(vi) *Older school-age child*—A child who attends the 4th grade of a public or private school system through 15 years of age.

* * * * *

Child with special needs—A child who has one or more of the following:

(i) A disability or developmental delay identified on an IEP, an IFSP or a service agreement.

(ii) A written behavioral plan that has been determined by a licensed physician, licensed psychologist or certified behavior analyst.

(iii) A chronic health condition diagnosed by a licensed physician, physician's assistant or CRNP that requires health and related services of a type or amount beyond that required by children generally.

* * * * *

IEP—Individualized education program as defined in 22 Pa. Code §§ 14.101 and §§ 14.131—14.133 (relating to definitions; and IEP).

IFSP—Individualized family service plan as defined in §§ 4226.5 and 4226.71—4226.77 (relating to definitions; and IFSPs).

Inspection summary—A document prepared by an agent of the Department describing each regulatory noncompliance item confirmed as a result of a facility inspection.

* * * * *

Service agreement—A service agreement as defined in 22 Pa. Code §§ 15.2 and 15.7 (relating to definitions; and service agreement).

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GENERAL REQUIREMENTS

§ 3280.11. Application for and issuance of a certificate of compliance.

(a) A legal entity shall obtain a valid certificate of compliance to operate at a specific location. The certificate of compliance will be issued by the Department to a legal entity prior to commencement of operation at a specified location.

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the group child day care home. The orientation does not count toward the annual minimum of 6 hours of child care training required in § 3280.31(e) (relating to age and training).

(c) Application for a certificate of compliance shall be submitted to the appropriate regional day care office in accordance with Chapter 20 (relating to the licensure or approval of facilities and agencies).

(d) A certificate of compliance is issued in the manner described in Chapter 20, for a period not to exceed 12 months from the date of issue.

(e) A facility will be inspected at least once every 12 months by an agent of the Department.

(f) The facility is subject to announced and unannounced inspections in accordance with § 3280.23 (relating to Departmental access).

(g) Sanctions relating to the status of a certificate of compliance are applied under the authority of applicable sections of the act, Chapter 20 and this chapter.

(h) A facility whose certificate of compliance is current as of September 22, 2008, will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

§ 3280.15. Building codes.

A certificate of compliance will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable

requirements of the Department of Labor and Industry in 34 Pa. Code § 403.23 (relating to child day care facilities).

§ 3280.16. Service to a child with special needs.

(a) The operator shall make reasonable accommodation to include a child with special needs in accordance with applicable Federal and State laws.

(b) The operator shall permit an adult individual who provides specialized services to a child with special needs to provide those services on the facility premises as specified in the child's IEP, IFSP or written behavioral plan.

(c) The operator shall make staff persons and parents aware of community resources for the family of a child who may have special needs. The Department will provide to the operator information regarding community resources.

§ 3280.23. Departmental access.

(a) A staff person shall provide to agents of the Department immediate access to the facility and, upon request, to the children and the files and records.

(b) An inspection will be conducted during normal business hours except when there is reasonable cause to believe that inspections at other times are necessary to detect violations of applicable statutes and regulations.

(c) An agent of the Department will inspect compliance with this chapter in all areas of the facility premises that are accessible to children.

§ 3280.24. Availability of certificate of compliance and applicable regulations.

(a) The facility's current certificate of compliance and a copy of the applicable regulations under which the facility is certified shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional day care office posted at the same location.

(b) The operator shall post a copy of each inspection summary issued by the Department in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each regulatory noncompliance item cited on the inspection summary has been corrected.

§ 3280.26. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

(1) Shelter of children during an emergency including shelter in place at the facility and shelter at locations away from the facility premises.

(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3280.94(f) and (g) (relating to fire drills).

(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

(c) Each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.

(d) The emergency plan shall be posted in the facility at a conspicuous location.

(e) The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.

(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the county emergency management agency.

FACILITY PERSONS

§ 3280.31. Age and training.

(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person if the guidelines in this section are met.

(d) Child care professional credentials are equivalent to the following staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year experience with children.

(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Post-secondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education.

(iii) Supervision, discipline and guidance of children.

(iv) Nutrition for children.

(v) Child care program development.

(vi) Child care staff person or volunteer professional development.

(3) Other training topics may be submitted for the Department's review and approval.

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

(i) *First-aid training.* Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before the expiration of certification of every 3 years, as applicable.

(ii) *Lifeguard training.* Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iii) *Water safety instruction.* Competence is completion of basic instruction in water safety from a certified lifeguard.

(f) Completion of training shall be documented by the signature and title of a representative of the training entity and include the date training was completed. Documentation shall be retained in the facility person's file.

STAFF:CHILD RATIO

§ 3280.52. Ratio requirements.

(a) The minimum number of facility persons is as follows:

(1) A primary staff person shall be present in a facility when six or fewer children are in care, unless the staff:child ratio specified in subsection (b) or (c) requires a second or third staff person.

(2) At least two facility persons shall accompany any number of children on an excursion away from a facility.

(b) When children are grouped in similar age levels, the following child group sizes and ratios of staff persons apply:

	<i>Staff</i>	<i>Children</i>	<i>Maximum Group Size</i>	<i>Total Number of Staff Required for the Maximum Group Size</i>
Infant	1	4	12	3
Young toddler	1	5	12	3
Older toddler	1	6	12	2
Preschool	1	10	12	2
Young school-age	1	12	12	1
Older school-age	1	15	15	1

(c) When children are grouped in mixed age levels, the age of the youngest child in the group determines the staff:child ratio and maximum group size in accordance with the requirements in subsection (b).

PHYSICAL SITE

§ 3280.61. Measurement and use of indoor child care space.

(a) A facility shall provide indoor child care space for individual and group small muscle activity.

(b) Indoor child care space may not be used simultaneously as play space.

(c) Indoor child care space is measured within permanent, stationary partitions or walls. The allowable number of children in a space is determined by dividing the total square feet in a space by 40.

(d) Measured indoor space includes space occupied by cupboards, shelves, furniture and equipment.

(e) Measured indoor space does not include space occupied by halls, bathrooms, offices, kitchens and locker rooms.

(f) Indoor space in which children are receiving care may not be used simultaneously for other business, commercial, social or another purpose unrelated to the child care being offered.

(g) Preschool and school-age children may not be involved in small or large muscle activity in the same group space in which children are sleeping or resting.

(h) The capacity established for an indoor space may not be exceeded except in the following situations:

(1) At naptime, when toddler or preschool children are resting on rest equipment described in § 3280.105 (relating to rest equipment) if the following conditions are met:

(i) The capacity is determined by the requirement for placement of rest equipment described in § 3280.105(f).

(ii) The capacity may be exceeded for no longer than 2 1/2 consecutive hours and no more than twice in a program day.

(2) When older toddler, preschool or school-age children are participating in a program activity if the following conditions are met:

(i) The capacity of the indoor child care space may be exceeded for no more than two separate 1/2 hour time periods daily.

(ii) Each time period shall be designated on the facility's schedule of daily activities.

(iii) The space may not be occupied by children of the infant or young toddler age levels during a time period when the capacity is exceeded.

(iv) The number of children present in the space may not be more than twice the measured capacity of the space.

(3) When a meal is served in a space designated and measured as indoor child care space if the following conditions are met:

(i) The capacity of a space may be exceeded when children are eating for no more than 1 hour daily.

(ii) The meal time shall be designated on the facility's schedule of daily activities.

(iii) The number of children present in the space may not be more than twice the measured capacity of the space.

§ 3280.70. Indoor temperature.

(a) The indoor temperature must be at least 65° F.

(b) If the indoor temperature exceeds 82° F in a child care space, a means of mechanical air circulation must be operating.

§ 3280.75. First-aid kit.

(a) A first-aid kit shall be kept in a facility.

(b) A first-aid kit must be inaccessible to children.

(c) A first-aid kit must contain the following: soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and disposable, nonporous gloves.

(d) One first-aid kit per child care group must accompany children and facility persons on excursions from the facility. Each first aid kit taken on an excursion must contain a bottle of water in addition to the items specified in subsection (c).

EQUIPMENT

§ 3280.102. Condition of play equipment.

(a) Toys, play equipment and other indoor and outdoor equipment used by the children must be clean, in good repair and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

(b) Toys soiled by secretion or excretion shall be cleaned with soap and water, rinsed and sanitized before being used by a child.

(c) Outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the United States Consumer Product Safety Commission. The equipment must be anchored firmly and be in good repair.

(d) Slides that are over 4 feet high must have guards along both sides of the ladder.

(e) Pea gravel and other materials with a diameter of less than 1 inch may not be used in spaces where infants or toddlers receive care.

(f) Children's toys and equipment, including furniture and rest equipment, described as hazardous by the United States Consumer Product Safety Commission may not be used by children at the facility and may not be on the premises at the facility. At the time of inspection, the operator shall submit to the Department written affirmation on a form provided by the Department stating that the facility is in compliance with this requirement.

§ 3280.105. Rest equipment.

(a) Individual, clean, age-appropriate rest equipment shall be provided for preschool, toddler and infant children as agreed between the child's parent and the operator. The rest equipment must be labeled for the use of a specific child and used only by the specified child.

(b) Bed linens may not be used alone as age-appropriate rest equipment.

(c) Stacked cribs may not be used.

(d) Crib and playpen slats may be no more than 2 3/8 inches apart.

(e) Seasonal, appropriate covering, such as sheets or blankets, shall be provided as agreed between the child's parent and the operator.

(f) At least 2 feet of space is required on three sides of a bed, cot, crib or other rest equipment while the equipment is in use.

(g) Linens, blankets and rest equipment shall be cleaned monthly, at a minimum. The operator shall arrange a cleaning schedule with the parent.

(h) Soiled bedding shall be cleaned before it is reused.

(i) The upper level of double-deck beds may not be used for children 8 years of age or younger.

(j) Toys, bumper pads or pillows may not be present in a crib while an infant is sleeping in the crib.

§ 3280.108. Furniture.

(a) Furniture must be durable, safe, easily cleaned and appropriate for the child's size, age and special needs.

(b) Study space, tables, chairs, paper and pencils shall be provided for school-age children in care, if necessary for the program offered by the facility.

PROGRAM

§ 3280.113. Supervision of children.

(a) Children on the facility premises and on facility excursions off the premises shall be supervised by a staff person at all times. Outdoor play space used by the facility is considered part of the facility premises.

(1) Each staff person shall be assigned the responsibility for supervision of specific children. The staff person shall know the names and whereabouts of the children in his assigned group. The staff person shall be physically present with the children in his group on the facility premises and on facility excursions off the facility premises.

(2) The requirement for supervision on and off the facility premises includes compliance with the staff:child ratio requirements in §§ 3280.51—3280.53 (relating to staff:child ratio).

(b) A facility person may not use any form of physical punishment including spanking a child.

(c) A facility person may not single out the child for ridicule, threaten harm to the child or the child's family and may not specifically aim to degrade the child or the child's family.

(d) A facility person may not use harsh, demeaning or abusive language in the presence of children.

(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.

§ 3280.115. Water activity.

(a) *Swimming.*

(1) A swimming pool must conform to 28 Pa. Code Chapter 18 (relating to public swimming and bathing places).

(2) An in-ground swimming pool accessible to children must be fenced with a locked gate.

(3) An aboveground swimming pool which is not in use must be made inaccessible to children in accordance with the swimming pool barrier guidelines of the United States Consumer Product Safety Commission.

(4) An indoor swimming pool which is not in use must be made inaccessible to children.

(5) The following staff:child ratios apply while children are swimming:

<i>Similar Age Level</i>	<i>Staff</i>	<i>Children</i>
Infant	1	1
Young and older toddler	1	2
Preschool	1	5
Young school-age	1	6
Older school-age	1	8

(6) When children are swimming, supervision shall include one person certified in lifeguarding training, as described in § 3280.31(e)(4)(iii) (relating to age and training).

(7) The person certified in lifeguard training may not be included in the staff-child ratio.

(8) A facility person who is counted in the staff-child ratio shall annually complete water safety instruction.

(b) *Wading.*

(1) Staff persons shall supervise day care children using wading pools. Staff:child ratios in subsection (a) apply when children are wading.

(2) A sanitizing solution shall be added to water in a wading pool. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water.

(3) A wading pool shall be emptied daily.

(c) *Water play tables.* A water play table or a container used for water play that contains unfiltered water shall be emptied daily.

§ 3280.117. Release of children.

(a) A child shall be released only to the child's parent or to an individual designated in writing by the enrolling parent. A child shall be released to either parent unless a court order on file at the facility states otherwise.

(b) In an emergency, a child may be released to an individual upon the oral designation of the parent, if the identity of the individual can be verified by a staff person.

(c) If a child is released upon the oral designation of the parent, the following information shall be logged in the child's record:

- (1) The name of the parent making the request.
- (2) The date and time of the request.
- (3) The name of the individual to whom the child is to be released.
- (4) The name of the staff person taking the call.
- (5) The name of the staff person releasing the child.

§ 3280.119. Infant sleep position.

Infants shall be placed in the sleeping position recommended by the American Academy of Pediatrics unless there is a medical reason an infant should not sleep in this position. The medical reason shall be documented in a statement signed by a physician, physician's assistant or CRNP and placed in the child's record at the facility.

PROCEDURES FOR ADMISSION

§ 3280.122. Admission interview.

A child shall be interviewed or observed by the operator and, when possible, shall have the opportunity to visit the facility prior to being admitted for care. The child shall be told as much as he can understand about the service being planned. If the parent indicates that the child has special needs, the operator shall discuss the condition

with the parent, refer to § 3280.4 (relating to definitions), and comply with §§ 3280.16, 3280.124 and 3280.131 (relating to service to a child with special needs; emergency contact information; and health information).

§ 3280.123. Agreement.

(a) An agreement signed by the operator and the parent must specify the following:

(1) The amount of fee to be charged per day or per week.

(2) The date on which the fee is to be paid.

(3) The services to be provided to the family and the child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding emergency contact information in § 3280.124(f) (relating to emergency contact information).

(4) The child's arrival and departure times.

(5) The individuals designated by the parent to whom the child may be released as specified in § 3280.117 (relating to release of children).

(6) The date of the child's admission.

(7) The services which are to be considered as extra.

(b) A parent shall receive the original agreement. The facility shall retain a copy of the agreement.

§ 3280.124. Emergency contact information.

(a) Emergency contact information is required for each enrolled child. Emergency contact information must reference who shall be contacted in an emergency.

(b) Emergency contact information must include the following:

(1) The name and birth date of the child.

(2) The name, address and telephone number of the child's physician or source of medical care.

(3) The home and work addresses and telephone numbers of the enrolling parent.

(4) The written consent signed by a parent for emergency medical care.

(5) Information on the child's special needs, as specified by the child's parent, physician, physician's assistant or CRNP, which is needed in an emergency situation.

(6) Health insurance coverage and policy number for the child under a family policy or Medical Assistance benefits, if applicable.

(7) The name, address and telephone number of individual designated by the parent to whom the child may be released.

(c) When children are in the facility, emergency contact information must be present in a child care space for children receiving care in that space.

(d) When children leave the facility on walking and riding excursions, emergency contact information specific to each child on the excursion must accompany a staff person on the excursion.

(e) A written plan identifying the means of transporting a child to emergency care and staffing provisions in the event of an emergency shall be displayed conspicuously in every child care space and accompany a staff person who leaves on an excursion with children.

(f) The parent shall update in writing emergency contact information once in a 6-month period or as soon as there is a change in the information.

CHILD HEALTH

§ 3280.131. Health information.

(a) The operator shall require the parent of an enrolled child, including a child, a foster child and a relative of an operator or a facility person, to provide an initial health report no later than 60 days following the first day of attendance at the facility.

(1) The initial health report for an infant must be dated no more than 3 months prior to the first day of attendance at the facility.

(2) The initial health report for a young toddler must be dated no more than 6 months prior to the first day of attendance at the facility.

(3) The initial health report for an older toddler or preschool child must be dated no more than 1 year prior to the first day of attendance at the facility.

(4) The initial health report for a school-age child must be dated in accordance with the requirements for medical examinations for school attendance in 28 Pa. Code § 23.2 (relating to medical examinations).

(b) The operator shall require the parent to provide an updated health report in accordance with the following schedules:

(1) At least every 6 months for an infant or young toddler.

(2) At least every 12 months for an older toddler or preschool child.

(c) A health report must be written and signed by a physician, physician's assistant or a CRNP. The signature must include the individual's professional title.

(d) The health report must include the following information:

(1) A review of the child's health history.

(2) A list of the child's allergies.

(3) A list of the child's current medication and the reason for the medication.

(4) An assessment of an acute or chronic health problem or special needs and recommendations for treatment or services, including information regarding abnormal results of screening tests for vision, hearing or lead poisoning.

(5) A review of the child's immunized status according to recommendations of the ACIP.

(6) A statement of the child's medical information pertinent to diagnosis and treatment in case of emergency.

(7) A statement that the child is able to participate in child care and appears to be free from contagious or communicable disease.

(8) A statement that age-appropriate screenings recommended by the American Academy of Pediatrics were conducted since the time of the previous health report required by this section.

(e) The facility may not accept or retain an infant 2 months of age or older, a toddler or a preschool child at the facility for more than 60 days following the first day of attendance at the facility unless the parent provides written verification from a physician, physician's assis-

tant, CRNP, the Department of Health or a local health department of the dates (month, day and year) the child was administered immunizations in accordance with the recommendations of the ACIP.

(1) The facility shall require the parent to provide updated written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of ongoing vaccines administered to an infant, toddler or preschool child in accordance with the schedule recommended by the ACIP.

(2) Exemption from immunization must be documented as follows:

(i) Exemption from immunization for religious belief or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record.

(ii) Exemption from immunization for reasons of medical need must be documented by a written, signed and dated statement from the child's physician, physician's assistant or CRNP. The statement shall be kept in the child's record.

(3) The facility shall implement dismissal policies in accordance with the Department of Health regulation in 28 Pa. Code § 27.77 (relating to immunization requirements for children in child care group settings).

(4) The facility shall comply with the annual immunization reporting requirements in accordance with the Department of Health regulation in 28 Pa. Code § 27.77.

§ 3280.133. Child medication and special diets.

The operator shall make reasonable accommodation in accordance with applicable Federal and State laws to facilitate administration of medication or a special diet as prescribed by a physician, physician's assistant or CRNP as a treatment related to the child's special needs. Facility persons are not required to administer medication or special diets which are requested or required by a parent, a physician, a physician's assistant or a CRNP but are not treatment related to the child's special needs. When medication or special diets are administered, the following requirements apply:

(1) A prescription or nonprescription medication may be accepted only in an original container. The medication must remain in the container in which it was received.

(2) A staff person shall administer a prescription medication only if written instructions are provided from the individual who prescribed the medication. Instructions for administration contained on a prescription label are acceptable.

(3) The label of a medication container must identify the name of the medication and the name of the child for whom the medication is intended. Medication shall be administered to only the child whose name appears on the container.

(4) Medication shall be stored in a locked area of the facility or in an area that is out of the reach of children.

(5) Medication shall be stored in accordance with the manufacturer's or health professional's instructions on the original label.

(6) A parent shall provide written consent for administration.

(7) An operator is responsible to establish and maintain a medication log if prescription or nonprescription medication is administered. A log must include the following minimum information:

- (i) The name of the medication.
- (ii) The name of the child receiving the medication.
- (iii) A requirement for refrigeration.
- (iv) The amount of medication administered.
- (v) The date of administration.
- (vi) The time of administration.
- (vii) The initials of the staff person who administered the medication.
- (viii) Special notes related to problems of administration.

(8) If a special diet is prescribed for a child and if the diet is administered to the child, written instructions and the parent's written consent shall be retained in the child's file.

§ 3280.135. Diapering requirements.

(a) When children are diapered, the facility shall use disposable diapers, a diaper service or arrange with the parent to provide a daily diaper supply.

(1) If nondisposable diapers are provided by a parent, a soiled diaper shall be placed in an individual, securely-tied plastic bag and returned to the parent at the end of the day.

(2) If nondisposable diapers from a diaper service are provided by a facility, a soiled diaper shall be placed in the container provided by the service or in a securely-tied plastic bag.

(3) If disposable diapers are provided by a facility or a parent, a soiled diaper shall be discarded by immediately placing the diaper into a plastic-lined, hands-free covered can.

(4) A soiled diaper that is not in a tied bag may not be placed in an unlined outdoor trash container.

(b) Diaper changing surfaces shall be cleaned after each use by wiping the surface with a sanitizing solution or by changing a pad or other surface covering.

(c) The diapering area may not be used for food preparation or food service.

(d) Cloth and paper materials used as diapering aids shall be stored in a manner that prevents cross-contamination from a soiled diaper, contaminated hands or other changing materials.

(e) A staff person shall check a child's diaper at least every 2 hours and whenever the child indicates discomfort or exhibits behavior that suggests a soiled diaper. A staff person shall change a child's diaper when the diaper is soiled.

ADULT HEALTH

§ 3280.151. Health assessment.

(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment conducted within 12 months prior to providing initial service in a child care setting and every 24 months thereafter. A health assessment is valid for 24 months following the date of signature, if the person does not contract a communicable disease or develop a medical problem.

(b) A health assessment shall be conducted and a report shall be written and signed by a physician, physician's assistant or CRNP. The signature must include the individual's professional title.

(c) The health assessment must include the following:

(1) A physical examination.

(2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, physician's assistant, CRNP, Department of Health or local health department.

(i) If a person's medical record demonstrates a positive tuberculin skin test, that record shall be placed on file at the facility.

(ii) A record of a person with a positive tuberculin skin test must include the results of a chest x-ray and evaluation for chemoprophylaxis.

(iii) A person with a positive tuberculin skin test and a negative x-ray is not required to have further tuberculosis testing, unless one of the following occurs:

(A) The person is exposed to an active case of tuberculosis.

(B) The person develops a productive cough which does not respond to medical treatment within 14 days.

(3) Examination for communicable diseases and the results of that examination.

(4) Information on medical problems which might threaten the health of the children or prohibit a staff person from providing adequate care to children.

(5) The physician's or CRNP's assessment of the person's suitability to provide child care.

(d) An adult individual who is employed by a facility and who provides children with social, medical, psychological or psychiatric services in addition to this chapter is required to have a current health assessment on file at the facility. An adult individual or an employe of an agency who provides those services by contract with the child's parent or the facility is not required to have a current health assessment on file at the facility.

TRANSPORTATION

§ 3280.175. Safety restraints.

(a) A child 7 years of age or younger shall be transported in accordance with the requirements for parents and guardians as set forth in 75 Pa.C.S. § 4581 (relating to restraint systems).

(b) Safety restraints installed in the vehicle at the time of manufacturing shall be used by occupants.

(c) Manufacturer's instructions for use of safety restraints shall be kept in the vehicle at all times.

(d) School buses with a seating capacity of 16 or more children used in transporting preschool or school-age children are exempt from subsections (a)—(c).

§ 3280.176. Vehicles.

(a) A vehicle shall be insured under 75 Pa.C.S. §§ 1701—1799.7 (relating to the Motor Vehicle Financial Responsibility Law).

(b) The doors on a vehicle shall be locked whenever the vehicle is in motion.

(c) No more than three persons may occupy the front seat of an automobile.

(d) The back of a pickup truck may not be used to transport children.

(e) The cargo area of a station wagon may not be used to transport children.

(f) In accordance with 67 Pa. Code Chapter 171 (relating to school buses and school vehicles), the facility may not transport a child in an 11-15 passenger van.

CHILD RECORDS

§ 3280.182. Content of records.

A child's record must contain the following information:

(1) Initial and subsequent health reports.

(2) The dates of application, admission and withdrawal of the child.

(3) Signed parental consent for emergency medical care for the child. Written consent is required prior to admission.

(4) Signed parental consent for administration of medications or special dietary needs.

(5) Signed parental consent for administration of minor first-aid procedures by facility staff. Written consent is required prior to admission.

(6) Signed parental consent for transportation, walking excursions, swimming and wading.

(7) Reports of accidents, injuries and illnesses involving a child in care at the facility. The original report shall be given to the parent on the day of the incident. The second copy of the report shall be retained at the facility in an accident file. The third copy of the report shall be retained at the facility in the child's file.

(8) A copy of the initial agreement and subsequent written agreements between the parent and the operator. The parent shall receive the original agreement.

§§ 3280.201—3280.209. (Reserved).

SPECIAL EXCEPTIONS

§ 3280.215. Play surfaces.

(a) A facility lawfully operating as of September 22, 2008, has until September 22, 2010, to comply with the protective surface requirement described in § 3280.102(c) (relating to condition of play equipment).

(b) A facility lawfully operating as of September 22, 2008 which has a play surface not in compliance with § 3280.102(e) has until September 22, 2010 to comply with § 3280.102(e).

SCHOOL-AGE PROGRAMS

§ 3280.221. Requirements specific to school-age programs.

(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child day care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.

(b) A facility or a space in a facility in which care is provided exclusively to school-age children shall comply only with the following:

(1) *General provisions.* Sections 3280.1—3280.4 (relating to general provisions).

(2) *General requirements.* Sections 3280.11—3280.26 (relating to general requirements).

(3) *Staff persons and volunteers.* Sections 3280.31—3280.34.

(4) *Staff:child ratio.* Sections 3280.51, 3280.52(b) and 3280.53 (relating to staff:child ratio).

(5) *Physical site:*

(i) Physical site requirements do not apply for a school-age program located in a school building that is under section 776.1 of the Public School Code of 1949 (24 P. S. § 7-776.1); specifically, a program operated for school-age children in a public or private school building, a building used by an intermediate unit, or an area vocational-technical school building which meets the physical site requirements acceptable to the Department of Education.

(ii) A school-age program not located in a school building referenced in subparagraph (i) must comply with requirements located in §§ 3280.61, 3280.62, 3280.64, 3280.67, 3280.69, 3280.72(a), 3280.73, 3280.74, 3280.76, 3280.78, 3280.79 and 3280.81(a) and (c).

(6) *Firesafety.* Sections 3280.91(a) and 3280.92—3280.94 (relating to firesafety).

(7) *Equipment.* Sections 3280.101, 3280.102(a)—(c) and (g), 3280.107 and 3280.108.

(8) *Program.* Sections 3280.111, 3280.113, 3280.115(a) and (b), 3280.116 and 3280.118.

(9) *Procedures for admission.* Sections 3280.121—3280.124 (relating to procedures for admission). When a school-age child attends the facility 15 hours or less per week, the operator is not required to complete the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided referenced in § 3280.124(a)(3).

(10) *Child health.* Sections 3280.131—3280.134(a) and 3280.136—3280.138. An equivalent health report completed by a school is acceptable as documentation of child health for a school-age child.

(11) *Adult health.* Sections 3280.151—3280.153, 3280.154(a) and 3280.155 (relating to adult health).

(12) *Nutrition:*

(i) In a facility operating a school-age program for fewer than 4 consecutive hours, the nutrition requirements do not apply.

(ii) If a program operates for 4 or more consecutive hours or if a program provides meals or snacks, the primary staff person shall comply with §§ 3280.161—3280.165.

(13) *Transportation:*

(i) A facility is exempt from transportation requirements when children attending care at the facility are transported in vehicles owned and operated by the school district in which the facility is located.

(ii) A facility not operating under the provisions referenced in subparagraph (i) shall comply with requirements located in §§ 3280.171—3280.178 (relating to transportation).

(14) *Child records.* Sections 3280.181—3280.185 (relating to child records).

(15) *Adult records.* Sections 3280.191—3280.193 (relating to adult records).

(16) *Special exceptions.* Sections 3280.211—3280.213 and 3280.215.

(17) *Telephone.* Staff persons shall have immediate access to a working telephone on the facility premises. If

a land-line telephone is not accessible to staff persons during the hours of facility operation, a wireless telephone is acceptable.

**CHAPTER 3290. FAMILY CHILD DAY CARE HOMES
GENERAL PROVISIONS**

§ 3290.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The Public Welfare Code (62 P. S. §§ 101—1411).

Age level—The grouping category appropriate for the child's age.

(i) *Infant*—A child from birth to 1 year of age.

(ii) *Young toddler*—A child from 1 to 2 years of age.

(iii) *Older toddler*—A child from 2 to 3 years of age.

(iv) *Preschool child*—A child from 3 years of age to the date the child enters kindergarten in a public or private school system.

(v) *Young school-age child*—A child who attends kindergarten to the date the child enters the 4th grade of a public or private school system.

(vi) *Older school-age child*—A child who attends the 4th grade of a public or private school system through 15 years of age.

* * * * *

Child with special needs—A child who has one or more of the following:

(i) A disability or developmental delay identified on an IEP, an IFSP or a service agreement.

(ii) A written behavioral plan that has been determined by a licensed physician, licensed psychologist or certified behavior analyst.

(iii) A chronic health condition diagnosed by a licensed physician, physician's assistant or CRNP that requires health and related services of a type or amount beyond that required by children generally.

* * * * *

IEP—Individualized education program as defined in 22 Pa. Code §§ 14.101 and 14.131—14.133 (relating to definitions; and IEP).

IFSP—Individualized family service plan as defined in §§ 4226.5 and 4226.71—4226.77 (relating to definitions; and IFSPs).

* * * * *

Inspection summary—A document prepared by an agent of the Department describing each regulatory noncompliance item confirmed as a result of a facility inspection.

Legal entity—A person, corporation or partnership that is legally responsible for the administration of the facility.

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Service agreement—A service agreement as defined in 22 Pa. Code §§ 15.2 and 15.7 (relating to definitions; and service agreement).

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GENERAL REQUIREMENTS**§ 3290.11. Application for and issuance of a certificate of registration.**

(a) An individual desiring information about the registration law or about regulations for the operation of a family child day care home shall request the documents from the appropriate regional office of the Department.

(b) A legal entity desiring to apply for a certificate of registration shall request application documents from the appropriate regional office of the Department.

(c) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of registration. The orientation does not count toward the biennial minimum of 12 clock hours of child care training required in § 3290.31(f) (relating to age and training).

(d) Prior to providing child day care at any one time to more than three children unrelated to the operator, the legal entity shall apply for and will be issued a certificate of registration.

(e) A legal entity seeking to operate a facility shall apply to the appropriate regional office on a form approved by the Department. The legal entity shall be required to submit information specified by the registration law and this chapter.

(f) The legal entity applying for a certificate of registration shall certify, in writing, compliance with the registration law and this chapter.

(g) Following review of the application and related documents, the Department will approve or deny the issuance of a certificate of registration.

(h) A certificate of registration will be issued for a period not to exceed 24 months following date of issue.

(1) A certificate of registration is issued to a specific legal entity at a specific location. A certificate of registration is not transferrable.

(2) A certificate of registration is void without notice if there is a change in the legal entity or the location of the facility.

(3) If a facility is to be operated at a new location or by a new legal entity, the legal entity shall advise the appropriate regional office at least 30 days in advance of the change.

(i) The facility is subject to inspections as follows:

(1) For purposes of the random sample on an announced or unannounced basis.

(2) At the request of an operator on an announced or unannounced basis.

(3) In response to a complaint on an unannounced basis.

(j) If a certificate of registration lapses, the legal entity shall file an original application and the supplemental information required by the Department.

(k) Prior to expiration of a current certificate of registration, the legal entity will receive notice from the Department regarding renewal of the certificate.

(l) A legal entity desiring to renew a certificate of registration shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of registration.

(m) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of registration, the legal entity shall submit clearances for the legal entity and for each individual 18 years of age and older who resides in the facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year if any of the following apply:

(i) The current registration certificate was issued prior to May 28, 2007.

(ii) The individual attained 18 years of age following the date of the previous application for a registration certificate.

(iii) The individual moved into the facility following the date of the previous application for a registration certificate.

(3) New clearances for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year will be required by the Department if an application for renewal is received following expiration of the current certificate of registration.

(n) An operator whose facility's certificate of registration is current as of September 22, 2008, will not be required to certify compliance with this chapter until renewal of the certificate of registration or until the Department inspects in response to an alleged regulatory violation, whichever occurs first.

§ 3290.14. Building codes.

A certificate of registration will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements in 34 Pa. Code § 403.23 (relating to child day care facilities).

§ 3290.15. Service to a child with special needs.

(a) The operator shall make reasonable accommodation to include a child with special needs in accordance with applicable Federal and State laws.

(b) The operator shall permit an adult individual who provides specialized services to a child with special needs to provide those services on the facility premises as specified in the child's IEP, IFSP or written behavioral plan.

(c) The operator shall make staff persons and parents aware of community resources for the family of a child who may have special needs. The Department will provide to the operator information regarding community resources.

§ 3290.21. Departmental access.

(a) A staff person shall provide to agents of the Department immediate access to the facility and, upon request, to the children and the files and records.

(b) An inspection will be conducted during normal business hours except when there is reasonable cause to believe that inspections at other times are necessary to detect violations of applicable laws and regulations.

(c) An agent of the Department will inspect for compliance with this chapter in all areas of the facility premises that are accessible to children.

§ 3290.22. Availability of certificate of registration and applicable regulations.

(a) The facility's current certificate of registration and a copy of the applicable regulations under which the facility is certified shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional day care office posted at the same location.

(b) The operator shall provide the parent of each child enrolled in the facility with a copy of this chapter.

(c) The operator shall post a copy of each inspection summary issued by the Department next to the facility's certificate of registration in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each noncompliance item noted on the inspection summary has been corrected.

§ 3290.24 Emergency plan.

(a) The facility shall have an emergency plan that provides for:

(1) Shelter of children during an emergency including shelter in place at the facility and shelter at locations away from the facility premises.

(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3290.94(f) and (g) (relating to fire drills).

(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

(c) Each facility person shall receive training regarding the emergency plan at the time of initial employment, on an annual basis and at the time of each plan update. The date of each training and the name of each facility person who received the training shall be documented in writing and kept on file at the facility.

(d) The emergency plan shall be posted in the facility at a conspicuous location.

(e) The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.

(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the county emergency management agency.

FACILITY PERSONS

§ 3290.31. Age and training.

(a) The operator shall have the following qualifications:

(1) Be 18 years of age or older.

(2) Have a high school diploma or a general educational development certificate and submit proof to the appropriate regional office of the Department at the time of registration renewal.

(b) Staff persons shall be 18 years of age or older.

(c) A volunteer shall be 16 years of age or older. A volunteer shall be directly supervised at all times by a staff person.

(d) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary accreditation and acceptable to the Department of Education.

(2) The curriculum includes acceptable training topics referenced in subsection (f)(2).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child day care facility.

(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.

(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.

(e) Child care professional credentials are equivalent to the following staff qualifications:

(1) A Child Development Associate (CDA) credential or a Certified Childcare Professional (CCP) credential is equivalent to 9 credit hours from an accredited college or university in early childhood education or child development and 1 year of experience with children.

(2) A Pennsylvania school-age professional credential is equivalent to 9 credit hours from an accredited college or university in elementary education or child development and 1 year experience with children.

(f) A staff person shall obtain a biennial minimum of 12 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(i) By a secondary or postsecondary institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation and acceptable to the Department of Education.

(ii) By an entity that is licensed or certified professionally competent in the training topic.

(iii) In conferences or workshops.

(iv) With audio-visual materials recognized by child care professionals.

(2) Acceptable training topics include the following:

- (i) Child or staff health.
- (ii) Child development, early childhood education and special education.
- (iii) Supervision, discipline and guidance of children.
- (iv) Nutrition for children.
- (v) Child care program development.
- (vi) Child care staff person or volunteer professional development.

(3) Other training topics may be submitted for the Department's review and approval.

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff. The following constitutes competence in training areas as follows:

(i) *First-aid training.* Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before expiration of certification or every 3 years, as applicable.

(ii) *Lifeguard training.* Competence is completion of lifeguard training, including first-aid training and cardiopulmonary resuscitation (CPR) for child and infant.

(iii) *Water safety instruction.* Competence is completion of basic instruction in water safety from a certified lifeguard.

(g) Completion of training shall be documented by the signature and title of a representative of the training entity and shall include the date training was completed. Documentation shall be retained in the facility person's file.

PHYSICAL SITE

§ 3290.68. Indoor temperature.

- (a) The indoor temperature must be at least 65° F.
- (b) If the indoor temperature exceeds 82° F in a child care space, a means of mechanical air circulation must be operating.

§ 3290.73. First-aid kit.

- (a) A facility must have a first-aid kit.
- (b) A first-aid kit shall be kept in a place inaccessible to children.
- (c) A first-aid kit must contain the following: soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and disposable, nonporous gloves.
- (d) One first-aid kit must accompany children and facility person on excursions from the facility. The first aid kit taken on an excursion must contain a bottle of water in addition to the items specified in subsection (c).

EQUIPMENT

§ 3290.102. Condition of play equipment.

- (a) Toys, play equipment and other indoor and outdoor equipment used by the children must be clean, in good repair and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.
- (b) Toys soiled by secretion or excretion shall be cleaned with soap and water, rinsed and sanitized before being used by a child.

(c) Outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the United States Consumer Product Safety Commission. The equipment must be anchored firmly and be in good repair.

(d) Slides that are over 4 feet high must have guards along both sides of the ladder.

(e) Pea gravel and other materials with a diameter of less than 1 inch may not be used in spaces where infants or toddlers receive care.

(f) Children's toys and equipment, including furniture and rest equipment, described as hazardous by the United States Consumer Product Safety Commission may not be used by children at the facility.

§ 3290.105. Rest equipment.

(a) Individual, clean, age-appropriate rest equipment shall be provided for preschool, toddler and infant children as agreed between the parent and the operator. The rest equipment must be labeled with the child's name and used only by the named child while enrolled in the program.

(b) Bed linens may not be used alone as age-appropriate rest equipment.

(c) Stacked cribs may not be used.

(d) Crib and playpen slats may be no more than 2 3/8 inches apart.

(e) Seasonal, appropriate covering, such as sheets or blankets, shall be provided as agreed between the parent and the operator.

(f) At least 2 feet of space is required on three sides of a bed, cot, crib or other rest equipment while the equipment is in use.

(g) Linens, blankets and rest equipment shall be cleaned monthly, at a minimum. The operator shall arrange a cleaning schedule with the parent.

(h) Soiled bedding shall be cleaned before it is reused.

(i) The upper level of double-deck beds may not be used for children 8 years of age or younger.

(j) Toys, bumper pads or pillows may not be present in a crib while an infant is sleeping in the crib.

PROGRAM

§ 3290.113. Supervision of children.

(a) Children on the facility premises and on facility excursions off the premises shall be supervised by a staff person at all times. Outdoor play space used by the facility is considered part of the facility premises. The requirement for supervision on and off the facility premises includes compliance with the staff:child ratio requirements in §§ 3290.51 and 3290.52 (relating to staff:child ratio).

(b) A facility person may not use any form of physical punishment including spanking a child.

(c) A facility person may not single out a child for ridicule, threaten harm to the child or the child's family and may not specifically aim to degrade the child or the child's family.

(d) A facility person may not use harsh, demeaning or abusive language in the presence of children.

(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.

§ 3290.115. Water activity.

- (a) *Swimming or wading.*
- (1) An in-ground swimming pool accessible to children must be fenced with a locked gate.
- (2) An aboveground swimming pool which is not in use must be made inaccessible to children in accordance with the swimming pool barrier guidelines of the United States Consumer Product Safety Commission.
- (3) An indoor swimming pool which is not in use must be made inaccessible to children.
- (4) A staff person shall be physically present with a child who is wading or swimming.
- (5) Swimming and wading ratios shall be maintained as follows:

	<i>Staff</i>	<i>Children</i>
Infant	1	1
Young or older toddler	1	2
Preschool	1	5
Young school-age	1	6
Older school-age	1	6

- (6) When children are swimming, supervision shall include at least one person who has completed lifeguard training as described in § 3290.31(c)(4)(ii) (relating to age and training).
- (7) The person certified in lifeguard training may not be included in the staff:child ratio.
- (8) A facility person who is counted in the staff:child ratio shall annually complete water safety instruction.
- (9) A sanitizing solution shall be added to water in a wading pool. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water. A sanitizing solution shall be handled as a toxic. See § 3290.64 (relating to toxics).
- (10) A wading pool shall be emptied daily.

(b) *Water play table.* A water play table or a container used for water play that contains unfiltered water shall be emptied daily.

§ 3290.116. Release of children.

- (a) A child shall be released from care only to the child's parent or to an individual designated in writing by the enrolling parent. A child shall be released to either parent unless a court order on file at the facility states otherwise.
- (b) In an emergency, a child may be released to an individual upon the oral designation of the parent, providing the identity of the person can be verified by the operator or a staff person.
- (c) If a child is released upon the oral designation of the parent, the following information shall be logged in the child's record:
 - (1) The name of the parent making the request.
 - (2) The date and time of the request.

- (3) The name of the individual to whom the child is to be released.
- (4) The name of the staff person taking the call.
- (5) The name of the staff person releasing the child.

§ 3290.118. Infant sleep position.

Infants shall be placed in the sleeping position recommended by the American Academy of Pediatrics unless there is a medical reason an infant should not sleep in this position. The medical reason shall be documented in a statement signed by a physician, physician's assistant or CRNP and placed in the child's record at the facility.

PROCEDURES FOR ADMISSION

§ 3290.122. Admission interview.

A child shall be interviewed or observed by the operator and when possible shall have the opportunity to visit the facility prior to being admitted for care. The child shall be told as much about the service being planned as the child can understand. If the parent indicates that the child has a special need, the operator shall discuss the condition with the parent, refer to § 3290.4 (relating to definitions), and comply with §§ 3290.15, 3290.124 and 3290.131 (relating to service to a child with special needs; emergency contact information; and health information).

§ 3290.123. Agreement.

- (a) An agreement signed by the operator and the parent must specify the following:
 - (1) The amount of fee to be charged per day or per week.
 - (2) The date on which the fee is to be paid.
 - (3) The services to be provided to the family and child, including the Department's approved form to provide information to the family about the child's growth and development in the context of the services being provided. The operator shall complete and update the form and provide a copy to the family in accordance with the updates regarding emergency contact information in § 3290.124(e) (relating to emergency contact information).
 - (4) The child's arrival and departure times.
 - (5) The individuals designated by the parent to whom the child may be released as specified in § 3290.116 (relating to release of children).
 - (6) The date of the child's admission.
 - (7) The services which are to be considered as extra.

(b) A parent shall receive the original agreement. The facility shall retain a copy of the agreement.

§ 3290.124. Emergency contact information.

- (a) Emergency contact information shall be present in a child care facility for each enrolled child. Emergency contact information must reference who shall be contacted in an emergency.
- (b) Emergency contact information must include the following:
 - (1) The name and birth date of the child.
 - (2) The name, address and telephone number of the child's source of medical care.
 - (3) The home and work addresses and home and work telephone numbers of the enrolling parent.
 - (4) A written consent signed by a parent for emergency medical care.

(5) Information on the child's special needs, as specified by the child's parent, physician, physician's assistant or CRNP, which is needed in an emergency situation.

(6) Health insurance coverage and policy number for the child under a family policy or Medical Assistance (MA) benefits, if applicable.

(7) The name, address and telephone number of the individual designated by the parent to whom the child may be released.

(c) When children leave the facility on walking and riding excursions, emergency contact information specific to each child on the excursion shall accompany a staff person on the excursion.

(d) A written plan shall be conspicuously posted which identifies the means of transporting a child to emergency care and the facility staffing provisions in the event of an emergency. The plan must accompany a staff person who leaves the facility on an excursion with children.

(e) Emergency contact information shall be updated in writing by the parent once in a 6-month period or as soon as there is a change in the information.

CHILD HEALTH

§ 3290.131. Health information.

(a) The operator shall require the parent of an enrolled child to provide an initial health report no later than 60 days following the first day of attendance at the facility.

(1) The initial health report for an infant must be dated no more than 3 months prior to the first day of attendance at the facility.

(2) The initial health report for a young toddler must be dated no more than 6 months prior to the first day of attendance at the facility.

(3) The initial health report for an older toddler or preschool child must be dated no more than 1 year prior to the first day of attendance at the facility.

(4) The initial health report for a school-age child must be dated in accordance with the requirements for medical examinations for school attendance in 28 Pa. Code § 23.2 (relating to medical examinations).

(b) The operator shall require the parent to provide an updated health report in accordance with the following schedules:

(1) At least every 6 months for an infant or young toddler.

(2) At least every 12 months for an older toddler or preschool child.

(c) A health report must be written and signed by a physician, physician's assistant or a CRNP. The signature must include the individual's professional title.

(d) The health report must include the following information:

(1) A review of the child's health history.

(2) A list of the child's allergies.

(3) A list of the child's current medication and the reason for the medication.

(4) An assessment of an acute or chronic health problem or special needs and recommendations for treatment or services, including information regarding abnormal results of screening tests for vision, hearing or lead poisoning.

(5) A review of the child's immunized status according to recommendations of the ACIP.

(6) A statement of the child's medical information pertinent to diagnosis and treatment in case of emergency.

(7) A statement that the child is able to participate in child care and appears to be free from contagious or communicable disease.

(8) A statement that age-appropriate screenings recommended by the American Academy of Pediatrics were conducted since the time of the previous health report required by this section.

(e) The facility may not accept or retain an infant 2 months of age or older, a toddler or a preschool child at the facility for more than 60 days following the first day of attendance at the facility unless the parent provides written verification from a physician, physician's assistant, CRNP, the Department of Health or a local health department of the dates (month, day and year) the child was administered immunizations in accordance with the recommendations of the ACIP.

(1) The facility shall require the parent to provide updated written verification from a physician, CRNP, the Department of Health or a local health department of ongoing vaccines administered to an infant, toddler or preschool child in accordance with the schedule recommended by the ACIP.

(2) Exemption from immunization must be documented as follows:

(i) Exemption from immunization for religious belief or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. The statement shall be kept in the child's record.

(ii) Exemption from immunization for reasons of medical need must be documented by a written, signed and dated statement from the child's physician, physician's assistant or CRNP. The statement shall be kept in the child's record.

(3) The facility shall implement dismissal policies in accordance with the Department of Health regulation in 28 Pa. Code § 27.77 (relating to immunization requirements for children in child care group settings).

(4) The facility shall comply with the annual immunization reporting requirements in accordance with the Department of Health regulation in 28 Pa. Code § 27.77.

§ 3290.133. Child medication and special diets.

The operator shall make reasonable accommodation in accordance with applicable Federal and State laws to facilitate administration of medication or a special diet that is prescribed by a physician, physician's assistant or CRNP as treatment related to the child's special needs. Facility persons are not required to administer medication or special diets which are requested or required by a parent, a physician, a physician's assistant or a CRNP but are not treatment related to the child's special needs. When medication or special diets are administered, the following requirements apply:

(1) A prescription or nonprescription medication may be accepted only in an original container. The medication must remain in the container in which it was received.

(2) A staff person shall administer a prescription medication only if written instructions are provided from the individual who prescribed the medicine. Instructions for administration contained on a prescription label are acceptable.

(3) The label of a medication container must identify the name of the medication and the name of the child for whom the medication is intended. Medication shall be administered to only the child whose name appears on the container.

(4) Medication shall be stored in a locked area of the facility or in an area that is out of the reach of children.

(5) Medication shall be stored in accordance with the manufacturer's, health professional's or pharmacist's instructions on the original label.

(6) A parent shall provide written consent for administration.

(7) An operator is responsible to establish and maintain a medication log if prescription or nonprescription medication is administered. A log must include the following minimum information:

- (i) The name of the medication.
 - (ii) The name of the child receiving the medication.
 - (iii) A requirement for refrigeration.
 - (iv) The amount of medication administered.
 - (v) The date of administration.
 - (vi) The time of administration.
 - (vii) The initials of the staff person who administered the medication.
 - (viii) Special notes related to problems of administration.
- (8) If a special diet is prescribed for a child and if the diet is administered to the child, written instructions and the parent's written consent shall be retained in the child's file.

§ 3290.135. Diapering requirements.

(a) When children are diapered, the facility shall use disposable diapers, a diaper service or arrange with the parent to provide a daily diaper supply.

(1) If nondisposable diapers are provided by a parent, a soiled diaper shall be placed in an individual, securely-tied plastic bag and returned to the parent at the end of the day.

(2) If nondisposable diapers from a diaper service are provided by a facility, a soiled diaper shall be placed in the container provided by the service or in a securely-tied plastic bag.

(3) If disposable diapers are provided by a facility or a parent, a soiled diaper shall be discarded by immediately placing the diaper into a plastic-lined, hands-free covered can.

(4) A soiled diaper that is not in a tied bag may not be placed in an unlined outdoor trash container.

(b) Diaper changing surfaces shall be cleaned after each use by wiping the surface with a sanitizing solution or by changing a pad or other surface covering.

(c) The diapering area may not be used for food preparation or food service.

(d) Cloth and paper materials used as diapering aids shall be stored in a manner that prevents cross-contamination from a soiled diaper, contaminated hands or other changing materials.

(e) A staff person shall check a child's diaper at least every 2 hours and whenever the child indicates discomfort or exhibits behavior that suggests a soiled diaper. A staff person shall change a child's diaper when the diaper is soiled.

ADULT HEALTH

§ 3290.151. Health assessment.

(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment on file at the facility.

(1) The operator shall submit a health assessment to the Department prior to issuance of an initial or renewal certificate of registration.

(2) A health assessment is valid for 24 months following the date of signature, if the person does not contract a communicable disease or develop a medical problem.

(b) A health assessment shall be conducted and a report written and signed by a physician, physician's assistant or CRNP. The signature must include the individual's professional title.

(c) The health assessment must include the following:

(1) A physical examination.

(2) Tuberculosis screening by the Mantoux method at initial employment. Subsequent tuberculosis screening is not required unless directed by a physician, CRNP, the Department of Health or a local health department.

(i) If a person's medical record demonstrates a positive tuberculin skin test, that record shall be placed on file at the facility.

(ii) A record of a person with a positive tuberculin skin test must include the results of a chest x-ray and evaluation for chemoprophylaxis.

(iii) A person with a positive tuberculin skin test and a negative x-ray is not required to have further tuberculosis testing unless one of the following occurs:

(A) The person is exposed to an active case of tuberculosis.

(B) The person develops a productive cough which does not respond to medical treatment within 14 days.

(3) Examination for communicable diseases and the results of that examination.

(4) Information on medical problems which might threaten the health of the children or prohibit a staff person from providing adequate care to children.

(5) The physician's or CRNP's assessment of the person's suitability to provide child care.

TRANSPORTATION

§ 3290.173. Safety restraints.

(a) A child 7 years of age or younger shall be transported in accordance with the requirements for parents and guardians as set forth in 75 Pa.C.S. § 4581 (relating to restraint systems).

(b) Safety restraints installed in the vehicle at the time of manufacturing shall be used by occupants.

(c) Manufacturer's instructions for use of safety restraints shall be kept in the vehicle at all times.

§ 3290.174. Vehicles.

(a) A vehicle shall be insured under 75 Pa.C.S. §§ 1701—1799.7 (relating to the Motor Vehicle Financial Responsibility Law).

(b) The doors on a vehicle shall be locked whenever the vehicle is in motion.

(c) No more than three persons may occupy the front seat of an automobile.

(d) The back of pick-up trucks may not be used to transport children.

(e) The cargo area of a station wagon may not be used to transport children.

(f) In accordance with 67 Pa. Code Chapter 171 (relating to school buses and school vehicles), the facility may not transport a child in an 11-15 passenger van.

CHILD RECORDS

§ 3290.182. Content of records.

A child's record must contain the following information:

- (1) Initial and subsequent health reports.
- (2) The dates of application, admission and withdrawal of the child.
- (3) Signed parental consent for emergency medical care for the child. Written consent is required prior to admission.
- (4) Signed parental consent for administration of medications or special dietary needs.
- (5) Signed parental consent for administration of minor first-aid procedures by facility staff. Written consent is required prior to admission.
- (6) Signed parental consent for transportation, walking excursions, swimming and wading.
- (7) Reports of accidents, injuries and illnesses involving a child while in care at the facility. The original report is given to the parent on the day of the incident. The second copy of the report is retained at the facility in an accident file. The third copy of the report is retained at the facility in the child's file.

(8) A copy of the initial and subsequent written agreement between the parent and the operator. The parent shall receive the original agreement.

§§ 3290.201—3290.208. (Reserved).

SPECIAL EXCEPTIONS

§ 3290.212. Play surfaces.

(a) A facility registered by the Department as of September 22, 2008, has until September 22, 2010, to comply with the protective surface requirement as described in § 3290.102(c) (relating to condition of play equipment).

(b) A facility registered by the Department as of September 22, 2008, which has a play surface or play surface not in compliance with § 3290.102(e) has until September 22, 2010, to comply with § 3290.102(e).

§ 3290.213. Age and training.

The operator of a facility who is lawfully operating a family child day care home registered by the Department as of September 22, 2008, is permanently qualified as an operator of a family child day care home.

CHAPTER 3300. (Reserved)

§§ 3300.1—3300.4. (Reserved).

§§ 3300.11—3300.13. (Reserved).

§§ 3300.31—3300.36. (Reserved).

§§ 3300.51—3300.54. (Reserved).

§ 3300.71. (Reserved).

§ 3300.101. (Reserved).

§ 3300.102. (Reserved).

§§ 3300.111—3300.113. (Reserved).

§ 3300.121. (Reserved).

§ 3300.131. (Reserved).

§ 3300.161. (Reserved).

§ 3300.171. (Reserved).

[Pa.B. Doc. No. 08-1011. Filed for public inspection May 23, 2008, 9:00 a.m.]

STATEMENTS OF POLICY

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 AND 3290]

Child Day Care Centers; Group Child Day Care Homes; Family Child Day Care Homes

Purpose

The purpose of this Statement of Policy (SOP) is to rescind SOPs issued to child care facility operators from 1995 through 2005.

Discussion

From 1995 through 2005, the Department of Public Welfare (Department) published SOPs to clarify or interpret the child care facility regulations in Chapters 3270, 3280 and 3290 (relating to child day care centers; group child day care homes; and family child day care homes).

Simultaneous to the publication of this SOP, the Department is publishing final-form child care facility regulations that incorporate the SOPs into the regulations and therefore render the SOPs obsolete. The effective date of this SOP coincides with the effective date of the final-form regulations. See 38 Pa.B. 2437 (May 24, 2008).

Effective Date

This statement of policy is effective September 22, 2008.

Comments and Questions

Comments and questions regarding this SOP should be directed to Jennifer Lau, Bureau of Certification Services, Office of Child Development and Early Learning, (717) 346-9320.

Obsolete Bulletins

The Department is rescinding the following SOPs:

- Children, Youth and Families Bulletin #3001-95-01, Certified Childcare Professional Credential; §§ 3270.31a, 3280.31a and 3290.31a (relating to age and training—statement of policy) at 25 Pa.B. 4708 (November 4, 1995).
- Children, Youth and Families Bulletin #3001-96-01, Supervision of Children; §§ 3270.113a and 3280.113a (relating to supervision of children—statement of policy) at 26 Pa.B. 3552 (July 27, 1996).
- Children, Youth and Families Bulletin #3001-96-02, Posting Department inspection Summaries; §§ 3270.25a, 3280.24a and 3290.22a (relating to availability of certificate of compliance and applicable regulations—statement of policy) at 26 Pa.B. 3554 (July 27, 1996).
- Children, Youth and Families Bulletin #3001-96-03, Inaccessibility of Above-Ground Swimming Pools; §§ 3270.115a, 3280.115a and 3290.115a (relating to water activity—statement of policy) at 26 Pa.B. 3553 (July 27, 1996).
- Children, Youth and Families Bulletin #3001-96-04, Departmental Access; §§ 3270.24a, 3280.23a and 3290.21a (relating to departmental access—statement of policy) at 26 Pa.B. 3552 (July 27, 1996).
- Children, Youth and Families Bulletin #3001-97-01, Exemption from Immunization Requirements; §§ 3270.131a, 3280.131a and 3290.131a (relating to exemption from immunization—statement of policy) at 27 Pa.B. 1579 (March 29, 1997).

- Children, Youth and Families Bulletin #3001-97-02, Ground Surface Requirements; §§ 3270.102a, 3280.102a and 3290.102a (relating to condition of play equipment—statement of policy) at 27 Pa.B. 2827 (June 14, 1997).

- Children, Youth and Families Bulletin #3001-99-01, Release of Children; §§ 3270.117a, 3280.117a and 3290.117a (relating to release of children—statement of policy) at 29 Pa.B. 6341 (September 7, 1999).

- Children, Youth and Families Bulletin #3001-00-01, Overpopulation of Indoor Child Care Space; §§ 3270.61a and 3280.61a (relating to overpopulation of indoor child care space—statement of policy) at 30 Pa.B. 4641 (September 1, 2000).

- Children, Youth and Families Bulletin #3001-03-01, Emergency Plan; §§ 3270.21a, 3280.20a and 3290.18a (relating to emergency plan—statement of policy) at 33 Pa.B. 6428 (December 27, 2003).

- Office of Child Development and Early Learning Bulletin #3001-05-01, Supervision of Children in Child Day Care Facilities; §§ 3270.113b, 3280.113b and 3290.113a (relating to supervision of children off premises—statement of policy) at 35 Pa.B. 3665 (July 2, 2005).

- Office of Child Development and Early Learning Bulletin #3001-05-02, Syrup of Ipecac; §§ 3270.75a, 3280.75a and 3290.73a (relating to syrup of ipecac—statement of policy) at 35 Pa.B. 6662 (December 10, 2005).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-BUL-076. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

CHAPTER 3270. CHILD DAY CARE CENTERS

GENERAL REQUIREMENTS

§ 3270.21a. (Reserved).

§ 3270.24a. (Reserved).

§ 3270.25a. (Reserved).

FACILITY PERSONS

§ 3270.31a. (Reserved).

PHYSICAL SITE

§ 3270.61a. (Reserved).

§ 3270.75a. (Reserved).

EQUIPMENT

§ 3270.102a. (Reserved).

PROGRAM

§ 3270.113a. (Reserved).

§ 3270.113b. (Reserved).

§ 3270.115a. (Reserved).

§ 3270.117a. (Reserved).

CHILD HEALTH

§ 3270.131a. (Reserved).

CHAPTER 3280. GROUP CHILD DAY CARE HOMES

GENERAL REQUIREMENTS

- § 3280.20a. (Reserved).
- § 3280.23a. (Reserved).
- § 3280.24a. (Reserved).

FACILITY PERSONS

- § 3280.31a. (Reserved).

PHYSICAL SITE

- § 3280.61a. (Reserved).
- § 3280.75a. (Reserved).

EQUIPMENT

- § 3280.102a. (Reserved).

PROGRAM

- § 3280.113a. (Reserved).
- § 3280.113b. (Reserved).
- § 3280.115a. (Reserved).
- § 3280.117a. (Reserved).

CHILD HEALTH

- § 3280.131a. (Reserved).

CHAPTER 3290. FAMILY CHILD DAY CARE HOMES

GENERAL REQUIREMENTS

- § 3290.18a. (Reserved).
- § 3290.21a. (Reserved).
- § 3290.22a. (Reserved).

FACILITY PERSONS

- § 3290.31a. (Reserved).

PHYSICAL SITE

- § 3290.73a. (Reserved).

EQUIPMENT

- § 3290.102a. (Reserved).

PROGRAM

- § 3290.113a. (Reserved).
- § 3290.115a. (Reserved).
- § 3290.116a. (Reserved).

CHILD HEALTH

- § 3290.131a. (Reserved).

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