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# PENNSYLVANIA BULLETIN

Volume 37

Number 25

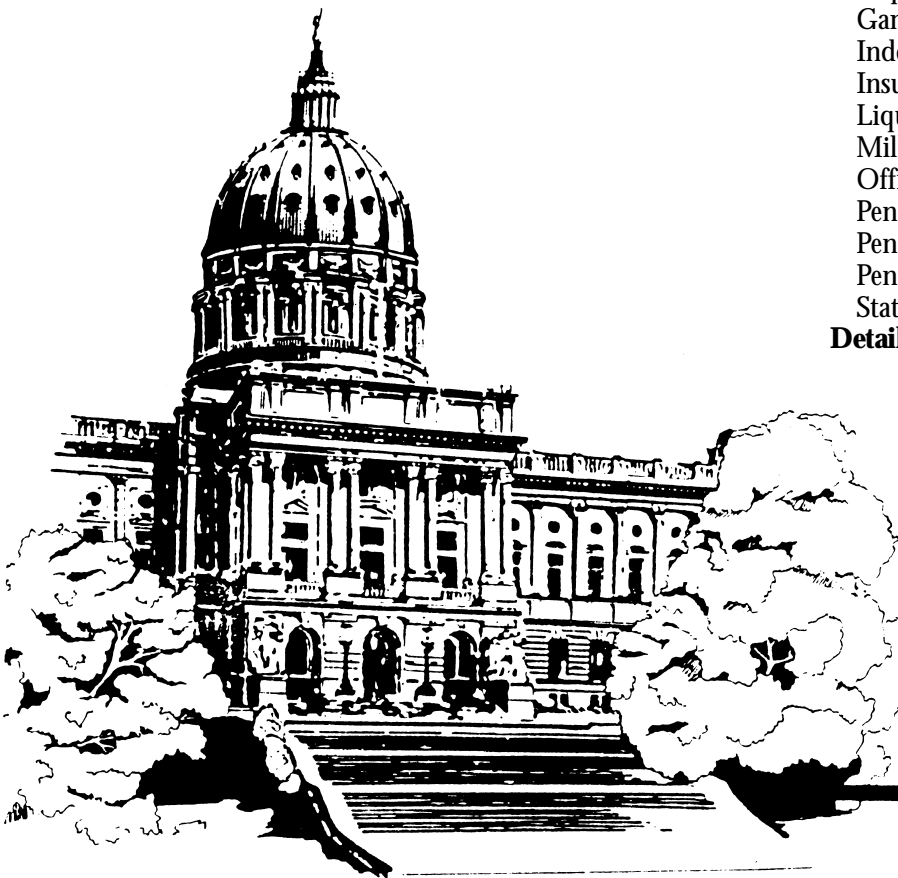
Saturday, June 23, 2007 • Harrisburg, PA

Pages 2791—2920

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Liquor Control Board  
Milk Marketing Board  
Office of the Attorney General  
Pennsylvania Gaming Control Board  
Pennsylvania Infrastructure Investment Authority  
Pennsylvania Public Utility Commission  
State Ethics Commission

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

**No. 391, June 2007**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1910]

Order Amending Rules 1910.25-3, 1910.25-4, 1910.25-5 and Promulgating New Rule 1910.25-7; No. 479 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 11th day of June, 2007, Rules 1910.25-3, 1910.25-4 and 1910.25-5 of the Pennsylvania Rules of Civil Procedure are amended and new Pennsylvania Rule of Civil Procedure 1910.25-7 is promulgated as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective immediately.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.25-3. Civil Contempt. Conference Summary. Order. Hearing De Novo.

\* \* \* \* \*

(b) The court, without hearing the parties, may enter an appropriate order after consideration of the conference summary. [The order shall state] Each party shall be provided with a copy of the order and written notice that any party may, within [ten] twenty days after the date of receipt or the date of the mailing [of a copy] of the order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

\* \* \* \* \*

Rule 1910.25-4. Civil Contempt. Alternative Procedure. Record Hearing. Report. Exceptions. Order.

\* \* \* \* \*

(c) Within [ten] twenty days after the conclusion of the hearing, any party may file exceptions to the report or any part thereof, to rulings on objections, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the order, leave is granted to file exceptions raising those matters.

(d) If no exceptions are filed within the [ten] twenty-day period, the court shall review the report and, if approved, enter an order.

\* \* \* \* \*  
Rule 1910.25-5. Civil Contempt. Contempt Order. Incarceration.

\* \* \* \* \*

(b) An order committing a respondent to jail for civil contempt of a support order shall specify the conditions the fulfillment of which will result in the release of the respondent.

\* \* \* \* \*

Rule 1910.25-7. Indirect Criminal Contempt. Incarceration.

In addition to any other remedy available to the court, the court may order the respondent to obtain employment with income that can be verified and is subject to income attachment. If the respondent willfully fails to comply with an order to obtain such employment, the court may commit the respondent to jail upon adjudication for indirect criminal contempt, provided the respondent is afforded all of the procedural safeguards available to criminal defendants.

#### Explanatory Comment—2007

Parental support of children is a fundamental requirement of law and public policy. Absent an inability to maintain employment or acquire other income or assets, sanction in the form of incarceration may be imposed by the court to compel compliance and provide an incentive to obey the law. The contempt process, which should be used as a last resort, is necessary to impose coercive sanctions upon those obligors whose circumstances provide no recourse to the court to compel payment or a good faith effort to comply. Appellate opinions have made it clear that an obligor who is in civil contempt cannot be incarcerated without the present ability to fulfill the conditions the court imposes for release. However, the courts also have noted that recalcitrant obligors may be imprisoned for indirect criminal contempt if afforded the proper procedural safeguards. See *Godfrey v. Godfrey*, 894 A.2d 776 (Pa. Super. 2006); *Hyle v. Hyle*, 868 A.2d 601 (Pa. Super. 2005).

[Pa.B. Doc. No. 07-1077. Filed for public inspection June 22, 2007, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

Availability and Temporary Assignments of Magisterial District Judges; No. 07-0164; CP-13-AD-000002-2007 (Old number-MD023-2007)

#### Administrative Order 12-2007

And Now, this 7th day of June, 2007, in order to ensure compliance with Pa.R.C.P.M.D.J.112 governing the Rules of Conduct, Office Standards, and Civil Procedure for Magisterial District Judges, Pa.R.Crim.P. 132 governing

the Temporary Assignment of Issuing Authorities, Pa.R.C.P. 1901.2 governing Scheduling of Temporary Protection From Abuse matters, Carbon County's Administrative Order 27-2001 governing when the Court is available to address Temporary Protection From Abuse matters, Carbon County Local Rule CARB.R.C.P. 1901.5 governing Enforcement of Protection From Abuse matters and 35 P. S. § 10225.307 governing Involuntary Intervention by Emergency Court Order under the Older Adult Protective Services Act, it is hereby

*Ordered and Decreed* that the schedule attached hereto be and is hereby *Approved* and said attachment *Shall Establish* the on-call schedule and temporary assignments for the Magisterial District Judges of Carbon County for the period of January 1, 2007 to July 30, 2007.

*It Is Further Ordered and Decreed* that the same Magisterial District Judge temporarily assigned on this schedule *Shall Serve* as the temporary issuing authority during regularly scheduled hours for any Magisterial District Judge unavailable due to duties outside the county, mandatory continuing education classes, illness or vacation.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Minor Court Rules Committee and Pennsylvania Criminal Procedural Court Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Forward one (1) copy to the Chief of Police of each Borough and Township in Carbon County to be conspicuous placed in their respective offices.
7. Keep continuously available for public inspection a copy of the Order in the Magisterial District Judges' Offices, Prothonotary's Office and Clerk of Courts Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

THE FOLLOWING SCHEDULE IS FOR NON-BUSINESS HOURS AND EMERGENCIES FOR CARBON COUNTY MAGISTERIAL DISTRICT JUDGES COVERING COURTS 3-1, 3-2, 3-3 AND 3-4 BEGINNING 4:30 P.M. EACH MONDAY AND ENDING THE FOLLOWING MONDAY AT 4:30 P.M. IN ADDITION, THIS ON-CALL SCHEDULE APPLIES TO CIVIL MATTERS PURSUANT TO PA.R.C.P.M.D.J. 112 DURING NORMAL BUSINESS HOURS.

January 1, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
January 8, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
January 15, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2

January 22, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
January 29, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
February 5, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
February 12, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
February 19, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
February 26, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
March 5, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
March 12, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
March 19, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
March 26, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
April 2, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
April 9, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
April 16, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
April 23, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
April 30, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
May 7, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
May 14, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
May 21, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
May 28, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
June 4, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
June 11, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
June 18, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
June 25, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
July 2, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
July 9, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
July 16, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
July 23, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
July 30, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4

[Pa.B. Doc. No. 07-1078. Filed for public inspection June 22, 2007, 9:00 a.m.]

## FRANKLIN AND FULTON COUNTIES

## Amendment of Local Rule of Civil Procedure 39-1910.11; Misc. Doc. Vol. 2007, Page 2002

## Order of Court

May 31, 2007, it is hereby ordered that Local Rule of Civil Procedure 39-1910.11 is amended as follows, said rule will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,  
President Judge

**Rule 39-1910.11. Office Conference. Subsequent Proceedings. Order.**

39-1910.11(a). *Office Conference conducted by Conference Officer.* The office conference shall be conducted by a conference officer designated from time to time by the conference officer supervisor and/or the director of Domestic Relations.

39-1910.11(b). Rescinded.

39-1910.11(e). Rescinded.

39-1910.11(f)(1). *Instructions Mailed with Conference Order.* The Domestic Relations Section shall mail a copy of "How to Appeal Your Recently Obtained Support Order," to each party with the order entered following the conference at Domestic Relations.

39-1910.11(i)(1). *Demand for Appeal Hearing; filing fee.* Any party may seek review by the court of the order entered following the conference at Domestic Relations. Review by the court will act as an appeal of the decision made by the conference officer at the Domestic Relations Section. The hearing before the court will be a de novo hearing. An appealing party shall file a written demand for hearing using the form "Demand for Appeal Hearing," attached as Exhibit "A." Except as set forth in subsection (C) below, the party shall pay a \$25.00 filing fee to Franklin County Domestic Relations Section at the time of filing the written demand for hearing.

(A) The demand for hearing shall not be accepted and/or scheduled by Domestic Relations if not accompanied by the filing fee.

(B) The filing fee for the written demand for hearing is non-refundable.

(C) If a party is indigent and unable to pay the filing fee, the party must seek leave of court to have the fee waived.

39-1910.11(i)(2). *Content of "Demand for Appeal Hearing."* The party filing a written demand for hearing shall indicate on the form the reasons or issues the party wishes the court to address at the hearing. The party must select the type of hearing being requested: routine hearing or specially assigned hearing.

(A) Routine Hearing is a hearing that does not need more than 30 minutes to complete and does not address complex questions of law or fact.

(B) Specially Assigned Hearing requires greater than 30 minutes to complete and does address complex questions of law or fact. Pa.R.C.P. 1910.11(j)(2) applies.

(C) Failure of the party to select either a routine hearing or a specially assigned hearing on the "Demand for Appeal Hearing" will result in the Domestic Relations Section scheduling the matter for a routine hearing lasting no more than 30 minutes.

39-1910.11(i)(3). *Scheduling and Notice.* When any party files a written demand for hearing and pays the filing fee, the Domestic Relations Section shall schedule a hearing before the court and give notice to the parties.

39-1910.11(i)(4). *Mailing to both parties.* When the de novo hearing has been scheduled, the Domestic Relations Section shall mail to the parties a copy of the order scheduling the hearing before the court, a copy of the written demand for hearing, and the form "Pre-Trial Memorandum for Appeal Hearing," attached as Exhibit "B."

39-1910.11(i)(5). *Pre-Trial Memorandum for Appeal Hearing.* The "Pre-Trial Memorandum for Appeal Hearing" shall be filed at Domestic Relations at least seven (7) days before the hearing. The following shall apply:

(A) Failure of the appealing party to file a pre-trial hearing memorandum may be considered an abandonment of claims and a withdrawal of the appeal. The court may impose other sanctions as appropriate.

(B) Failure of the opposing/responding party to file a pre-trial hearing memorandum may be treated as not contesting the appellant's claims and will be deemed a waiver of all other issues on appeal. The court may impose other sanctions as appropriate.

(C) For a routine hearing, the pre-trial hearing memorandum shall contain the following: an explanation of each issue you expect to raise at the hearing; a description of the facts you plan to prove related to the support action; identification of witnesses and the facts to which each witness will testify; a description of exhibits other than those required by the Pennsylvania Rules of Civil Procedure; and the relief being sought.

(D) For a specially assigned hearing, the pre-trial hearing memorandum shall contain in addition to all the items listed in Rule 39-1910.11(i)(5)(C), the following information: identification of legal authority (statutes, court cases, or rules) relating to the party's position on each issue raised; and an indication of the length of hearing needed to present all the evidence and witnesses' testimony for both sides of the support action.

39-1910.11(i)(6). *Distribution of Copies.* Upon receiving the parties' "Pre-Trial Memorandum for Appeal Hearing," the Domestic Relations Section shall mail copies of the same to each party prior to the hearing before the court.

39-1910.11(j). Rescinded.

39-1910.11(j)(2). *Discovery.* When a hearing has been assigned a special time, discovery is available in accordance with Pa.R.C.P. 4001 through 4025. See Pa.R.C.P. 1910.11(j)(2). If discovery has been conducted, parties shall attach a statement of what discovery has been sought and responded to, shall identify issues related to failure to make discovery requested or failure to adequately respond, and shall suggest to the court whether the court should or should not review discovery prior to the de novo hearing.

Adopted by Order of Court dated December 7, 1993 and published in the *Pennsylvania Bulletin* Vol. 23, Number 52, December 25, 1993. Amended \_\_\_\_\_, effective \_\_\_\_\_ and published in the *Pennsylvania Bulletin* Vol. \_\_\_\_\_, Number \_\_\_\_\_, \_\_\_\_\_.

[Pa.B. Doc. No. 07-1079. Filed for public inspection June 22, 2007, 9:00 a.m.]

## LACKAWANNA COUNTY

### Repeal and Adoption of Rules of Criminal Procedure; Doc. No. 2007-MD241

#### Order

And Now, this 25th day of May, 2007, it is hereby Ordered and Decreed that the following Lackawanna County Rule of Criminal Procedure is amended as follows:

1. Lacka. Co. R.Crim.P. 105(C) is amended as reflected in the following rule;

2. Under Pa.R.Crim.P. 117(c), 520, and 525, the following Local Rule shall be disseminated and published as follows:

(a) Seven certified copies of the Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two certified copies of the Local Rule and a computer diskette that complies with the requirements of 1 Pa. Code 13.11(b) shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One certified copy of the Local Rule shall be filed by the court promulgating the rule with the Criminal Procedural Rules Committee which shall then forward a copy to the Administrative Office of the Pennsylvania Courts (AOPC) for publication on the AOPC web site;

(d) The Local Rule shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Criminal Division and upon request and payment of reasonable costs of reproduction and/or mailing, the Clerk of Judicial Records shall furnish to any person a copy of the requested Local Rule(s);

(e) A computer diskette containing text following Local Rule in either MS-DOS, ACSII, Microsoft Word or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association;

(f) The Local Rule shall be published on the website of the Lackawanna Bar Association ([www.lackawan](http://www.lackawan)

[nabar.com](http://nabar.com)) and the website of the Administrative Office of the Pennsylvania Courts ([ujportal.pacourts.us/](http://ujportal.pacourts.us/));

(g) The amendment to Local Rule 520 shall become effective not less than thirty (30) days after the date of its publication in the *Pennsylvania Bulletin* as per Pa.R.Crim.P. 105(D).

By the Court

CHESTER T. HARHUT,  
President Judge

#### Rule 525. Bail Bond

1. Magisterial District Judges, the Clerk of Courts and certain designated officials at the Lackawanna County Prison are authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure. (See Pa.R.Crim.P. 117(c), 520, and 525.)

2. Prior to the filing of the transcript with the Clerk of Judicial Records, Criminal Division, bail may be posted from 9:00 a.m. to 4:00 p.m. at the office of the Magisterial District Court where the case is pending.

3. After the filing of the transcript with the Clerk of Judicial Records, Criminal Division, bail may be posted from 9:00 a.m. to 4:00 p.m. at the Clerk of Judicial Records, Criminal Division.

4. Bail may be posted at any other time at the Lackawanna County Prison. Said bail shall be posted with those corrections officers designated by the Warden of the Lackawanna County Prison and deputized by the Clerk of Judicial Records, Criminal Division. The corrections officer is authorized to accept the bail, and pursuant to Pa.R.Crim.P. 525 to release the defendant upon the execution of the bail bond. The official who releases the defendant shall also sign the bail bond witnessing the defendant's signature.

5. The defendant shall not be released until he or she signs the bail bond. After the defendant signs the bail bond, a copy of the bail bond shall be given to the defendant, and the original shall be included in the record.

6. Bail accepted at the Prison along with the original bail bond shall be forwarded immediately to the office of the Clerk of Judicial Records, Criminal Division. Upon receipt of the bail, if the transcript has not been filed, the Clerk of Judicial Records, Criminal Division, shall notify the Magisterial District Court where the case is pending that the defendant posted bail.

7. Posting of real estate to satisfy the monetary condition of release may not be done at the Lackawanna County Prison.

[Pa.B. Doc. No. 07-1080. Filed for public inspection June 22, 2007, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 123]

### Qualifications for Vocational Experts

The Department of Labor and Industry (Department), Bureau of Workers' Compensation (Bureau), amends Chapter 123 (relating to general provisions—Part II) to read as set forth in Annex A. The final-form rulemaking provides guidance regarding the act of December 23, 2003 (P. L. 371, No. 53) (Act 53), which amended the Workers' Compensation Act (act) (77 P. S. §§ 1—1041.4 and 2501—2626), and implements Act 53. Specifically, Act 53 amended section 306(b) of the act (77 P. S. § 512). This final-form rulemaking also rescinds § 123.201a.

#### *Statutory Authority*

This final-form rulemaking is adopted under the authority in sections 401.1 and 435 of the act (77 P. S. §§ 710 and 991). Additionally, section 306(b) of the act specifically authorizes the Department to promulgate regulations establishing the minimum qualifications for vocational experts.

#### *Background*

On December 23, 2003, Governor Edward G. Rendell signed Act 53 into law. Act 53 amended section 306(b)(2) of the act. Before its amendment, section 306(b)(2) of the act provided a means for insurers to assess an employee's earning power through an interview "by an expert approved by the department and selected by the insurer." Act 53 eliminated the requirement that the Department approve these experts. Instead, insurers may select experts "who meet[] the minimum qualifications established by the department through regulation."

Act 53 further amended section 306(b)(2) of the act by providing that vocational experts "shall comply with the Code of Professional Ethics for Rehabilitation Counselors pertaining to the conduct of expert witnesses." Act 53 also added section 306(b)(2.1) of the act, which requires an insurer to disclose to the employee prior to his referral to an earning power assessment interview, any financial interest that the insurer has in the person or entity that will conduct the earning power assessment interview.

#### *Purpose*

This final-form rulemaking implements Act 53. It provides guidance to Bureau staff, workers' compensation insurance carriers, self-insured employers, employees, workers' compensation judges, workers' compensation practitioners and other interested parties concerning the qualifications and role of vocational experts in workers' compensation proceedings under section 306(b) of the act and section 449 of the act (77 P. S. § 1000.5). Other than in instances when a workers' compensation judge has determined that a vocational expert or insurer has not met the requirements of § 123.202 or § 123.202a (relating to qualifications for current vocational experts under Act 57 of 1996; and qualifications for vocational experts under Act 53 of 2003), or has failed to comply with §§ 123.204 and 123.205 (relating to conduct of vocational experts; and financial interest disclosure), this final-form

rulemaking is not intended to restrict or limit the authority that workers' compensation judges currently possess.

#### *Stakeholder Meeting*

On June 11, 2004, the Department held a stakeholder meeting regarding the Act 53 amendments. Testimony was received from Irwin Aronson and David Wildeman, representing the AFL-CIO; and Terry Leslie, representing the Pennsylvania Association of Rehabilitation Professionals. In addition, the Department received written comments from the Pennsylvania Association of Rehabilitative Professionals Administrative Services; the Pennsylvania Trial Lawyers Association; The Insurance Federation of Pennsylvania Inc. (IFP); CEC Associates, Inc.; and the Honorable Noah Wenger.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Department published the proposed rulemaking at 35 Pa.B. 3820 (July 9, 2005) with a 30-day public comment period. The Department received comments from the Independent Regulatory Review Commission (IRRC) on September 13, 2005, as part of its review of the proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Department also received public comments from IFP, Galfand Berger LLP (GB) and The Pennsylvania Workers' Compensation Judges' Association (PWCJA). The Department amended the proposed rulemaking in response to many of these comments.

On March 16, 2006, the Department delivered a final-form rulemaking to the IRRC and the Senate Labor and Industry Committee and the House Labor Relations Committee. IRRC scheduled a public meeting, scheduled for April 20, 2006, to consider the regulations. In response to the final-form rulemaking submitted to IRRC, the Department received additional comments from the Honorable Joseph B. Scarnati, III, then-Chairperson of the Senate Labor and Industry Committee; the Honorable Mike Turzai, Member, House of Representatives; the Pennsylvania Chamber of Business and Industry; Denise Cordes; and the IFP.

To review and consider these comments, the Department withdrew the previous final-form rulemaking on April 18, 2006. The Department then submitted this final-form regulation, which reflects amendments made in light of comments to the March 16, 2006, final-form rulemaking.

#### *§ 123.201b. Definitions.*

IFP commented that the definition of "financial interest" was broad and ambiguous. IFP contends that the definition arguably requires that any relationship between the insurer and vocational expert constitutes a "financial interest." The Department agreed and amended this section to restrict "financial interest" to three specific criteria. The section now provides that a "financial interest" exists for the vocational expert or his employer only when the insurer has a present or former ownership interest, or a present or former employment relationship, with the entity or individual conducting the earning power assessment interview, or when a contractual or referral arrangement exists between the insurer and the vocational expert or his employer.

IRRC and IFP commented that in subparagraph (ii) of the definition of “finance interest” the divergent use of the term “employment relationship” as distinguished from the terms “employs” and “employing” used elsewhere in the section, was confusing and could be interpreted to permit the application of this provision in circumstances other than those pertaining to employment. The Department agreed and amended this section to remove the terms “employs” or “employing” to clarify and promote consistent use of the term “employment relationship” throughout the section.

IFP commented that the inclusion of a “former employer relationship” in subparagraph (ii) of the definition of “finance interest” could not constitute a current financial interest. The Department, however, maintains that the existence of a past employment relationship properly constitutes a financial interest for disclosure purposes. For example, a former employee could receive interests such as pension benefits, 401(k) proceeds or severance benefits.

IFP commented that the reference to “a managerial, fiduciary or controlling interest” in subparagraph (iii) of the definition of “finance interest” is confusing and duplicative of this section’s earlier provisions. Also, IFP remarked that this subparagraph creates confusion regarding the financial interest disclosure requirements of § 123.205. The Department agreed that the reference may be confusing and deleted this amendment.

*§ 123.202a. Qualifications for vocational experts under Act 53 of 2003.*

IRRC commented that in subsection (a)(1), the standard for qualification potentially allowed an individual without adequate earning power assessment knowledge and skills to serve in this capacity. Specifically, IRRC pointed out that a license for a professional counselor issued under the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1920.2) could include disciplines not relevant to the performance of earning power assessment interviews. Further, Senator Scarnati and IFP expressed concerns that a licensure requirement would unduly limit the number of experts available to conduct earning power assessment interviews, and would not be relevant to the performance of earning power assessment interviews.

The Department agreed with IRRC and IFP that certification by one of the delineated professional organizations sufficiently ensures that vocational experts are competent to conduct earning power assessment interviews under the act. Thus, the Department amended this section to eliminate the requirement that individuals conducting interviews under this section be licensed by the Department of State. However, to better ensure that individuals conducting earning power assessment interviews are competent to do so, the Department included a requirement that approved experts hold at least a bachelor’s degree in rehabilitation counseling or a related counseling field.

IRRC noted that subsection (a)(2) permitted an individual to perform as a vocational expert if that person held a bachelor’s degree and certification by a professional organization or had 1 year of experience. The Department agreed that this provision created an unnecessarily diminished qualification standard and amended this section to require all vocational experts to hold a certification issued by an appropriate Nationally-recognized professional organization.

*§ 123.203. Role of workers’ compensation judges.*

The PWCJA commented that its members were concerned that subsection (c) was not authorized by statute. This provision prohibits a workers’ compensation judge from considering the results of an earning power assessment interview if the vocational expert has not complied with §§ 123.204 and 123.205. The Department maintains that section 435 of the act, which allows the Department to issue rules and regulations to explain and enforce the provisions of the act, properly authorizes the regulation. Further, section 306(b) of the act dictates that vocational experts “shall comply with the Code of Professional Ethics for Rehabilitation Counselors pertaining to the conduct of expert witnesses” and that the insurer referring an employee for an earning power assessment interview “shall disclose [any] financial interest to the employee prior to the referral.”

Further, in response to the PWCJA’s comments, the Department clarified § 123.203 to provide that workers’ compensation judges will resolve disputes regarding vocational experts’ qualifications and retain other authority to make findings and conclusions regarding qualifications, as well as experts’ potential bias or objectivity. Finally, the Department amended this section to clarify that workers’ compensation judges retain the ability to determine whether vocational experts or insurers have failed to comply with § 123.204 or § 123.205.

*§ 123.204. Conduct of expert witnesses.*

IFP commented that the title of this section should be changed to “conduct of vocational experts.” The Department agreed and amended the final-form rulemaking to reflect this change.

IFP commented that subsection (a) is “broad and vague” and creates confusion regarding the definition of “financial interest” in § 123.201b (relating to definitions). The Department amended this section to remove reference to the insurer. This provision now clearly requires that the vocational expert make appropriate disclosures to the employee.

The PWCJA and IRRC commented that subsection (a), which requires that the vocational expert disclose the “role and limits” of their relationship with the employee, should reference a specific time frame for disclosure to occur. IRRC further requested that disclosure be made in writing. The Department agreed and amended this section to clarify that a vocational expert shall disclose the role and limits of his relationship with the employee, in writing, before the earning power assessment interview.

The PWCJA, IRRC and GB commented that the requirement in subsection (b) that a vocational expert generate written documentation of his involvement in the litigation and results of the earning power assessment interview should be amended to specifically require that a copy of the vocational expert’s report be served on the employee within a prescribed period of time. The Department agreed and amended this section to state that the vocational expert shall serve a copy of the initial report to the employee, and counsel if known, within 30 days of the date of the earning power assessment interview.

IFP and IRRC commented that § 123.204 should include reference to the Code of Professional Ethics for Rehabilitation Counselors (Code) to provide a standard for compliance with the Code in the regulations. The Department agreed and amended this section to add subsection (c), which clarifies that vocational experts who satisfied the requirements of subsections (a) and (b) are in compliance with the Code pertaining to the conduct of



expert witnesses. This substantive amendment establishes requirements for vocational experts' conduct under the regulation. This amendment is not intended to alter workers' compensation judges' obligations to ensure that decisions are based upon competent evidence of record, nor is it intended to permit expert testimony by witnesses who are otherwise not qualified to testify as experts.

Commentators further noted that this section could be read as requiring experts to provide the results of a labor market survey within 30 days of an earning power assessment interview, and urged that the section be clarified. IFP also suggested that the Department "require that a vocational expert send the earning power assessment report to the injured worker at the same time he sends it to the employer." The Department agreed and amended this section to clarify that the initial report need not contain the results or conclusions of surveys or tests, and to require that the vocational expert shall serve copies of additional written reports (including earning power assessments or labor market surveys) to the employee when provided to the insurer.

*§ 123.205. Financial interest disclosure.*

IFP commented that the "breadth and vagueness" of proposed subparagraphs (iii) and (iv) of the definition of "financial interest" makes disclosure under § 123.205 unclear. The Department agreed and amended § 123.201b to clearly describe what constitutes a "financial interest" for purposes of disclosure under this section.

*Affected Persons*

The persons affected by this final-form rulemaking are employees, self-insured employers, workers' compensation insurance carriers, workers' compensation judges, workers' compensation practitioners and individuals who wish to serve as vocational experts under the act.

*Fiscal Impact*

There is no significant fiscal impact associated with this final-form rulemaking.

*Reporting, Recordkeeping and Paperwork Requirements*

The Department does not anticipate changes in existing reporting, recordkeeping or other paperwork requirements.

*Sunset Date*

A sunset date is not appropriate for these regulations. However, the Department will continue to monitor the impact and effectiveness of the regulation.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 27, 2005, the Department submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 3820, to IRRC and the Chairpersons of the House and Senate 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 House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 2, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 3, 2007, and approved the final-form rulemaking.

*Contact Person*

Persons who require additional information about this final-form rulemaking may submit inquiries to John T. Kupchinsky, Director, Bureau of Workers' Compensation, 1171 South Cameron Street, Harrisburg, PA 17104, (717) 783-5421, jkupchinsk@state.pa.us.

*Findings*

(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 the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The final-form rulemaking is necessary and appropriate for the administration of Act 53 and the act.

*Order*

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

(a) The regulations of the Department, 34 Pa. Code Chapter 123, are amended by adding §§ 123.201b, 123.202a, 123.204 and 123.205, by amending §§ 123.201, 123.202 and 123.203 and by deleting § 123.201a to read as set forth in Annex A.

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

(c) The Secretary of the Department shall submit this order and Annex A to IRRC and the House and Senate Committees as required by law.

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

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

STEPHEN M. SCHMERIN,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2355 (May 19, 2007).)*

**Fiscal Note:** Fiscal Note 12-68 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY  
PART VIII. BUREAU OF WORKERS'  
COMPENSATION**

**CHAPTER 123. GENERAL PROVISIONS—PART II  
Subchapter C. QUALIFICATIONS FOR  
VOCATIONAL EXPERTS**

**§ 123.201. Purpose.**

This subchapter implements and interprets provisions of the act which permit the Department to establish qualifications for vocational experts who will conduct earning power assessment interviews under sections

306(b) and 449 of the act (77 P. S. §§ 512 and 1000.5). This subchapter also implements the act's requirements for compliance with the Code of Professional Ethics for Rehabilitation Counselors pertaining to the conduct of expert witnesses and disclosure of financial interest.

**§ 123.201a. (Reserved).**

**§ 123.201b. Definitions.**

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

*Financial interest*—An interest equated with money or its equivalent, and includes any of the following:

- (i) A present or former ownership interest in or with the entity or individual conducting the earning power assessment interview.
- (ii) A present or former employment relationship with the entity or individual conducting the earning power assessment interview.
- (iii) A contractual or referral arrangement that would require or allow the insurer to provide compensation or other consideration based upon the vocational expert's opinion or the outcome of the vocational expert's earning power assessment interview.

*Insurer*—An insurer is any of the following:

- (i) A workers' compensation insurance carrier.
- (ii) The State Workers' Insurance Fund of the Department.
- (iii) An employer authorized by the Department to self-insure its workers' compensation liability under section 305 of the act (77 P. S. § 501).
- (iv) A group of employers authorized by the Department to act as a self-insurance fund under section 802 of the act (77 P. S. § 1036.2).

**§ 123.202. Qualifications for current vocational experts under Act 57 of 1996.**

(a) This section applies to individuals who, before June 23, 2007, conducted earning power assessment interviews under section 306(b) of the act (77 P. S. § 512(2)). These individuals continue to meet the minimum qualifications established under section 306(b) if they possess one of the following:

- (1) Both of the following:
  - (i) Certification by one of the following Nationally recognized professional organizations:
    - (A) The American Board of Vocational Experts.
    - (B) The Commission on Rehabilitation Counselor Certification.
    - (C) The Commission on Disability Management Specialists Certification.
    - (D) The National Board of Certified Counselors.
    - (E) Other Nationally recognized professional organizations, published by the Department in the *Pennsylvania Bulletin*.
  - (ii) One year experience in analyzing labor market information and conditions, industrial and occupational trends, with primary duties providing actual vocational rehabilitation services, which include the following:
    - (A) Job seeking skills.
    - (B) Job development.

- (C) Job analysis.
- (D) Career exploration.
- (E) Placement of individuals with disabilities.
- (F) Vocational testing and assessment.

(2) Certification by a Nationally recognized professional organization specified in paragraph (1)(i) under the direct supervision of an individual possessing the criteria in paragraph (1).

(3) Possession of a Bachelor's degree or a valid license issued by the Department of State's Bureau of Professional and Occupational Affairs, as long as the individual is under the direct supervision of an individual possessing the criteria in paragraph (1).

(4) At least 5 years experience primarily in the workers' compensation field prior to August 23, 1996, as a vocational evaluator, with experience in analyzing labor market information and conditions, industrial and occupational trends, with primary duties providing actual vocational rehabilitation services, which include, but are not limited to, the following:

- (i) Job seeking skills.
- (ii) Job development.
- (iii) Job analysis.
- (iv) Career exploration.
- (v) Placement of individuals with disabilities.

(b) Individuals meeting the minimum qualifications under subsection (a) are approved to conduct earning power assessment interviews under section 449 of the act (77 P. S. § 1000.5).

**§ 123.202a. Qualifications for vocational experts under Act 53 of 2003.**

(a) This section applies to individuals who, before June 23, 2007, have not conducted earning power assessment interviews under section 306(b) of the act (77 P. S. § 512(2)). These individuals meet the minimum qualifications established under section 306(b) if they possess both:

- (1) Certification by one of the following Nationally recognized professional organizations:
  - (i) The American Board of Vocational Experts.
  - (ii) The Commission on Rehabilitation Counselor Certification.
  - (iii) The Commission on Disability Management Specialists Certification.

(iv) Other Nationally recognized professional organizations, published by the Department in the *Pennsylvania Bulletin*.

(2) A bachelor's or postgraduate degree in rehabilitation counseling or a related counseling field.

(b) Individuals meeting the minimum qualifications under subsection (a) are approved to conduct earning power assessment interviews under section 449 of the act (77 P. S. § 1000.5).

**§ 123.203. Role of workers' compensation judges.**

(a) A workers' compensation judge will resolve disputes regarding whether a vocational expert meets the minimum qualifications established in §§ 123.202 and 123.202a (relating to qualifications for current vocational experts under Act 57 of 1996; and qualifications for vocational experts under Act 53 of 2003).

(b) Except as set forth in subsection (c), this subchapter does not limit a workers' compensation judge's authority to determine a vocational expert's qualifications under §§ 123.202 and 123.202a or a vocational expert's bias or objectivity.

(c) A workers' compensation judge may not consider the results of an earning power assessment interview if the workers compensation judge finds that the vocational expert has not complied with § 123.204 (relating to conduct of vocational experts) or that the insurer has not complied with § 123.205 (relating to financial interest disclosure).

**§ 123.204. Conduct of vocational experts.**

(a) Before conducting an earning power assessment interview, the vocational expert shall disclose to the employee, in writing, the role and limits of the vocational expert's relationship with the employee.

(b) A vocational expert who conducts an earning power assessment interview shall generate a written initial report detailing the expert's involvement in the litigation and conclusions from the interview. The initial report need not contain the results or conclusions of any surveys or tests. The vocational expert shall serve a copy of the initial report on the employee and counsel, if known, within 30 days of the date of the interview.

(c) A vocational expert who authors additional written reports, including earning power assessments or labor market surveys, shall simultaneously serve copies of these written reports upon the employee and counsel, if known, when the expert provides the written reports to the insurer or its counsel.

(d) A vocational expert who satisfies the requirements of this section complies with the Code of Professional Ethics for Rehabilitation Counselors pertaining to the conduct of expert witnesses for purposes of section 306(b)(2) of the act (77 P. S. § 512(2)).

**§ 123.205. Financial interest disclosure.**

(a) For the purposes of this section, a third-party administrator or another entity that performs services on behalf of an insurer, as specified in section 441(c) of the act (77 P. S. § 997(c)), is an insurer.

(b) Before an insurer refers an employee for an earning power assessment interview, the insurer shall disclose to the employee, in writing, any financial interest the insurer has with the person or entity conducting the earning power assessment interview.

[Pa.B. Doc. No. 07-1081. Filed for public inspection June 22, 2007, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401, 401a, 403, 403a, 405, 405a, 407 AND 407a]

#### General and Operative Provisions; Board Procedures

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1202(a) and (b)(25) and 4 Pa.C.S. §§ 1201(f) and 1206 (relating to Pennsylvania Gaming

Control Board established; and Board minutes and records), adds Chapters 401a, 403a, 405a and 407a and deletes Chapters 401, 403, 405 and 407 to read as set forth in Annex A.

#### *Purpose of the Final-form Rulemaking*

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapters 401, 403 and 407 at 35 Pa.B. 4045 (July 16, 2005) and temporary regulations in Chapter 405 at 35 Pa.B. 6407 (November 19, 2005). Under 4 Pa.C.S. § 1203(b), the temporary regulations expire on July 5, 2007.

The Board is adopting these chapters to replace the temporary regulations with the permanent regulations.

#### *Explanation of Chapters 401a, 403a, 405a and 407a*

This final-form rulemaking replaces the temporary regulations in Chapters 401, 403, 405 and 407.

Chapter 401a (relating to preliminary provisions) contains preliminary provisions which address the purpose of the Board's regulations, construction, definitions of terms and the Board's jurisdiction.

Chapter 403a (relating to Board operations and organization) addresses areas of Board operations including participation in and voting at Board meetings by members. It also addresses when the Board will conduct meetings and requires the preparation of a transcript of Board meetings. This chapter also outlines the procedures that the Board will use to delegate authority to individual Board members or to Board staff and sets forth the process that the Board will use to issue temporary emergency orders.

Chapter 405a (relating to Bureau of Investigations and Enforcement) outlines the general duties and powers of the Bureau of Investigations and Enforcement (Bureau) and the Office of Chief Enforcement Counsel (OEC). It also establishes the responsibilities of applicants and those regulated by the Board to provide information to the Bureau. It includes provisions governing the conduct of attorneys, employees and Board members to avoid ex parte communications, addresses the issuance of subpoenas by the OEC and establishes complaints as the vehicle the OEC will use to pursue enforcement actions.

Chapter 407a (relating to public access to Board files) specifies how the Board's case files are organized and how requests for access to material in these files will be processed. It also requires that the minutes of Board meetings and annual reports be available for public inspection and copying and prescribes what will be considered confidential information and the circumstances under which confidential information may be released.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 36 Pa.B. 5690 (September 9, 2006).

The Board received comments on the proposed rulemaking from International Game Technology (IGT) and the Independent Regulatory Review Commission (IRRC). Those comments were reviewed by the Board and are discussed in detail as follows.

IRRC requested that the Board provide additional information pertaining to the need for the rulemaking and the fiscal impact in the preamble and the Regulatory Analysis Form (RAF). Additional information has been included in both the preamble and the RAF.

In § 401a.2(b) (relating to construction), IRRC questioned the Board's authority to waive a requirement of this part. The Board's intent was to apply subsection (b) to Subpart H (relating to practice and procedure) only. Accordingly, it has been deleted from the final-form rulemaking.

In § 401a.3 (relating to definitions), IRRC commented on a number of the definitions in this section. IRRC had three concerns with the definition of "gaming employee." First, IRRC asked that a definition of the term "SLOTS Link" be added. The Board agreed and added the definition.

Next, IRRC questioned the Board's authority to require certain employees of manufacturers to obtain an occupation permit.

In addition to the Board's general authority under 4 Pa.C.S. § 1202(a) and (b)(15) and (30), 4 Pa.C.S. §§ 1318(a) and 1321 (relating to occupation permit application; and additional licenses and permits and approval of agreements) give the Board authority to require permits from additional employees.

Additionally, the act of November 1, 2006 (P. L. 1243, No. 135) (Act 135) allows manufacturers to perform technical and installation functions that were previously exclusively reserved for suppliers. To ensure the integrity of the acquisition and operation of slot machines and associated equipment, the Board determined that permitting of certain employees of a manufacturer is necessary.

Finally, IRRC stated that the phrase "other employees" in subparagraph (iv) lacks specificity and suggested that it be deleted or replaced with a list of who the other employees are.

In response to this comment, the Board revised subparagraph (iv) of the definition of "gaming employee" by adding language that narrows the application of this provision to employees whose work requires permitting to protect the integrity of gaming. Because gaming is a new industry in this Commonwealth, the Board needs to retain some flexibility to require permits for employees that are not include under subparagraphs (i)—(iii).

IRRC had two concerns with the definition of "key employee." First, IRRC questioned the authority for including manufacturers and suppliers in this definition. Second, IRRC asked why the phrase "and/or credit" was not include in the term "director of cage operations."

In addition to the Board's general authority in 4 Pa.C.S. § 1202(b)(30), 4 Pa.C.S. §§ 1202(b)(15) and 1321 give the Board some latitude to impose additional licensing or permitting requirements. Additionally, 4 Pa.C.S. §§ 1317 and 1317.1 (relating to supplier licenses; and manufacturer licenses) require suppliers and manufacturers to list their key employees in the application. Therefore, they were added to the definition of "key employee."

While the phrase "and/or credit" appears in 4 Pa.C.S. Part II (relating to gaming), 4 Pa.C.S. § 1504 (relating to wagering on credit) bars slot machine licensees from extending credit. To avoid possible confusion concerning a slot machine licensee's ability to extend credit, the phrase "and/or credit" was not included in the definition.

IRRC also questioned the basis for including the phrase "other than a natural person" in the definition of "licensed entity."

Throughout the Board's regulations, "entity" is used to refer to everything other than a natural person. For a natural person, the Board uses "individual." The addition of the phrase "other than a natural person" in this definition is intended to make this distinction clear to the regulated public.

IRRC noted that the requirement that "manufacturer's serial numbers will be affixed to the outside of the slot machine cabinet in a location approved by the Board" is a substantive requirement and suggested that it be removed from the definition.

The Board agrees and has deleted this language from the definition.

IRRC commented that 4 Pa.C.S. Part II includes the phrase "at a licensed facility" in the definition of "occupation permit" but this phrase is not in the definition in the regulation. IRRC questioned the Board's authority for this change and if it was the Board's intent to apply this definition to employees working outside of the licensed facilities.

As previously discussed, some employees of manufacturers, manufacturer designees and suppliers who work at a licensed facility will be required to obtain an occupation permit. While 4 Pa.C.S. Part II uses "employed or work as a gaming employee at a licensed facility," the Board did not want this definition to be interpreted as only applying to individuals who are employed by a licensed facility. The Board does not intend to apply the permitting requirement to employees working outside of a licensed facility.

IRRC also suggested that the Board add the monetary criteria to the definitions of "certified vendor" and "registered vendor."

The Board agrees with this comment but is in the process of amending Chapter 437 (relating to vendor registration and certification). Amendments to these definitions will be made when Chapter 437 is amended.

Regarding § 403a.7 (relating to temporary emergency orders), IRRC had five comments. First, IRRC noted that the phrase "other disqualifying offense" in subsection (c)(1) lacks clarity and suggested that it be deleted or clarified.

In response to IRRC's suggestion, the phrase has been amended to read "other offense that would make the person ineligible or unsuitable to hold a license, permit, certification or registration."

IRRC also suggested that the Board delete references to temporary regulations in subsection (g) and elsewhere since those regulations expire on July 5, 2007.

The Board discussed this issue with the Legislative Reference Bureau (LRB) prior to the publication of this proposed rulemaking and this is how the LRB has instructed the Board to reference other chapters. The Board will update these citations as permanent regulations are finalized.

In subsection (j), IRRC asked how long the Executive Director has to render a decision and how will the person be notified of the decision.

In response to this comment, the Board added "within 72 hours" as the time frame for rendering a decision and added a cross-reference to § 491.3 (relating to service by the Board).

Under subsection (m)(1), IRRC suggested that the Board add a cross-reference to Chapter 494 (relating to hearing procedure) to provide guidance on appeals.

The Board adopted this suggestion and added a cross-reference to § 494.11 (relating to appeals).

Finally, IRRC suggested that the phrase “or designee” be added to subsection (h) for consistency.

The Board agreed and added “or a designee” to this subsection.

In § 405a.1(2) (relating to general duties and powers), IRRC questioned the Board’s authority to investigate a person not subject to some form of Board approval.

While some of the paragraphs under 4 Pa.C.S. § 1517(a.1) (relating to investigations and enforcement) are specific to entities regulated by the Board, others are broader in their scope. For example, the Bureau may need to investigate individuals who may be involved in possible criminal violations of 4 Pa.C.S. Part II. Additionally, the Bureau may also investigate patron complaints, entities or individuals who haven’t but should obtain a license, permit, certification or registration, or individuals who may meet the criteria for placement on the excluded persons list.

In § 405a.2 (relating to information), IRRC suggested that the Board change “shall” to “may” to better match language of 4 Pa.C.S. § 1517(f).

The Board agrees and “shall” has been replaced with “may.”

In § 405a.6 (relating to enforcement action), IRRC suggested that the term “enforcement action” be explained in the final-form rulemaking.

The Board has rewritten this section to make it clear that enforcement actions will be done as complaints and how these complaints will be processed.

IGT and IRRC suggested that language be added to § 407a.1 (relating to case files) to provide notice to an applicant or holder of a license, permit, certification or registration before releasing confidential information regarding the applicant or holder of a license, permit, certification or registration.

The Board has not adopted this suggested change. The circumstances under which confidential information would be released are listed in § 407a.3(b)(1)—(3) (relating to confidential information). The Board believes it would be inappropriate to provide notice if the release meets the criteria in subsection (b)(1) because a release would most likely be in the context of an active investigation. For the conditions in subsection (b)(2) and (3), the Board believes notice is unnecessary. In subsection (b)(2), the applicant or holder of a license, permit, certification or registration has already released the information to the public. In subsection (b)(3), the applicant or holder of a license, permit, certification or registration has already given consent for the release of the information.

#### *Additional Amendments*

In addition to the changes made in response to the comments received, the Board made a number of changes to improve the clarity of the regulations and to incorporate a number of revisions to 4 Pa.C.S. Part II which were in Act 135.

Amendments were made to the following definitions to improve their clarity or make them consistent with the definitions in Act 135: “affiliate,” “applicant,” “controlling interest,” “gaming employee,” “licensed facility,” “nongaming employee” and “vendor.”

The following definitions in Act 135 have been added: “compensation,” “complementary service,” “conduct of gaming,” “corporation,” “ex parte communication,” “holding company,” “independent contractor,” “intermediary,” “licensed entity representative,” “member,” “principal,” “publicly traded corporation,” “subsidiary” and “underwriter.”

Additionally, “BCCIC” has been added and defined as the Bureau of Corporate Compliance and Internal Controls and “BIE” has been added to the definition of “Bureau” as a short version of Bureau of Investigations and Enforcement.

The definition of “cheat” has been deleted from this section because it is defined in Chapter 511 (relating to persons required to be excluded) and is only used in that chapter. The term “key employee qualifier” has also been deleted; it was replaced with the term “principal.”

Sales representatives were included under the definition of “key employee” and definitions of “manufacturer designee,” “manufacturer designee license” and “manufacturer designee licensee” were added for this new entity created by Act 135.

Finally, definitions of “arrest,” “charges,” “offense,” “pending matter or contested on the record proceeding” and “staff,” which were added to the Board’s temporary regulations after this proposed rulemaking was adopted, have also been added.

A number of amendments have also been made in Chapter 403a as a result of the passage of Act 135. Section 403a.1 (relating to definitions) has been added and includes definitions of “financial interest” and “ownership interest” that were added by Act 135.

In § 403a.2 (relating to participation at meetings and voting), subsection (c) has been added to mirror 4 Pa.C.S. § 1201(h)(6) and the language in subsection (d) has been expanded slightly to track the language in 4 Pa.C.S. § 1201(f).

In § 403a.3 (relating to meetings), subsection (d) has been revised slightly to mirror some of the language in 4 Pa.C.S. § 1206(b).

Additionally, § 403a.8 (relating to licensed entity representative meetings) has been added. This section contains provisions regarding meetings with licensed entity representatives. This section is identical to the language that was added to the Board’s temporary regulations in November 2006.

A few revisions were also made in Chapter 405a. Section 405a.1(5) has been expanded to provide a list of potential audit areas and § 405a.1(7) adds language from 4 Pa.C.S. § 1517(a.1)(9) that allows the Bureau to be considered to be a criminal justice agency under 18 Pa.C.S. Chapter 91 (relating to criminal history record information).

Finally, minor edits were made to § 405a.4 (relating to conduct) to make it more consistent with 4 Pa.C.S. § 1517.2 (relating to conduct of public officials and employees).

#### *Affected Parties*

This final-form rulemaking imposes general requirements on the Board. It may also have indirect impacts on applicants for and holders of a license, permit, certification or registration from the Board and the general public.

*Fiscal Impact*

*Commonwealth.* The Pennsylvania State Police, the Office of Attorney General, the Department of Revenue and other executive agencies may experience some minor cost to comply with requests for information and documents from the Bureau.

The Board will experience some costs for the preparation of verbatim transcripts of its public meetings

*Political subdivisions.* This final-form rulemaking will have no significant fiscal impact on political subdivisions of this Commonwealth. Local law enforcement agencies may experience some costs to comply with requests for information and documents from the Bureau.

*Private sector.* Applicants for or holders of a license, permit, registration or certification may experience some costs to comply with requests for information and documents from the Bureau.

*General public.* Other than requiring payment of fees for copying costs, this final-form rulemaking will have no fiscal impact on the general public.

*Paperwork Requirements*

This final-form rulemaking does not impose new reporting or paperwork requirements on the Board or affected parties under the Board's jurisdiction. This proposed rulemaking clarifies how the Board will maintain formal records and how individuals can request access to these records.

*Effective Date*

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

*Contact Person*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 28, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 5690 (September 9, 2006), to IRRC and the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations 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 House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 16, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 17, 2007, and approved the final-form rulemaking.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt these chapters was given under sections 201 and 202 of the act of July

31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 401.1—401.5, 403.1—403.7, 405.1—405.7 and 407.1—407.3 and adding §§ 401a.1—401a.4, 403a.1—403a.7, 405a.1—405a.6 and 407a.1—407a.3 to read as set forth in Annex A.

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

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

THOMAS A. DECKER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2566 (June 2, 2007).)*

**Fiscal Note:** 125-45 (1) Gaming Fund; (2) Implementing Year 2006-07 is \$20,000; (3) 1st Succeeding Year 2007-08 is \$10,000; 2nd Succeeding Year 2008-09 is \$10,400; 3rd Succeeding Year 2009-10 is \$10,861; 4th Succeeding Year 2010-11 is \$11,249; 5th Succeeding Year 2011-12 is \$11,699; (4) 2005-06 Program—\$26,400,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 401. (Reserved)**

**§§ 401.1—401.5. (Reserved).**

**CHAPTER 401a. PRELIMINARY PROVISIONS**

Sec.	
401a.1.	Purpose.
401a.2.	Construction.
401a.3.	Definitions.
401a.4.	Jurisdiction.

**§ 401a.1. Purpose.**

The purpose of this part is to facilitate the implementation of the act.

**§ 401a.2. Construction.**

(a) This part shall be liberally construed to secure the just, speedy and efficient determination of every action, proceeding or issue presented to which it is applicable. The Board at any stage of an action, proceeding or issue presented may disregard an error or defect of procedure which does not affect the substantive rights of the participants.

(b) Subsection (a) supersedes 1 Pa. Code § 31.2 (relating to liberal construction).

**§ 401a.3. Definitions.**

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

*Act*—The Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S. §§ 1101—1904).

*Affiliate, affiliate of or person affiliated with*—A person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person.

*Applicant*—A person, who on his own behalf or on behalf of another, is applying for permission to engage in an act or activity which is regulated under the act or this part. In cases in which the applicant is a person other than an individual, the Board will determine the associated persons whose qualifications are necessary as a precondition to the licensing of the applicant.

*Application*—A written request for permission to engage in an act or activity which is regulated under the act or this part.

*Approved, approval or approve*—The date that an application to the Board is granted regardless of the pendency of administrative or judicial appeals or other legal action challenging the decision of the Board.

*Arrest*—Detaining, holding, or taking into custody by police or other law enforcement authorities to answer for an alleged commission of an offense.

*Associated equipment*—Equipment or mechanical, electromechanical or electronic contrivance, component or machine used in connection with gaming, including the following:

- (i) Linking devices which connect to progressive slot machines or slot machines.
- (ii) Replacement parts needed to conduct slot machine gaming.
- (iii) Equipment which affects the proper reporting of gross revenue.
- (iv) Computerized systems for controlling and monitoring slot machines, including, the central control computer and devices for weighing or counting money.

*BCCIC*—The Bureau of Corporate Compliance and Internal Controls of the Board.

*BIE or Bureau*—The Bureau of Investigations and Enforcement of the Board.

*Background investigation*—A security, criminal, credit and suitability investigation of a person as provided for in the act. The investigation must include the status of taxes owed to the United States and to the Commonwealth and its political subdivisions.

*Backside area*—

- (i) Those areas of the racetrack facility that are not generally accessible to the public and which include facilities commonly referred to as barns, track kitchens, recreation halls, backside employee quarters and training tracks, and roadways providing access thereto.
- (ii) The term does not include those areas of the racetrack facility which are generally accessible to the public, including the various buildings commonly referred to as the grandstand or the racing surfaces, paddock enclosures and walking rings.

*Board*—The Pennsylvania Gaming Control Board.

*Central control computer*—A central site computer controlled by the Department and accessible by the Board to which all slot machines communicate for the purpose of auditing capacity, real-time information retrieval of the details of a financial event that occurs in the operation of

a slot machine, including, coin in, coin out, ticket in, ticket out, jackpots, machine door openings and power failure, and remote machine activation and disabling of slot machines.

*Certified vendor*—A vendor that holds a vendor certification.

*Charge*—An indictment, complaint, information, summons or other notice of an alleged commission of an offense.

*Clerk*—The Clerk to the Board's Office of Hearings and Appeals.

*Collateral agreement*—Any contract between a management company or its affiliates, intermediaries, subsidiaries or holding companies and a slot machine licensee or its affiliates, intermediaries, subsidiaries or holding companies that is related either directly or indirectly to a management contract or to any rights, duties or obligations created between a management company and a slot machine licensee.

*Commission or Commissions*—The State Horse Racing Commission or the State Harness Racing Commission, or both, as the context may require.

*Compensation*—A thing of value, money or a financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

*Complimentary service*—

- (i) Any lodging, service or item which is provided directly or indirectly to an individual at no cost or at a reduced cost which is not generally available to the public.
- (ii) The term includes a lodging provided to a person at a reduced price due to the anticipated or actual gaming activities of that person. Group rates, including convention and government rates, shall be deemed generally available to the public.

*Conduct of gaming*—The licensed placement and operation of games of chance under the act or this part and approved by the Board at a licensed facility.

*Confidential information*—Materials that are not generally available to the public.

*Controlling interest*—

(i) For a publicly traded domestic or foreign corporation, a controlling interest is an interest in a legal entity, applicant or licensee if a person's sole voting rights under state law or corporate articles or bylaws entitle the person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the publicly traded corporation, partnership, limited liability company or other form of publicly traded legal entity, unless this presumption of control or ability to elect is rebutted by clear and convincing evidence.

(ii) For a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity, a controlling interest is the holding of any securities in the legal entity, unless this presumption of control is rebutted by clear and convincing evidence.

(iii) A person who owns or beneficially holds less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

*Conviction—*

(i) A finding of guilt or a plea of guilty or nolo contendere, whether or not a judgment of sentence has been imposed as determined by the law of the jurisdiction in which the prosecution was held.

(ii) The term does not include a conviction that has been expunged or overturned or for which an individual has been pardoned or an order of Accelerated Rehabilitative Disposition has been entered.

*Corporation—*A publicly traded corporation.

*Credential—*A form of identification approved and issued by the Board.

*Department—*The Department of Revenue of the Commonwealth.

*Ex parte communication—*

(i) Any off-the-record communications regarding a pending matter before the Board or which may reasonably be expected to come before the board in a contested on-the-record proceeding.

(ii) The term does not include off-the-record communications by and between members, staff and employees of the Board, the Department, the Pennsylvania State Police, the Attorney General or other law enforcement officials necessary for their official duties under this part.

*Federal tax identification number—*The Social Security number of an individual or the Employer Identification Number of a business entity, fiduciary or other person.

*Final order—*One of the following:

(i) An action by the Board which approves, issues, renews, revokes, suspends, conditions, denies issuance or renewal of a license, permit, certification or registration.

(ii) An action by the Board which affects personal or property rights, privileges, immunities, duties, liabilities or obligations and disposes of all claims by or against parties before the Board.

(iii) An action by the Board which is designated by the Board as final.

*Financial backer—*An investor, mortgagee, bondholder, note holder or other source of equity or capital provided to an applicant or licensed entity.

*Formal record—*The pleadings in a matter or proceeding, a notice or Board order initiating the matter or proceeding, and if a hearing is held: the transcript of a hearing, exhibits received in evidence, offers of proof, motions, stipulations, subpoenas, proofs of service, determinations made by the Board thereon, and certifications to the Board.

*Gaming area or gaming floor—*Any portion of a licensed facility where slot machines have been installed for use or play.

*Gaming employee—*

- (i) An employee of a slot machine licensee, including:
  - (A) Cashiers.
  - (B) Change personnel.
  - (C) Counting room personnel.

(D) Slot attendants.

(E) Hosts or other persons authorized to extend complimentary services.

(F) Machine mechanics or computer machine technicians.

(G) Security personnel.

(H) Surveillance personnel.

(I) Supervisors and managers.

(J) Personnel with SLOTS Link security administrator access and responsibilities.

(ii) Employees of a licensed supplier, manufacturer or manufacturer designee whose duties are directly involved with the repair, service or distribution of slot machines and associated equipment sold or provided to a licensed facility within this Commonwealth.

(iii) Employees of a licensed manufacturer or manufacturer designee whose duties require the employee's presence on the gaming floor or in a restricted area of a licensed facility.

(iv) Other employees that the Board determines, after a review of the work being performed, require a permit for the protection of the integrity of gaming.

*Gross terminal revenue—*The total of cash or cash equivalent wagers received by a slot machine minus the total of:

(i) Cash or cash equivalents paid out to patrons as a result of playing a slot machine which are paid to patrons either manually or paid out by the slot machine.

(ii) Cash paid to purchase annuities to fund prizes payable to patrons over a period of time as a result of playing a slot machine.

(iii) Any personal property distributed to a patron as the result of playing a slot machine. This does not include travel expenses, food, refreshments, lodging or services.

(iv) The term does not include counterfeit money or tokens, coins or currency of other countries which are received in slot machines (except to the extent that they are readily convertible to United States currency), cash taken in fraudulent acts perpetrated against a slot machine licensee for which the licensee is not reimbursed or cash received as entry fees for contests or tournaments in which the patrons compete for prizes.

*Holding company—*A person, other than an individual, which, directly or indirectly, owns, has the power or right to control or to vote 20% or more of the outstanding voting securities of a corporation or other form of business organization. A holding company indirectly has, holds or owns any such power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

*IRS—*The Internal Revenue Service of the United States.

*Independent contractor—*A person who performs professional, scientific, technical, advisory or consulting services to the Board for a fee, honorarium or similar compensation pursuant to a contract.

*Institutional investor—*A retirement fund administered by a public agency for the exclusive benefit of Federal, State or local public employees, investment company registered under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64), collective investment trust organized by banks under Part Nine of the Rules of the



Comptroller of the Currency, closed end investment trust, chartered or licensed life insurance company or property and casualty insurance company, banking and other chartered or licensed lending institution, investment advisor registered under the Investment Advisors Act of 1940 (15 U.S.C.A. §§ 80b-1—80b-21), and other persons registered in any foreign jurisdiction and regulated pursuant to a statute of any foreign jurisdiction that the Board determines to be substantially similar to either or both of the aforementioned statutes.

*Intermediary*—A person, other than an individual, which is:

(i) A holding company with respect to a corporation or other form of business organization, which holds or applies for a license under the act or this part.

(ii) A subsidiary with respect to a holding company.

*Issued, issuance or issue*—The date when a determination by the Board approving an application becomes final, binding and nonappealable and is not subject to a pending legal challenge.

*Key employee*—An individual who is:

(i) Employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate slot machine operations in this Commonwealth, including the general manager and assistant manager of the licensed facility, director of slot operations, director of cage operations, director of surveillance, director of marketing, director of management information systems, director of security, director of human resources, comptroller and any employee who supervises the operations of these departments or to whom these department directors or department heads report.

(ii) Employed by a slot machine licensee, manufacturer licensee, or supplier licensee, whose duties affect or require contact with slot machines, slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems for use or play in this Commonwealth, whether or not the individual is assigned to gaming operations in this Commonwealth.

(iii) A sales representative seeking to sell slot machines and associated equipment for use in this Commonwealth on behalf of a licensed manufacturer, manufacturer designee or supplier.

(iv) Employed in other positions which the Board will determine based on detailed analyses of the employee's duties or the job descriptions.

*License fee*—The amount of money required to be paid for the issuance or renewal of any type of license required by the act or as established by the Board.

*Licensed entity*—A slot machine licensee, manufacturer licensee, supplier licensee or other person licensed by the Board under this part.

*Licensed entity representative*—A person acting on behalf of or representing the interest of an applicant, licensee, permittee or registrant, including an attorney, agent or lobbyist regarding any matter which may reasonably be expected to come before the Board.

*Licensed facility*—The physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines.

*Licensed gaming entity*—A person that holds a slot machine license.

*Licensed racetrack or racetrack*—

(i) The physical facility and grounds where a person has obtained a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct live thoroughbred or harness race meetings respectively with pari-mutuel wagering.

(ii) The term “racetrack” or “its racetrack” means the physical land-based location at which live horse racing is conducted even if not owned by the person.

*Licensed racing entity*—A legal entity that has obtained a license to conduct live thoroughbred or harness horse race meetings respectively with pari-mutuel wagering from either the State Horse Racing Commission or the State Harness Racing Commission under the Race Horse Industry Reform Act.

*Management company*—A person or legal entity which, through a Board-approved management contract with a slot machine licensee, is responsible for the management of all or part of the operation of a licensed facility.

*Management contract*—A contract, subcontract or collateral agreement between a management company and a slot machine licensee if the contract provides for the management of all or part of a licensed facility.

*Manufacturer*—A person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to slot machines or associated equipment for use or play of slot machines in this Commonwealth for gaming purposes.

*Manufacturer designee*—A person who is designated by a licensed manufacturer pursuant to an agreement to supply or repair the licensed manufacturer's slot machines or associated equipment.

*Manufacturer designee license*—A license issued by the Board authorizing a manufacturer designee to supply or repair slot machines or associated equipment of a licensed manufacturer for use in this Commonwealth for gaming purposes.

*Manufacturer designee licensee*—A manufacturer designee that obtains a manufacturer designee license.

*Manufacturer license*—A license issued by the Board authorizing a manufacturer to manufacture or produce slot machines or associated equipment for use in this Commonwealth for gaming purposes.

*Manufacturer licensee*—A person that holds a manufacturer license.

*Manufacturer's serial number*—The unique number permanently assigned to a slot machine by a manufacturer for identification and control purposes.

*Member*—An individual appointed to and sworn in as a member of the Board in accordance with section 1201(b) of the act (relating to Pennsylvania Gaming Control Board established).

*Municipality*—A city, borough, incorporated town or township.

*Net terminal revenue*—The net amount of the gross terminal revenue less the tax and assessments imposed by sections 1402, 1403, 1405 and 1407 of the act.

*Nongaming employee*—An employee of a slot machine licensee or certified vendor who is not included within the definition of “principal”, “key employee” or “gaming employee,” and:

(i) Whose job duties require the employee to be:

(A) On the gaming floor but do not require the employee to touch or have contact with slot machines or associated equipment other than exterior cleaning.

(B) In a restricted area and the employee:

(I) Is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and has appropriate access clearance to be in the restricted area.

(II) Is not required to touch or have contact with slot machines or associated equipment other than exterior cleaning.

(ii) Who the Board determines, after a review of the work being performed, requires registration for the protection of the integrity of gaming.

*Nonprimary location*—A facility in which pari-mutuel wagering is conducted by a licensed racing entity other than the racetrack where live racing is conducted.

*Occupation permit*—A permit issued by the Board authorizing an individual to be employed or work as a gaming employee.

*Offense*—Felonies, crimes, high misdemeanors, misdemeanors, disorderly persons offenses, petty disorderly offenses, driving while intoxicated/impaired, motor vehicle offenses and violations of probation or any other court order.

*Pending matter or contested on the record proceeding*—

(i) A matter including the discretionary issuance, approval, renewal, conditioning, revocation, suspension or denial of any license, permit, certification or registration or any petitions or motions that would require Board consideration.

(ii) The term does not include a policy or administrative matter.

*Permit fee*—The amount of money required to be paid for issuance or renewal of any type of permit required by the Board.

*Permittee*—A holder of a permit issued under this part.

*Person*—A natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or other form of legal business entity.

*Principal*—Includes the following:

- (i) An officer.
- (ii) Director.
- (iii) Person who directly holds a beneficial interest in or ownership of the securities of an applicant or licensee.
- (iv) Person who has a controlling interest in an applicant or licensee, or has the ability to elect a majority of the Board of directors of a licensee or to otherwise control a licensee.

(v) Lender or other licensed financial institution of an applicant or licensee, other than a bank or lending institution which makes a loan or holds a mortgage or lien acquired in the ordinary course of business.

(vi) Underwriter of an applicant or licensee.

(vii) Other persons or employees of an applicant, slot machine licensee, manufacturer licensee or supplier licensee deemed to be a principal by the Board.

*Publicly traded corporation*—A person other than an individual which:

(i) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78nn).

(ii) Is a registered management company under the Investment Company Act of 1940.

(iii) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

*Race Horse Industry Reform Act*—4 P. S. §§ 325.101—325.402.

*Registered vendor*—A vendor that is registered with the Board.

*Regular or continuing basis*—A vendor will be deemed to conduct business on a regular or continuing basis if:

(i) The total dollar amount of transactions with a single slot machine licensee or applicant is or will be greater than \$200,000 within any consecutive 12 month period.

(ii) The total dollar amount of transactions with slot machine licensees or applicants is or will be greater than \$500,000 within any consecutive 12 month period.

*Restricted area*—An area where access is limited and is specifically designated by the Board as restricted, including:

- (i) The cashiers' cage.
- (ii) The soft count room.
- (iii) The surveillance monitoring room.
- (iv) The slot machine storage and repair rooms.
- (v) The progressive controller room.
- (vi) The central control computer room.
- (vii) The information technology department.

(viii) Any additional area that the slot machine licensee designates as restricted in its Board-approved internal controls.

*Revenue- or tourism-enhanced location*—A location within this Commonwealth determined by the Board, which will maximize net revenue to the Commonwealth or enhance year-round recreational tourism within this Commonwealth, in comparison to other proposed facilities and is otherwise consistent with the act and its declared public policy purposes.

*SEC*—The Securities and Exchange Commission of the United States.

*Secretary*—Secretary to the Board.

*Securities*—As defined in the Pennsylvania Securities Act of 1972 (70 P. S. §§ 1-101—1-703).

*Slot machine*—

(i) A mechanical or electrical contrivance, terminal, machine or other device approved by the Board which, upon insertion of a coin, bill, token, gaming voucher, coupon or similar object therein or upon payment of any consideration, including the use of electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance, or both, may deliver or entitle the person playing or

operating the contrivance, terminal, machine or other device to receive cash, billets, tokens, gaming vouchers or electronic credits to be exchanged for cash or to receive merchandise or anything of value, whether the payoff is made automatically from the machine or manually. A slot machine:

(A) May utilize spinning reels or video displays, or both.

(B) May or may not dispense coins, vouchers or tokens to winning patrons.

(C) May use an electronic credit system for receiving wagers and making payouts.

(ii) The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine or other device.

*Slot machine license*—A license issued by the Board authorizing a person to place and operate slot machines under the act.

*Slot machine licensee*—A person that holds a slot machine license.

*SLOTS Link*—An electronic application system developed by the Board.

*Staff*—An employee or an independent expert, including but not limited to, attorneys, accountants, investment bankers, architects, engineers, scientific and technical consultants and licensed financial brokers retained by the Board.

*State gaming receipts*—Revenues and receipts required by the act to be paid into the State Gaming Fund, the Pennsylvania Race Horse Development Fund and the Pennsylvania Gaming Economic Development and Tourism Fund, and all rights, existing on July 5, 2004, or coming into existence after July 5, 2004, to receive any of those revenues and receipts.

*State Treasurer*—The State Treasurer of the Commonwealth.

*Statement of Investigation*—An order of the Board in response to a petition for an order regarding inquiry and investigation of a purchase of an eligible applicant or licensee which specifies the particular criterion satisfied by the purchaser, provides for the continuing obligation of the purchaser to provide information to the Board, is applicable only as to the purchase of a specific eligible applicant or licensee, and provides an expiration date not to exceed 6 months from the date of issuance unless otherwise extended by the Board.

*Subsidiary*—A person other than an individual. The term includes:

(i) A corporation, any significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

(ii) A significant interest in a person, other than an individual, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

(iii) A person deemed to be a subsidiary by the Board.

*Supplier*—A person that sells, leases, offers or otherwise provides, distributes or services slot machines or associated equipment for use or play of slot machines in this Commonwealth at a licensed gaming facility.

*Supplier license*—A license issued by the Board authorizing a supplier to provide products or services related to slot machines or associated equipment to licensed gaming entities.

*Supplier licensee*—A person that holds a supplier license.

*Trade secret*—A private formula, pattern, device, cost study or compilation of information which is used in a business and which, if disclosed could negate an advantage over competitors who do not know or use it.

*Underwriter*—As defined in the Pennsylvania Securities Act of 1972.

*Vendor*—

(i) A person who provides goods or services to a slot machine licensee or applicant, but who is not required to be licensed as a manufacturer, manufacturer designee, supplier, management company or junket enterprise.

(ii) The term includes:

(A) Suppliers of alcoholic beverages (if not otherwise regulated by the Pennsylvania Liquor Control Board), food and nonalcoholic beverages.

(B) Refuse handlers.

(C) Vending machine providers and service personnel.

(D) Linen and uniform suppliers.

(E) Janitorial and maintenance companies, not relating to the repair of slot machines or associated equipment.

(F) Tenant businesses or franchises located within licensed facilities.

(G) Providers of transportation services.

(H) Companies, subcontractors and professionals involved in the construction of a facility for a slot machine licensee or applicant.

(I) Lessors of real property or goods.

(J) Other entities which the Board will determine based on detailed analyses by the Board of vendor contracts.

*Vendor certification*—A certification issued by the Board authorizing a vendor to provide goods or services to a slot machine licensee or applicant.

*Vendor registration*—A registration issued by the Board authorizing a vendor to provide goods or services to a slot machine licensee or applicant.

#### § 401a.4. Jurisdiction.

(a) The Board will have exclusive jurisdiction over all matters within the scope of its powers under the act.

(b) Nothing contained in this part shall be construed to limit the powers and duties of the Board as provided in the act.

**CHAPTER 403. (Reserved)**

**§§ 403.1—403.7. (Reserved).**

**CHAPTER 403a. BOARD OPERATIONS AND ORGANIZATION**

Sec.	
403a.1.	Definitions.
403a.2.	Participation at meetings and voting.
403a.3.	Meetings.
403a.4.	Board office hours.
403a.5.	Public communication.
403a.6.	Delegation of powers.
403a.7.	Temporary emergency orders.
403a.8	Licensed entity representative meetings.

**§ 403a.1. Definitions.**

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

*Financial interest—*

(i) An ownership, property, leasehold or other beneficial interest in an entity.

(ii) The term does not include an interest which is held or deemed to be held in any of the following:

(A) Securities that are held in a pension plan, profit-sharing plan, individual retirement account, tax sheltered annuity, a plan established pursuant to section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457), or any successor provision, deferred compensation plan whether qualified or not qualified under the Internal Revenue Code of 1986, or any successor provision, or other retirement plan that:

(I) Is not self-directed by the individual.

(II) Is advised by an independent investment adviser who has sole authority to make investment decisions with respect to contributions made by the individual to these plans.

(B) A tuition account plan organized and operated under section 529 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 529) that is not self-directed by the individual.

(C) A mutual fund where the interest owned by the mutual fund in a licensed entity does not constitute a controlling interest as defined in this part.

*Ownership interest—*Owning or holding or being deemed to hold, debt or equity securities or other ownership interest or profit interest.

**§ 403a.2. Participation at meetings and voting.**

(a) *Qualified majority vote.* An action by the Board, except as set forth in subsections (b) and (c), including the approval, issuance, denial or conditioning of a license or the making of an order or the ratification of a permissible act done or order made by one or more of the members of the Board will require a qualified majority vote consisting of at least one gubernatorial appointee and the four legislative appointees.

(b) *Majority vote.* An action by the Board to suspend, revoke, not renew, void or require forfeiture of a license, permit, certification or registration previously issued by the Board, to impose an administrative fine or penalty or to issue cease and desist will require a majority vote of all the Board members.

(c) *Participation.* A member may not participate in a hearing, proceeding or other matter in which the member, or the immediate family thereof, has a financial interest in the subject matter of the hearing or proceeding or

other interest that could be substantially affected by the outcome of the hearing or proceeding, without first fully disclosing the nature of the interest to the Board and other persons participating in the hearing or proceeding. For purposes of the subsection, the term "immediate family" means spouse, parent, brother, sister or child.

(d) *Disqualifying interest.* If a Board member has a disqualifying interest in a voting matter, the member shall disclose the nature of the disqualifying interest, disqualify himself and abstain from voting in a proceeding in which his objectivity, impartiality, integrity or independence of judgment may be reasonably questioned, including instances where he knows that he possesses a substantial financial interest in the subject matter of the proceeding or an interest that could be substantially affected by the outcome of the proceeding. If it is a legislative appointee member that has disqualified himself, the qualified majority will consist of the remaining three legislative appointees and at least two gubernatorial appointees.

(e) *Member abstention.* When a member has disqualified himself, the member's abstention from voting will apply only to the singular voting matter that led to the disqualification and not apply to other matters under consideration by the Board for which the member is otherwise qualified.

**§ 403a.3. Meetings.**

(a) *Public sessions.* The proceedings of all public sessions will be conducted in accordance with 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act).

(b) *Regularly scheduled meetings.* The Board will meet once a month, and on other dates as the Board determines.

(c) *Participation by means of telephone or video teleconference.* A Board member may participate in a meeting by means of telephone or video teleconference when it is impractical for the Board member to attend the meeting in person.

(d) *Record of proceedings.* The Board will keep a record of all proceedings held at public meetings of the Board. A verbatim transcript of those proceedings will be prepared by and will be the property of the Board. The verbatim transcript will be available for inspection at the Board's office during normal business hours.

**§ 403a.4. Board office hours.**

Board offices will be open from 8:30 a.m. to 5 p.m. on business days except Saturdays, Sundays, legal holidays and Commonwealth office closures declared by the Governor, unless otherwise directed by the Board.

**§ 403a.5. Public communication.**

Requests for information regarding the Board may be directed to:

Office of Communications  
 Pennsylvania Gaming Control Board  
 P. O. Box 69060  
 Harrisburg, PA 17106-9060

**§ 403a.6. Delegation of powers.**

(a) The Board may, consistent with the act and this part, delegate its authority to perform any of its functions to a Board member or member of the Board's staff.

(b) A delegation of Board authority will be effected by promulgation of a regulation or the adoption of a formal resolution at a public meeting of the Board. The regulation or resolution will specify:

- (1) The specific authority delegated.
- (2) The Board member or Board staff members to whom the authority is delegated.
- (3) Limitations or conditions imposed on the authority delegated.
- (c) Delegations of authority made under this section will remain in effect indefinitely unless otherwise specified in the implementing regulation or resolution.
- (d) A delegation of authority adopted by the Board may be modified or rescinded by the Board through promulgation of a regulation or the adoption of a subsequent formal resolution at a public meeting of the Board.
- (e) Notwithstanding any other provision of this section, a matter that has been delegated to the Board staff may alternatively be presented to and determined by the Board on its own motion, at the discretion of the Chairperson or at the request of the Board staff.

**§ 403a.7. Temporary emergency orders.**

(a) Upon request of the Office of Enforcement Counsel in accordance with subsection (d), a temporary emergency order may be issued by, or on behalf of, the Executive Director of the Board. A temporary emergency order may be issued without a hearing and without advanced notice and will notify the person to whom the temporary emergency order is issued that he may request a hearing to be held by the Executive Director within 72 hours of the request being filed with the Board.

(b) A temporary emergency order may be issued to suspend a license, certification, permit or registration or to direct that a person refrain from engaging in, or cease and desist engaging in, specific conduct.

(c) A temporary emergency order may be issued if there is insufficient time to provide notice and hearing prior to the issuance of the order; the order is necessary to preserve the public health, welfare, or safety or the integrity of gaming in the Commonwealth; and determination of one of the following has occurred:

- (1) A person holding a license, certification, permit or registration issued by the Board has been charged with or convicted of a felony, a criminal gaming offense, or crime of dishonesty or false statement or other offense that would make the person ineligible or unsuitable to hold a license, permit, certification or registration.

- (2) A licensee has failed to pay required assessments or to satisfy its tax obligations under the act.

- (3) The action is necessary to prevent or cure a violation of any provision of the act, this part or other Federal or State laws or regulations.

(d) If the Office of Enforcement Counsel determines that circumstances exist which require that immediate action be taken on behalf of the Board, it may submit a request for a temporary emergency order. The request will include:

- (1) The circumstances upon which the determination to request the order was made.

- (2) The grounds upon which the order is being requested.

- (3) The specific relief sought in the order.

(e) A temporary emergency order will be issued in writing and filed, together with the request for a temporary emergency order required by subsection (d), with the Clerk no later than the close of the next business day following its issuance.

(f) A temporary emergency order will specify that the person subject to the temporary emergency order may request an informal hearing before the Executive Director within 72 hours of filing the request with the Clerk.

(g) The Bureau will cause the temporary emergency order and the request for a temporary emergency order required by subsection (d) to be served upon the person named in the temporary emergency order. Service required by this subsection will be made as expeditiously as practicable following the issuance of the order and the request. Service will be made in the manner prescribed by § 491.3 (relating to service by the Board).

(h) Within 72 hours of the filing a request for an informal hearing with the Board, an informal hearing before the Executive Director or a designee will be held at the Board headquarters.

(i) The Executive Director or a designee may sign subpoenas to secure the attendance of witnesses and the production of documents.

(j) The procedure for the informal hearing will be as follows:

- (1) The Executive Director or a designee will call the hearing to order and present the request for a temporary emergency order filed by the Office of Enforcement Counsel under subsection (d).

- (2) The person named in the temporary emergency order may respond by submitting evidence and witnesses supporting the position that the temporary emergency order should be dissolved or modified.

- (3) The Executive Director or a designee may require that witnesses testify under oath. All relevant evidence is admissible. The Executive Director or a designee may question witnesses.

- (4) The licensee may make a concluding argument as to why the temporary emergency order should be dissolved or modified.

- (5) Upon receiving all evidence presented by the person named in the order and hearing the person's final argument, the Executive Director or a designee will render a decision as to whether or not the temporary emergency order will continue, be modified or dissolved within 72 hours. Service of the decision will be made in the manner prescribed by § 491.3. Unless the Executive Director dissolves the temporary emergency order, the matter will be scheduled for a hearing before the Board as provided in subsection (k).

(k) Once a temporary emergency order has been issued under this section, unless it has been subsequently dissolved by the Executive Director, the temporary emergency order will be presented to the Board at its next meeting or within 10 business days, whichever is longer at which time the Board may do one of the following:

- (1) Conduct a hearing to determine the validity of the issuance of the order.

- (2) Refer the matter to the Office of Hearings and Appeals under § 492.6 (relating to hearings generally) and direct that a hearing be conducted by a hearing officer and a report submitted to the Board.

- (l) In all hearings relating to the disposition of a temporary emergency order, whether the hearing is conducted by the Board or by a hearing officer, the following procedure will occur:

- (1) The temporary emergency order, the request for the temporary order and any modifications to the temporary order will be made a part of the evidentiary record of the proceeding.

(2) The Office of Enforcement Counsel will present evidence to the Board or the hearing officer in support of the temporary emergency order.

(3) The person named in the order shall have the burden of rebutting the evidence presented by the Office of Enforcement Counsel.

(m) If the hearing is conducted by the Board, the Board may take one of the following actions upon conclusion of oral arguments and evidentiary presentations:

(1) If the Board finds that the un rebutted facts and circumstances presented are sufficient to support the issuance of the temporary emergency order, that dissolution of the temporary emergency order would pose an immediate threat to the public health, safety or welfare, or the public's interest in the effective regulation of gaming demands the action, it may adopt a resolution ratifying or modifying the temporary emergency order. This order may be appealed under § 494.11 (relating to appeals).

(2) If the Board finds that there is insufficient cause to continue the temporary emergency order, it may adopt a resolution dissolving the emergency order and the privileges of the person named in the order will be reinstated.

(3) If the Board finds that further hearing is necessary, it may refer the matter to the Office of Hearings and Appeals for additional presentation of evidence and testimony of witnesses. If the matter is referred to the Office of Hearings and Appeals, the temporary emergency order will remain in effect, with or without modification as the Board deems appropriate.

(n) If the Board adopts a resolution, the resolution may establish the length of term for the order by establishing an expiration date, dependent on the completion of specified remedial actions or dependent on the filing of, or final resolution of, a complaint alleging the person violated a provision of the act or this part. If the expiration date is dependent upon specific remedial actions, the Board will provide a detailed description of the remedies in the resolution and will establish procedures whereby the person can demonstrate that it has complied with the required remedies.

(o) Any resolution adopted is a final order of the Board for purposes of appeal.

(p) Resolutions ratifying or dissolving temporary emergency orders adopted by the Board under this section will have no effect upon the power and duty of the Office of Enforcement Counsel to initiate, in its sole discretion, proceedings for violations of the act or this part or upon the outcome of any proceeding so initiated.

(q) Copies of the Board's final order will be served on the person named in the order by certified or overnight express mail, postage prepaid; or by personal delivery in accordance with § 491.3.

(r) If the Board refers the matter to the Office of Hearings and Appeals, the hearing will be subject to the following requirements:

(1) The Chairperson will designate a presiding officer to direct the hearing and rule on evidentiary matters.

(2) The hearing before the presiding officer will occur no more than 10 business days after the Board refers the matter to the Office of Hearings and Appeals, unless a delay is requested by the person named in the temporary emergency order.

(3) Within 10 days following the conclusion of hearing, the presiding officer will forward a recommendation for action on the temporary emergency order to the Board. A copy of the recommendation will be served on the person named in the temporary order by certified or overnight express mail or by personal delivery in accordance with § 491.3.

**§ 403a.8. Licensed entity representative meetings.**

(a) If a Board member conducts a meeting with a licensed entity representative under section 1201.1(c)(7) of the act (relating to code of conduct), the Board member will record the following in the log:

(1) The names of individuals with whom the Board member met.

(2) The date and time of the meeting.

(b) The Board member will include a memorandum of the content of the discussion in the log.

(c) The log will be available for public inspection.

**CHAPTER 405. (Reserved)**

**§§ 405.1—405.7. (Reserved).**

**CHAPTER 405a. BUREAU OF INVESTIGATIONS AND ENFORCEMENT**

Sec.	
405a.1.	General duties and powers.
405a.2.	Information.
405a.3.	Office of Enforcement Counsel.
405a.4.	Conduct.
405a.5.	Investigatory subpoena.
405a.6.	Enforcement action.

**§ 405a.1. General duties and powers.**

The Bureau has the powers and duties set forth in section 1517 of the act (relating to enforcement) including:

(1) The investigation and review of applicants seeking a license, permit, certification or registration.

(2) The investigation of licensees, permittees, registrants, certified vendors and other persons for potential violations of the act, including potential violations referred to the Bureau by the Board or other persons.

(3) The monitoring of slot machine operations to ensure compliance with the act, this part and the integrity of gaming, including internal controls, exclusion list enforcement, underage gaming and drinking, individual complaints, information systems, integrity and security issues.

(4) The inspection and examination of all premises where slot machine operations are conducted, gaming devices or equipment are manufactured, sold, distributed or serviced or where records of these activities are prepared or maintained as provided in section 1517(e) of the act. Inspections may include the review and reproduction of any document or record.

(5) The conduct of audits of slot machine operations as necessary to ensure compliance with the act and this part. An audit may include, but is not limited to, reviews, examinations and inspections of:

(i) Accounting, administrative and financial records and procedures utilized by the licensed entity.

(ii) Internal control procedures and management control procedures.

- (iii) Security and surveillance departments.
- (iv) Corrective action taken by the licensee to resolve reported deficiencies.
- (v) Reports issued by an independent certified public accountant or independently registered public accounting firm pertaining to the adequacy of the licensee's system of internal controls over financial reporting.
- (vi) The licensee's responses, if any, to the reports noted in paragraph (v).
- (vii) Other matters required by the Board or the Bureau.
- (6) The referral of possible criminal violations under the act to the Pennsylvania State Police.
- (7) Be a criminal justice agency under 18 Pa.C.S. Chapter 91 (relating to criminal history record information).

#### § 405a.2. Information.

- (a) An applicant for or holder of a license, permit, certification or registration shall provide all information, data and documents requested by the Bureau under section 1517(a) of the act (relating to enforcement).
- (b) The Director of the Bureau, the Chief Enforcement Counsel, and their designees, will have the power and authority to administer oaths and affirmations for the purpose of obtaining voluntary sworn statements with regard to any matter or thing which may properly fall within the jurisdiction of the Board. Any person so designated will have the power and authority to obtain by subpoena the sworn statement of a person deemed to have information relevant to an investigation that the Board is authorized to conduct. Designation pursuant to this section will be made in writing, filed with the Clerk, and remain in effect until revoked.
- (c) A State or local law enforcement agency, including the Pennsylvania State Police and the Office of Attorney General, the Department or other executive agency may provide information, data and documents requested by the Bureau relating to an applicant for or holder of a license, permit, certification or registration.
- (d) The Bureau may, upon request, provide pertinent information relating to an applicant for or holder of a license, permit, certification or registration to law enforcement agencies, including the Federal Bureau of Investigation or other domestic or foreign agencies or jurisdictions.
- (e) Information under this section may be provided or received by electronic distribution.

#### § 405a.3. Office of Enforcement Counsel.

- (a) The Office of Enforcement Counsel within the Bureau has the following powers and duties:
  - (1) Advise the Bureau on all matters, including the granting of licenses, permits, certifications or registrations, the conduct of background investigations, audits and inspections and the investigation of potential violations of the act or this part.
  - (2) Make recommendations and objections relating to the issuance of licenses, permits, certifications and registrations.

- (3) Initiate, in its sole discretion, proceedings for violations of the act or this part by filing a complaint or other pleading with the Board seeking civil fines or penalties, the imposition of conditions on a license, permit, certification or registration, or the suspension or revocation of a license, permit, certification or registration.
- (4) Act as the prosecutor in enforcement actions under the act.
- (5) Seek a settlement that may include fines, penalties or other actions subject to approval by the Board.
- (6) Appear at administrative hearings and other proceedings before the Board.
  - (b) The Director of the Office of Enforcement Counsel will report to the Executive Director of the Board on administrative and operational matters.
  - (c) The Director of the Office of Enforcement Counsel may be removed by the Board only for good cause shown.

#### § 405a.4. Conduct.

- (a) An attorney representing the Bureau or Office of Enforcement Counsel, or an employee involved in the hearing process, may not discuss the case *ex parte* with a presiding officer assigned to the case, the Chief Counsel or an attorney assigned to the case from the Office of Chief Counsel or a Board member.
- (b) A presiding officer, the Chief Counsel or an attorney assigned to the case from the Office of Chief Counsel or a Board member may not discuss or exercise a supervisory responsibility over any employee with respect to an enforcement hearing with which the employee is involved.
- (c) If it becomes necessary for the Chief Counsel or an attorney from the Office of Chief Counsel or a Board member to become involved on behalf of the Board in any enforcement proceeding, the Chief Counsel or the attorney from the Office of Chief Counsel or the Board member involved shall be prohibited from participating in the adjudication of that matter.

#### § 405a.5. Investigatory subpoena.

- (a) The Director of the Office of Enforcement Counsel is authorized to require the attendance and testimony of witnesses and the production of books, accounts, papers, records, documents, files, computer files and photographs in original or electronic format necessary for all action within the authority of the Bureau under the act or this part.
  - (b) The Director of the Office of Enforcement Counsel or his representative may issue subpoenas.
  - (c) In case of disobedience of any subpoena or the contumacy of any witness appearing before the Director of the Office of Enforcement Counsel or a representative, the Director of the Office of Enforcement Counsel or a representative may invoke the aid of Commonwealth Court or any court of record of this Commonwealth to require the person subpoenaed to obey the subpoena or to give evidence or to produce books, accounts, papers, records, documents, files, computer files and photographs in original or electronic format relative to the matter in question.
  - (d) The issuance of a subpoena under this section will not be required to secure the cooperation of a person who is an applicant for, or the holder of, a license, permit, certification or registration issued by the Board, or to secure the voluntary cooperation of any person.

**§ 405a.6. Enforcement action.**

(a) Upon a determination by the Office of Enforcement Counsel that sufficient facts exist to support enforcement action against a person holding a license, permit, certification or registration issued by the Board, the Office of Enforcement Counsel will initiate a complaint in accordance with § 493.2 (relating to complaints), including a proposed order for an enforcement action and serve the complaint in accordance with § 491.3 (relating to service by the Board).

(b) The complaint for an enforcement action will include a statement of the facts, the statute, regulation or statement of conditions that the person is being charged with violating and the remedy sought. The proposed order will be accompanied by a certificate of service demonstrating the date of service.

(c) Within 15 days from the date of service of complaint for an enforcement action, the person may file a notice of defense in accordance with § 493.2(d) and serve a copy of the request on the Office of Enforcement Counsel. Failure to file a notice of defense for an enforcement action complaint within 15 days will be deemed:

(1) A waiver by the person of any right to an administrative hearing before the Board.

(2) An admission by the person of all matters and facts alleged in the proposed order for enforcement action.

(3) Consent by the person to the entry of a final order by the Board disposing of the enforcement matter.

(d) Upon the person's failure to request a hearing within the prescribed 15 days, the Office of Enforcement Counsel will present the proposed enforcement order to the Board. The Board may, by resolution, adopt the proposed enforcement order.

(e) The Clerk will send a copy of the Board's final order to the person by certified mail.

**CHAPTER 407. (Reserved)**

**§§ 407.1—407.3. (Reserved).**

**CHAPTER 407a. PUBLIC ACCESS TO BOARD FILES**

Sec.

- 407a.1. Case files.
- 407a.2. Minutes of public meeting and annual report.
- 407a.3. Confidential information.

**§ 407a.1. Case files.**

(a) *Formal records.* The Board will maintain a nonconfidential file and a confidential file for all formal records.

(b) *Access.* Access to formal records will be governed by the following:

(1) Nonconfidential files will be available for inspection during normal Board business hours.

(2) Upon receipt of a request for access to confidential files, the Board or the Bureau will review the request and provide its determination as to whether the material may be released for inspection within 30 days of the request.

(3) For good cause, the Board may extend the time limits applicable to requests for access to confidential files.

(c) The Board may issue protective orders or establish standards governing the protection of proprietary or confidential documents for a given proceeding or a given type of proceeding. All parties to a proceeding shall submit, classify and mark documents in accordance with the directives of the Board or its designee. In the absence of any protective order or standard, parties shall clearly mark documents that are deemed to be proprietary or confidential. The documents will be treated as marked by the Board.

(d) Any party or member of the public may dispute the designation of a document as submitted by filing a notice of dispute with the Board. The Board will determine the proper classification of documents subject to a notice of dispute as soon as administratively possible.

**§ 407a.2. Minutes of public meeting and annual report.**

Minutes of the public meeting and annual reports will be available for public inspection upon request to the Secretary during normal Board business hours. Copies will be provided upon request and payment of the cost for copying as the Board may establish through a schedule published in the *Pennsylvania Bulletin*.

**§ 407a.3. Confidential information.**

(a) Confidential information may include background investigation information, including information provided under section 1310(a) of the act (relating to slot machine license application character requirements), submitted in connection with an application required for the issuance of any license, permit, certification or registration under this part, discovery procedures, or cross-examination or that is provided as a courtesy to a party in a formal proceeding received by the Board or the Department as well as records obtained or developed by the Board or the Department as part of an investigation related to an applicant or holder of a license, permit, certification or registration containing any of the following:

(1) Personal information, including home addresses, telephone numbers, Social Security numbers, educational records, memberships, medical records, tax returns and declarations, actual or proposed compensation, financial account records, credit-worthiness or financial condition relating to an applicant, licensee or permittee or the immediate family thereof.

(2) Documents and information relating to proprietary information, trade secrets, patents or exclusive licenses, architectural and engineering plans and information relating to competitive marketing materials and strategies which may include customer-identifying information or customer prospects for services subject to competition.

(3) Security information including risk prevention plans, detection and countermeasures, emergency management plans, security and surveillance plans, equipment and usage protocols and theft and fraud prevention plans and countermeasures.

(4) Information with respect to which there is a reasonable possibility that public release or inspection of the information would constitute an unwarranted invasion into personal privacy as determined by the Board.



(5) Records or information that is designated confidential by statute or the Board.

(6) Records of an applicant or licensee not required to be filed with the SEC by issuers that either have securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C.A. § 781) or are required to file reports under section 15(d) of that act (15 U.S.C.A. § 78o(d)).

(7) Records considered nonpublic matters or information by the SEC as provided by 17 CFR 200.80 (relating to commission records information).

(b) Confidential information may be released by the Board under the following circumstances:

(1) To State or Federal law enforcement agencies or entities upon approval of the Attorney General or pursu-

ant to a lawful order issued by court of competent jurisdiction.

(2) To the public, in whole or in part, if one of the following occurs:

(i) Upon written request from the applicant or holder of a license, permit, certification or registration, to the extent that the information does not contain otherwise confidential information about another person.

(ii) If the information subsequently becomes a part of the public domain by an action by the applicant or holder of a license, permit, certification or registration.

(3) To a person with the written consent of the applicant or holder of a license, permit, certification or registration.

[Pa.B. Doc. No. 07-1082. Filed for public inspection June 22, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 139]

### Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks

The Department of Agriculture (Department) proposes to amend Chapter 139 (relating to amusement rides and attractions erected permanently or temporarily at carnivals, fairs and amusement parks) to read as set forth in Annex A.

#### *Statutory Authority*

The Amusement Ride Inspection Act (act) (4 P. S. §§ 401—419) provides the legal authority for this proposed rulemaking.

Section 4 of the act (4 P. S. § 404) prescribes the powers and duties of the Department with respect to amusement rides and authorizes the Department to adopt regulations necessary to its administration of the provisions of the act.

#### *Purpose*

The proposed rulemaking updates the Department's amusement ride and amusement attraction regulations to reflect developments in the amusement ride and amusement attractions industry in the 19 years since current regulations were last updated, moves these regulations into greater conformity with well-regarded National industry standards for the safe erection and operation of amusement rides and amusement attractions (the American Society for Testing Materials International F-24 Committee Standards) and provides a clearer set of standards for the regulated community.

#### *Background*

The amusement ride and amusement attraction industry is a vital, evolving industry. Amusement rides that are common today, such as inflatable bounce rides, climbing walls and water rides, were not in widespread use when the current regulations were last amended. In addition, as the Department has carried-out its responsibilities in administering and enforcing the current regulations over the years, it has identified provisions that are unclear, that are inconsistent with the act or that are not as comprehensive or detailed as their counterpart provisions in the American Society for Testing Materials International F-24 Committee Standards.

Drafts of the proposed rulemaking have been in existence for several years and have been circulated among the members of the Amusement Ride Safety Advisory Board (Board) on several occasions. The Board, established under the act, is an advisory body representing a broad cross-section of amusement ride and amusement attraction industry experience. The Department used this strong resource in preparing the proposed rulemaking and intends to make use of the collective expertise and experience of the Board throughout the regulatory process.

#### *Need for the Proposed Rulemaking*

The proposed rulemaking is a much-needed update of the Department's amusement ride and amusement attraction regulations. The ultimate objective of the proposed rulemaking is to help protect the health and safety of the riding public. The Department is satisfied that there are no reasonable alternatives to proceeding with the proposed rulemaking.

#### *Overview of the Major Provisions of the Proposed Rulemaking*

Section 139.2 (relating to definitions) would be amended to add two definitions to distinguish between the types of qualified inspectors of amusement rides and amusement attractions. These types are defined as "affiliated qualified inspectors" and "general qualified inspectors." The act of February 7, 1996 (P. L. 11, No. 4) (Act 4) amended the act to address the required reporting of certain injuries sustained in the operation of amusement rides and amusement attractions and to establish several new defined terms which are repeated in § 139.2. These include definitions of "ASTM standards" and "serious injury."

Proposed amendments to § 139.4 (relating to registration) would provide a more detailed explanation of the process by which an owner of an amusement ride or amusement attraction may comply with the statutory requirement that the ride or attraction be registered with the Department prior to its operation within this Commonwealth. It would also provide more detailed guidance on the type of professional engineer's report that would be required in support of an application for registration of a ride or attraction that had not previously been successfully registered with the Department.

Section 14 of the act (4 P. S. § 414) requires the Department to divide amusement rides into one of two classifications—Class I or Class II—for purposes of establishing the minimum insurance requirements applicable to the ride or attraction, and requires that a certificate of insurance be provided to the Department. Proposed amendments to § 139.5 (relating to insurance) would add language to clearly prescribe the content of the certificate of insurance and to require that the Department be identified as a "certificateholder" for purposes of notification by the insurance carrier in the event of a cancellation of coverage.

Proposed amendments to § 139.6 (relating to itinerary) would allow for the filing of required itineraries by electronic means and would provide a reference to the appropriate e-mail and fax numbers by which this filing might be accomplished.

Proposed amendments to § 139.7 (relating to inspection) would restate the amusement ride and amusement attraction inspection requirements in section 7 of the act (4 P. S. § 407), provide the ride or attraction owner or lessee with a good understanding of the document and recordkeeping requirements necessary to demonstrate compliance with this requirement and affirmatively state the Department's authority to inspect the ride or attraction and review records of inspections.

The Department provides credentials to persons to act as "qualified inspectors" of amusement rides and amusement attractions. Proposed amendments to § 139.9 (relating to qualified inspectors) would make several revisions and clarifications to: (1) allow currently-certified qualified

inspectors to continue conducting inspections under their credentials expire (at which time they would have to be certified in accordance with the proposed process in this section); (2) provide the Department flexibility to establish categories of amusement rides or attractions (such as water rides, inflatable rides, and the like) with respect to which it would certify qualified inspectors and establish training requirements; (3) clarify the application process, the renewal of certification and continuing education requirements; and (4) establish standards for revocation of a certification issued under that section.

Proposed amendments to § 139.11 (relating to accident reporting) track with changes in Act 4.

Proposed amendments to § 139.13 (relating to penalties) would provide more detail on the procedure by which the Department may pursue civil penalties regarding violations of the act or its attendant regulations, and prescribe a process by which a civil penalty could be challenged.

Proposed amendments to § 139.41 (relating to general) would clarify the design and construction standards that are applicable to a given amusement ride or amusement attraction. The ASTM International F-24 Committee Standards are an evolving set of highly-regarded industry standards for the safe design and operation of amusement rides and amusement attractions. Since these standards change over time, the proposed amendments would clarify which version of these standards is applicable to a given ride or attraction.

Proposed amendments to § 139.71 (relating to general requirement) would require that amusement rides and amusement attractions be operated in conformance with ASTM International F-24 Committee Standards.

Proposed amendments to § 139.76 (relating to ride operators and attraction attendants) would formalize a requirement that there be an adequate number of operators and attendants present when a ride or attraction is in operation, and would require that operators and attendants be present in at least the numbers recommended by the ride or attraction manufacturer.

The proposed rulemaking would also make a number of technical and grammatical corrections.

#### *Affected Individuals and Organizations*

The proposed rulemaking would impact upon the amusement ride and amusement attraction industry, as well as upon the riding public. There are approximately 7,400 registered amusement rides and amusement attractions that are either located within this Commonwealth or that are brought into this Commonwealth (for events such as fairs and carnivals) each year. There are approximately 675 owners or lessees of these rides and attractions. This community of ride and attraction owners and lessees would be impacted by the proposed rulemaking, as would the riding public.

#### *Fiscal Impact*

*Commonwealth.* The proposed rulemaking would impose no costs and have no fiscal impact on the Commonwealth.

*Political subdivisions.* The proposed rulemaking would impose no costs and have no fiscal impact upon political subdivisions.

*Private sector.* The proposed rulemaking might impose some new costs on amusement ride or amusement attraction owners or operators. The proposed rulemaking might require some owners or operators to hire additional

operators or attendants for their rides and attractions to meet or exceed the minimum number recommended by the ride or attraction manufacturer. The other changes that would be established by the proposed rulemaking would not have appreciable fiscal impact upon the private sector. Since this proposed rulemaking would move the Commonwealth's standards into greater conformity with the ASTM International Y-24 Committee Standards and these standards are the widely-accepted industry standards for amusement ride and amusement attraction design, construction and operation, the related industry is either already in compliance with these standards or can readily come into compliance with these standards without appreciable costs.

*General public.* The proposed rulemaking would impose no costs and have no fiscal impact on the general public. The proposed rulemaking would enhance public safety.

#### *Paperwork Requirements*

The proposed rulemaking is not likely to appreciably impact upon the paperwork generated by the Department or the regulated community.

#### *Effective Date*

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

#### *Sunset Date*

There is no sunset date for the proposed rulemaking. The Department will review the efficacy of this proposed rulemaking on an ongoing basis.

#### *Public Comment Period/Contact Person*

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin* to the Department of Agriculture, Bureau of Ride and Measurement Standards, Division of Ride Safety, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Joe Filoromo.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 13, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

DENNIS C WOLFF,  
*Secretary*

**Fiscal Note:** 2-102. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART V-D. AMUSEMENT RIDES AND AMUSEMENT ATTRACTIONS

CHAPTER 139. AMUSEMENT RIDES AND ATTRACTIONS [ ERECTED PERMANENTLY OR TEMPORARILY AT CARNIVALS, FAIRS AND AMUSEMENT PARKS ]

Subchapter A. REGISTRATION AND INSPECTION

§ 139.1. Scope.

(a) This chapter prescribes policies and procedures relating to administration of safety standards for installation, assembly, repair, maintenance, use, operation, disassembly and inspection of amusement rides and amusement attractions erected permanently or temporarily at carnivals, fairs [ and ], amusement parks or any other location in this Commonwealth.

(b) This chapter applies to new and existing commercially used amusement rides and attractions subject to the act.

(c) This chapter does not apply to:

\* \* \* \* \*

(2) Single passenger, coin-operated, manually, mechanically [ , ] or electrically operated rides except where admission is charged for the use of the equipment.

\* \* \* \* \*

(6) Ski lifts, elevators or rides to the extent they are registered and regulated by [ the Department of Labor and Industry ] any other agency of the Commonwealth.

(7) Amusement attractions, and amusement rides regulated by another Commonwealth agency and waterslides, to the extent that they are regulated by the Department of [ Environmental Resources ] Health for [ water quality, ] pool design, sanitary facilities [ , lifeguards ] and similar features.

§ 139.2. Definitions.

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

\* \* \* \* \*

**Affiliated qualified inspector**—A qualified inspector with a Department-issued certificate and credential card authorizing that person to act as a qualified inspector only with respect to the amusement rides or amusement attractions of the owner or lessee designated on that certificate and credential card. An affiliated qualified inspector is not a general qualified inspector.

\* \* \* \* \*

**Amusement ride**—A device that carries, suspends or conveys passengers along, around [ , ] or over a fixed or restricted route or course [ , ] or within a defined area, for the purpose of giving its passengers amusement, pleasure, thrills [ , ] or excitement.

**ASTM**—American Society for Testing Materials. This organization is currently named and known as ASTM International.

**ASTM International**—The organization formerly known as ASTM or the American Society for Testing Materials.

**ASTM International F-24 Committee Standards**—The ASTM standards promulgated by the ASTM International F-24 Committee, as published in the current annual book of ASTM International Standards Volume 15.07, or its successor document.

**ASTM standards**—[ ASTM Standards on Amusement Rides and Devices F698-83, F747-82, F770-82, F846-83, F853-83 and F893-84, published October 1984, in pamphlet format in the Annual Book of ASTM Standards ] Standards promulgated by the ASTM entitled Standard Guide for the Classification of Amusement Ride and Device Related Injuries and Illnesses, designation ASTM F 1305, or its successor, which provide procedures for the uniform classification of data related to amusement ride and device injuries and illnesses.

**Attendant**—A person having responsibility for some aspect of the operation of an amusement ride or attraction, but who is not an operator.

\* \* \* \* \*

**Class I amusement ride or amusement attraction**—A type of amusement ride or amusement attraction with respect to which the following apply:

(i) The ride or attraction is on the Department's most current list of approved rides.

(ii) The ride or attraction is a comparatively simple ride such as bumper cars, bumper boats, a multi-passenger coin-operated kiddie ride, go-carts, a live animal ride, a manually powered ride, a miniature train, an inflatable bounce ride, slide or similar device.

(iii) The Department has, on its most current list of approved rides, designated the ride or attraction as belonging within "Class I" for purposes of establishing the appropriate required minimum liability insurance coverage required with respect to that ride or attraction, in accordance with section 14(a)(1) of the act (4 P. S. § 414(a)(2)).

**Class II amusement ride or amusement attraction**—A type of amusement ride or amusement attraction with respect to which the following apply:

(i) The ride or attraction is on the Department's most current list of approved rides.

(ii) The Department has, on its most current list of approved rides, designated the ride or attraction as belonging within "Class II" for purposes of establishing the appropriate required minimum liability insurance coverage required with respect to that ride or attraction, in accordance with section 14(a)(2) of the act.

**Commercially used**—In the context of amusement rides and amusement attractions, the term includes any ride or attraction offered for use by persons in consideration of payment of a ticket fee, an entry fee, a rental fee or any other fee or charge as a condition of use of the ride or attraction.

*Department—*

- (i) The Department of Agriculture of the Commonwealth.
- (ii) **The term includes employees of the Department.**

\* \* \* \* \*

**General qualified inspector—**A qualified inspector with a Department-issued certificate and credential card authorizing that person to act as a qualified inspector, without limiting the exercise of that inspection authority to the amusement rides or amusement attractions of a particular owner or lessee. A general qualified inspector is not an affiliated qualified inspector.

*Inspection—*Inspection by a qualified [ certified ] inspector of an amusement ride, device or attraction for compliance with the act and this chapter.

*Kiddy ride or kiddie ride—*An amusement ride or attraction designed primarily for use by children up to 12 years of age.

*Lessee—*A person who leases an amusement ride or attraction from its owner, or from an authorized representative of an owner.

*Major modification—*A change in either the structural or operational characteristics of [ the ride or device which will ] an amusement ride or amusement attraction which can alter its performance from that specified in the manufacturer's design criteria.

\* \* \* \* \*

*National Electrical Code—*The National Electrical Code NFPA No. [ 70-1984 ] 70-E, as revised, amended or corrected.

*New amusement ride or amusement attraction—*An amusement ride or attraction of a design not [ previously ] previously operated in this Commonwealth and for which no regulations have been adopted.

**Operation—**

(i) When used in the context of an amusement ride or attraction, the term includes the loading of persons onto the ride or attraction, the physical movement of the ride or—in the case of nonmechanical rides (such as slides) or attractions—the movement of persons on or through the ride or attraction, and the unloading of persons from the ride or attraction.

(ii) **The term does not include the portion of a patron line that extends outside of any fence, wall, guardrail or gate that limits access to the amusement ride or amusement attraction and that is required to meet the ASTM International F-24 Committee Standards.**

\* \* \* \* \*

*Owner—*

(i) A person who owns an amusement ride or attraction [ , or the lessee if the amusement ride or attraction is leased ].

(ii) The term excludes the Commonwealth or its political subdivisions.

**Pennsylvania Construction Code Act—35 P. S. §§ 7210.101—7210.1103.**

*Permanent structure—*A structure, enclosure or arrangement of parts, used or intended to be used [ , ] for or as an amusement ride or attraction, that is erected to remain a lasting part of the premises.

**Person—**Includes a corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

*Professional engineer—*An individual licensed and registered under the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2) or a successor statute to engage in the practice of engineering.

\* \* \* \* \*

**Serious injury or illness—**[ Permanent or prolonged impairment of the body in which part of the body is made functionally useless or substantially reduced in efficiency. ]

(i) **An injury or illness that requires one or more of the following:**

- (A) Offsite emergency first aid.
- (B) Offsite medical treatment, whether it is administered or recommended or may be required at a future date.
- (C) Observation by a licensed physician.
- (D) Admission to a hospital.

(ii) **The term also includes an injury or illness that results in death, dismemberment, significant disfigurement or permanent loss of the use of a body organ, member, function or system.**

*Temporary structure—*A structure, enclosure or arrangement of parts used, or intended to be used [ , ] for or as an amusement ride or attraction, that is relocated from time to time with or without disassembly.

**Working day—**A day other than a Saturday, Sunday, National holiday or holiday of the Commonwealth.

**§ 139.3. Compliance.**

(a) **General requirement.** Owners [ and ride operators operating ], lessees and operators of amusement rides or attractions in this Commonwealth shall comply with this chapter.

(b) **Use of nonconforming rides or attractions prohibited.** An amusement ride or amusement attraction which is not in compliance with this chapter may not be used or occupied except as provided in subsection (c).

(c) **Nonconforming individual units.** Where only individual units of a ride, such as cars, seats or other carriers are defective and not in [ compliance ] compliance with this chapter, the units shall either be removed from the operating area of the ride or shall be taken out of service and clearly marked with a sign reading "Out of Service" if the defects or removal do not jeopardize the safety of the entire ride or attraction.

**§ 139.4. Registration.**

(a) **Registration required.** An owner intending to operate or use an amusement ride or an amusement attraction in this Commonwealth during a calendar year shall register the amusement ride or amusement attraction with the Department prior to operation.

(b) *Duration of registration.* [ An amusement ride or attraction which has undergone major modification shall be registered and inspected by a qualified inspector before its operation for use by the public. ] Registration of an amusement ride or an amusement attraction shall expire as of the earlier of the following:

(1) January 1 of the year immediately following the year with respect to which the registration is issued.

(2) The date upon which the registered amusement ride or amusement attraction undergoes a major modification.

(c) [ Registration includes the following:

(1) Owner's name, address and telephone number.

(2) Type of activity, park, carnival or fair.

(3) List of each ride or attraction by ride name, manufacturer's name and serial number.

(4) Name of owner's insurance company. ]

*Obtaining a registration application.* A person may obtain an amusement ride or amusement attraction registration application form by contacting the Department as described in § 139.14 (relating to contacting the Department). The Department will provide the form upon request, and make the form available for download through the Department's website: [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

(d) *Contents of registration application form.* A registration application form will require the following information:

(1) The name, address, e-mail address and telephone number of the owner.

(2) The name, address, e-mail address and telephone number of the lessee, if different than the owner.

(3) If the amusement ride or amusement attraction has previously been registered, the registration number appearing on the registration plate issued by the Department and attached to that ride or attraction.

(4) A description of the type of enterprise involved, whether a carnival, fair, park, rental company, go-cart track, water park, nonseasonal operation, or other.

(5) A list of each amusement ride or amusement attraction with respect to which registration is sought, by name, manufacturer's name and serial number.

(6) The name, address, e-mail address and telephone number of the insurance carriers providing the owner, lessee or operator the liability coverage required under section 14 of the act (4 P.S. § 414) and § 139.5 (relating to insurance).

(7) With respect to each identified amusement ride or attraction, verification of one of the following:

(i) The amusement ride or amusement attraction is of a type appearing on the Department's most current list of approved rides.

(ii) Written verification under seal of a professional engineer, acknowledging familiarity with the ride or attraction at issue, acknowledging familiarity with the requirements of the act and this chapter and confirming all of the following:

(A) The ride or attraction is designed to carry all loads safely, and to withstand normal stresses to which it may be subjected.

(B) The structural materials and construction of the ride or attraction conform to normal engineering practices, procedures, standards and specifications.

(C) Data pertinent to the design, structures, and factors of safety and performance are in accordance with accepted engineering practices.

(D) The manufacturer or fabricator of the ride or attraction otherwise meets the applicable design and construction requirements of the act, the ASTM International F-24 Committee Standards and this chapter.

(8) An acknowledgment by the applicant that, if the registration is approved, it is the responsibility of the applicant to apprise the Department, in writing, of changes to the information provided on the registration application during the registration period.

(9) An acknowledgment by the applicant that, if registration is approved, the registration shall automatically cease as of the date of any major modification, and the ride shall be reregistered with the Department.

(10) The signature of the applicant for registration, verifying that representations in the application are accurate and complete, and making that verification subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(e) *Department action on registration application.* The Department will, within 30 days of receiving a correct and complete registration application form, mail the applicant one of the following:

(1) Written confirmation of registration and, if necessary, a registration plate to be affixed to the amusement ride or attraction.

(2) Written denial of registration, with an explanation of the reasons for denial.

(3) A detailed request for additional information or clarification the Department deems necessary to ensure the amusement ride or amusement attraction meets the requirements in subsection (d)(7)(ii)(A)—(D). This request may also include a requirement the ride or attraction be made available to the Department or persons authorized by the Department, at a time or location mutually agreeable to the applicant and the Department, for inspection and testing. Once the requested information is delivered to the Department or the requested testing and inspection is conducted, the Department will have an additional 30-day period within which to review the registration application.

(f) *Responsibility of registrant.* A person who registers an amusement ride or amusement attraction in accordance with this section shall, during the registration period, be responsible to apprise the Department, in writing, of changes to the informa-

tion provided on the registration application. In addition, the registrant shall affix the registration plate provided by the Department to the amusement ride or amusement attraction in a location where the plate is plainly visible to the riding public, and shall promptly request a replacement plate when necessary.

(g) *Refusal or revocation of registration.* If the Department issues a written denial of registration as described in subsection (e)(2), it will afford the applicant an opportunity for an administrative hearing on the denial. If the Department has reason to believe an amusement ride or amusement attraction that is registered does not meet the requirements for registration, it will issue a written revocation of registration, and will afford the applicant an opportunity for an administrative hearing on the denial.

(h) *Registration plate.* The Department will issue a registration plate, bearing a unique registration number, with respect to each amusement ride or amusement attraction registered in accordance with this section. The registration plate remains the property of the Department after it is issued. The registrant shall be responsible to ensure that the registration plate remains affixed to the registered amusement ride or amusement attraction in a location where the plate is plainly visible to the riding public. The registration plate is intended as a permanent means of identifying the amusement ride or attraction, and shall remain affixed to the ride or attraction from one registration period to the next. Although the Department will not charge a fee for the issuance of a registration plate, it will charge a registrant \$30 to replace a lost or obliterated registration plate. This charge reflects the reasonable cost to the Department of replacing a registration plate.

(i) *Inspection of amusement rides or amusement attractions.* The Department may inspect any amusement ride or attraction, or any device or location it reasonably believes to be an amusement ride or attraction, to determine whether the ride or attraction is properly registered. The inspection shall be conducted in accordance with § 139.7(d) (relating to inspection).

§ 139.5. Insurance.

(a) *General requirement.* A person may not operate an amusement ride or amusement attraction unless a policy of insurance is in effect insuring the owner, lessee or operator against liability for injury to persons arising out of the use of an amusement ride or attraction [within the owner's control]. The insurance policy shall be procured from an insurer or surety authorized to do business in this Commonwealth [or eligible to do business under section 7 of the act of January 24, 1966 (1965) (P. L. 1509, No. 531), referred to as the Surplus Lines Insurance Law and shall be in the following amounts: ].

(1) [ For an attraction or amusement ride qualified to meet a Class I designation according to a list maintained by the Department, including bumper cars, bumper boats, coin-operated kiddie rides, go-carts, live animal rides, manually powered rides, miniature trains, moon walks, slides and similar devices— ] If the ride or attraction is a Class I

amusement ride or attraction, the minimum limits of the policy must be \$100,000 per occurrence and \$300,000 in the aggregate.

(2) [ For an attraction or amusement ride qualified to meet a Class II designation according to a list maintained by the Department— ] If the ride or attraction is a Class II amusement ride or amusement attraction, the minimum limits of the policy must be \$250,000 per occurrence and \$500,000 in the aggregate.

(b) *Certificate of insurance.* [ A ] An owner or operator shall deliver a valid certificate of insurance [ shall be furnished ] to the Department prior to the operation of [ a ] an amusement ride or amusement attraction for use by the public. The certificate of insurance shall be delivered to the Department in accordance with § 139.14 (relating to contacting the Department). The owner or operator is responsible for assuring that the insuring company notifies the Department immediately upon cancellation or change of coverage [ and the certificate shall acknowledge the notification responsibility ].

(c) *Content of certificate of insurance.* A certificate of insurance must set forth the following:

- (1) The identity of the insured.
- (2) The identity, address and telephone number of the insurance company issuing the policy.
- (3) Identification of the amusement rides and amusement attractions covered by the policy.
- (4) The policy limits per occurrence.
- (5) The policy limits in the aggregate.
- (6) The effective dates of coverage.
- (7) An acknowledgment that the Department, as certificateholder, is to be notified by the insurance carrier in the event of cancellation of coverage.

§ 139.6. Itinerary.

The owner or operator of an amusement park, carnival, fair, or other itinerant amusement ride or amusement attraction registered with the Department shall [ file ] deliver an itinerary [ with ] to the Department [ no less than ] at least 15 days prior to the operation of a ride or attraction for use by the public in this Commonwealth. This delivery may be accomplished by mail, e-mail, personal delivery or fax transmission to the fax number provided in § 139.14 (relating to contacting the department). The itinerary [ shall ] must include the following:

(1) The name of the amusement ride or amusement attraction owner.

\* \* \* \* \*

(3) The carnival, fair [ or ], activity sponsor and, if available, the name and telephone number of a contact person for the event.

(4) The address and telephone number of the activity site, the fax number of the site (if available) and an e-mail address for the site (if available).

\* \* \* \* \*

**§ 139.7. Inspection.**

(a) *General inspection requirement.* An owner or lessee of an amusement ride or amusement attraction shall have the ride inspected in accordance with section 7 of the act (4 P.S. § 407) and this chapter.

(b) *Occasions when inspection is required.* An amusement ride or amusement attraction shall be inspected as follows:

<i>Location</i>	<i>Type</i>	<i>Interval</i>
Any location	Amusement ride or amusement attraction	Prior to operation for the riding public, and on a monthly basis thereafter
Amusement park	Amusement ride or amusement attraction	Prior to operation for the riding public, and on a monthly basis thereafter
Fair or carnival	Amusement ride or amusement attraction	Prior to operation for the riding public at each new location
Any location	New amusement ride or amusement attraction	Prior to operation for the riding public
Any location	Amusement ride or amusement attraction that has undergone major modification	Prior to operation for the riding public

(c) *Qualified inspector to conduct inspection.* The amusement ride or amusement attraction owner or lessee shall engage a qualified inspector [certified by the Department] to perform the inspections required by the act and this chapter. [Rides or attractions to be operated by the owner shall be] The owner or lessee shall make the amusement ride or amusement attraction available to the qualified inspector [and the owner will be held]. The owner or lessee shall be solely responsible for all expenses in connection with the inspection. The qualified inspector shall, at the conclusion of an inspection, issue the owner or lessee the original plus one copy of a complete inspection affidavit form, as described in § 139.8 (relating to inspection affidavits), and retain a copy for the qualified inspector's records.

[ (b) The owner or lessee shall have inspection performed by a qualified inspector on the following:

(1) An amusement park ride or attraction on a 30 operating day basis during a season for operation for use by the public.

(2) A fair, carnival ride and attraction before its operation at a new location.

(3) A new or modified amusement ride and attraction before its operation for use by the public begins. ]

(d) *Inspection by the Department.* The Department may inspect any amusement ride or amusement attraction (including the operation of that amusement ride or amusement attraction), or any device or location it reasonably believes to be an amusement ride or amusement attraction, to determine whether the ride or attraction is properly registered, whether the ride or attraction has been inspected by a qualified inspector, whether the qualified inspector has performed a competent inspection of the ride or attraction and whether the ride or attraction otherwise complies with the requirements of the Act and this chapter. The inspection may be unannounced or with advance notice to the owner or lessee. The Department will endeavor to conduct these inspections at reasonable times and with a minimum intrusion, unless otherwise necessary to safeguard the public.

(e) *Responsibility of owner, lessee or operator to allow inspection.* An owner, lessee or operator shall allow the Department to inspect an amusement ride or amusement attraction, and may not hinder or impede the Department in the performance of the inspection.

(f) *Responsibility of owner, lessee or operator to produce records.* At the request of the Department, an owner, lessee or operator shall produce documentation as to both the operation and maintenance of an amusement ride or amusement attraction.

**§ 139.8. Inspection affidavits.**

(a) *Inspection affidavit required.* [ The ] An owner or lessee shall, with respect to each amusement ride or amusement attraction that is to be operated for use by the public, file a written affidavit with the Department, affirmed by a qualified inspector, that the amusement ride or amusement attraction [complies with the act and this chapter. The affidavit shall be filed for each amusement ride and attraction which is to be operated for use by the public] has been inspected in accordance with the requirements of the act and this chapter, and meets those requirements. A single inspection affidavit may pertain to multiple amusement rides or amusement attractions.

(b) *Filing the inspection affidavit.* [ The affidavit shall be filed by mail ] An owner or lessee shall file an inspection affidavit with the Department within 48 hours of the inspection[, and a copy shall be available upon request at the ride or attraction site when the ride is being operated for public use]. Filing shall be accomplished in accordance with § 139.14 (relating to contacting the Department).

(c) *Copy of inspection affidavit to be retained for inspection onsite.* An owner or lessee shall be responsible to ensure that a copy of the inspection affidavit described in subsection (b) is retained at the site where the amusement ride or amusement attraction is being operated for public use. The inspection affidavit shall be made available for inspection upon request of the Department. The Department may retain the onsite copy of the



inspection affidavit, provide the owner, lessee, operator or attendant a receipt for the same, and allow the amusement ride or amusement attraction to continue being operated for public use.

(d) *Notice of compliance to be posted.* [ The ] An owner [ of the ] or lessee of an amusement ride or amusement attraction shall post a notice advising the public of compliance with the act. This notice is in addition to any registration plate issued in accordance with § 139.4 (relating to registration). The notice shall be posted at a place readily observed by the public and [ shall ] consist of a sign made of [ substantial and, if exposed to the elements, of weather-proof ] durable material [ with ] suitable for the location where it is posted. The notice must be on a bright green background [ and ], with white lettering. The size of the letters [ may not be less than ] must be at least 1/2 inch in height and 1/8 inch width stroke reading:

THIS RIDE HAS (OR ALTERNATE—THE RIDES IN THIS PARK, CARNIVAL, FAIR, ETC. HAVE) [ HAS ] BEEN INSPECTED AS REQUIRED BY THE PENNSYLVANIA AMUSEMENT RIDE INSPECTION ACT.

§ 139.9. Qualified inspectors.

(a) [ It is the policy of the Department to accept voluntary registration of an individual or an agency registration of an individual if there is acceptable evidence that the individual has a thorough working knowledge of pertinent statutes relating to amusement rides and attractions and this chapter. ] *General.* The Department will certify persons who meet the requirements of this section to act as qualified inspectors. Any inspection of an amusement ride or amusement attraction required under the act shall be conducted by a qualified inspector who is certified by the Department with respect to the category of amusement ride or amusement attraction that is being inspected. Persons who have been certified by the Department as qualified inspectors prior to \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) may continue to inspect amusement rides and attractions under authority of that certification, but shall meet the requirements of this section when the qualified inspector next renews the certification in accordance with subsection (k).

(b) [ The Department will hold examinations as qualified amusement ride/attraction inspectors, at times determined by the Department. Persons desiring to take the examination shall forward their applications to the Department, on forms provided by the Department, in a reasonable time prior to the day of examination and include a fee of \$50 for a 3-year certification period. ] *Certification categories.* The Department will categorize amusement rides and attractions, and will be guided by ASTM categorizations of amusement rides and attractions in this categorization process. The Department will establish specific written tests or hands-on tests, or both, with respect to each category. These categories may address water rides, climbing walls, kiddie rides, train rides, hydraulics, inflatable rides or any other category described in ASTM standards and designated by the Department. The Department will publish the current list of certification catego-

ries on its website ([www.pda.state.us](http://www.pda.state.us)). The Department may categorize an amusement ride or amusement attraction in a manner other than as categorized by ASTM if there is no applicable ASTM categorization or the Department, in its discretion, believes another categorization is more appropriate.

(c) [ Only applicants who meet the Department's requirements for education, training and are experienced in the erection and dismantling of amusement rides will be permitted to take the examination. The examination will consist of two parts, class I and class II, and those found competent through examination will be awarded a certificate and a credential card authorizing them to inspect amusement rides/attractions according to a listing maintained by the Department for each class. A certified inspector does not become an employee, agent or authorized representative of the Department, nor may he represent himself to be. ] *Application.* A person may apply to the Department to become a qualified inspector. A qualified inspector application form may be obtained by contacting the Department through any means described in § 139.14 (relating to contacting the Department). The qualified inspector application form will require the following information:

(1) The name, address and telephone number of the applicant.

(2) The e-mail address of the applicant (if it exists).

(3) The name, address and telephone number of the particular owner or lessee with respect to which the applicant seeks to become an affiliated qualified inspector, if the applicant seeks to be an affiliated qualified inspector.

(4) A detailed description of the education, training or experience of the applicant with respect to the safe erection, operation and dismantling of the amusement rides and attractions.

(5) The specific categories of amusement rides or amusement attractions with respect to which certification is sought.

(6) Verification that the applicant is at least 18 years of age as of the date of the qualified inspector application form.

(7) The signature of the applicant, verifying that representations made in the application are true and correct, and made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(d) [ Credential cards will be issued for a 3-year period. Credential cards will be renewed for 3 years following written application to do so, and upon Department confirmation that the applicant has been active in the inspection of amusement rides and has attended an industry sponsored school, such as the A.R.E.A. Safety and Maintenance Seminar or its equivalent, during the 3-year period. If an applicant for credential card renewal has not remained sufficiently active in the inspection of amusement rides, reexamination may be required. ] *Application fee.* The application fee with respect to a qualified inspector application form is \$50. This

fee is not refundable, and shall be paid by check or money order made payable to the "Commonwealth of PA" in that amount.

(e) [ Credential cards will be issued in the name of the inspector identifying the scope of the inspector's authority, such as being limited only to specific owners of equipment. Separate cards are required for each affiliation or for independent status. ] *Filing the application.* An applicant shall submit a complete qualified inspector application form to the Department by mailing or delivering the form, together with the fee described in subsection (d), to the address in § 137.14 (relating to contacting the Department).

(f) [ The Secretary may suspend a credential card for cause, but no certificate may be revoked until the inspector has been granted a hearing. ] *Department review and action.* The Department will promptly review an application to determine whether the application form is complete and will, within 30 days of receiving the application, provide the applicant the following by mail or electronic means:

(1) An acknowledgment of receipt of the complete application.

(2) A schedule showing dates, times and locations of upcoming Qualified Inspector Tests, and instructions for scheduling the applicant to sit for the test.

(3) Written instructions as to how the applicant may download a Qualified Inspector Test study packet from the Department's internet website, receive a test study packet by e-mail or request the Department mail the applicant a test study packet.

(g) *Qualified Inspector Test.* The Qualified Inspector Test shall be a written test or a hands-on test, or both, measuring the experience and ability of the applicant with respect to the safe erection, operation and dismantling of amusement rides or attractions that are in the category of amusement ride or amusement attraction with respect to which certification is sought. The test may address multiple categories of amusement rides and attractions. The Department will score a Qualified Inspector Test within 30 days after it is administered. The passing score for the test shall be 70% or higher. The Department will promptly report the results to the applicant by mail or electronic means.

(h) *Qualified inspector's certificate and credential card.*

(1) If an applicant passes the Qualified Inspector Test, the Department will issue a certificate and a credential card identifying the applicant as a qualified inspector of amusement rides and attractions, specifying whether the person is an affiliated qualified inspector or a general qualified inspector, and setting forth the following:

(i) The name of the qualified inspector and, on the credential card only, a photograph of the qualified inspector.

(ii) The date of certification and the expiration date.

(iii) The particular owner or lessee with respect to which the applicant is authorized to act as an affiliated qualified inspector, if the application does not specify an affiliation, if issued to an affiliated qualified inspector.

(iv) The categories of amusement rides or attractions with respect to which the applicant is certified as a qualified inspector.

(2) The certificate and credential card will remain the property of the Department and shall, upon the written request of the Department, be surrendered to the Department. The applicant shall be responsible to coordinate with the Department to obtain the photograph required for the issuance of the credential card.

(i) *Powers of affiliated qualified inspectors and general qualified inspectors.*

(1) An affiliated qualified inspector may do the following:

(i) Conduct an inspection of an amusement ride or amusement attraction that is both of the following:

(A) Owned or leased by a person designated on the affiliated qualified inspector's certificate and credential card.

(B) Within a category with respect to which the qualified inspector is certified.

(ii) Issue inspection affidavits as described in § 139.8 (relating to inspection affidavits).

(iii) Charge a fee for conducting an inspection, but not a fee that varies with whether an amusement ride or amusement attraction passes or fails the inspection.

(2) A general qualified inspector may do the following:

(i) Conduct an inspection of an amusement ride or amusement attraction that is within a category with respect to which the qualified inspector is certified.

(ii) Issue inspection affidavits as described in § 139.8.

(iii) Charge a fee for conducting an inspection, but not a fee that varies with whether an amusement ride or amusement attraction passes or fails the inspection.

(j) *Duration of certification.* A qualified inspector's certification will expire 3 years from the date of certification, unless revoked or suspended earlier by the Department.

(k) *Renewal of current certificate and credential card.*

(1) A qualified inspector may renew certification by delivering to the Department, at the address in § 139.14 and prior to the expiration of the current certificate and credential card, a complete renewal form. A person may obtain this form by contacting the Department through any means described in § 139.14. The renewal form will require the information described in subsection (c)(1)–(7), and the following:

(i) Information to verify that the applicant has met the continuing education requirement in subsection (l). This information must include course dates, locations and descriptions, copies of course completion certificates and other information necessary to demonstrate attendance at the course and successful completion of the course requirements.

(ii) A nonrefundable \$50 application fee, by check or money order made payable to the "Commonwealth of Pennsylvania" in that amount.

(2) The Department will, within 30 days of receipt of a complete renewal form, mail or deliver to the applicant approval or denial of the requested renewal, or a request for additional information. If the Department denies the renewal it will provide written notice of the basis for denial. A renewed certificate will be valid for the period described in subsection (j).

(l) *Continuing education requirement.* As a prerequisite to renewal of certification under subsection (k), an affiliated qualified inspector shall attend at least 24 hours of relevant Department-approved continuing education training in the area of safe amusement ride and attraction erection and operation during the period of certification. A general qualified inspector shall attend at least 48 hours of this training during the period of certification. If a qualified inspector fails to comply with this continuing education requirement, certification will expire as of the expiration date on the qualified inspector's current certificate and credential card. If the Department determines that amusement rides or amusement attractions belonging to a particular category established under subsection (b) are of a comparatively simple design or operation to reasonably justify a requirement of fewer hours of continuing education for qualified inspectors of that particular category of amusement ride or amusement attraction than are otherwise required under this subsection, it may establish this continuing education requirement by publishing notice of this requirement in the *Pennsylvania Bulletin*, posting notice of this requirement on its website and providing all qualified inspectors for the subject category of amusement ride or amusement attraction with written notice of this requirement.

(m) *Revocation or suspension of certification.* The Department may revoke the certification of a qualified inspector for cause, after providing the qualified inspector written notice and opportunity for a hearing. A revocation will be for a specific period of time determined by the Department. The circumstances justifying revocation include the following:

(1) Allowing another person to conduct an amusement ride or amusement attraction inspection under authority of the certificate or credential card.

(2) Issuing an inspection affidavit without first conducting a thorough inspection of the amusement ride or amusement attraction that is the subject of the inspection affidavit.

(3) Issuing an inspection affidavit with respect to an amusement ride or amusement attraction that does not meet the requirements of the act and this chapter.

(4) Representing a qualified inspector to be an employee or agent of the Department.

(5) Inspecting an amusement ride or amusement attraction that is not in the category of amusement ride or amusement attraction with respect to which the qualified inspector is certified.

(6) Basing an inspection fee amount upon whether an inspection affidavit is issued with respect to the amusement ride or amusement attraction inspected.

(7) Altering or defacing a certificate or credential card for the purpose of obscuring or misrepresenting the information on either document.

(8) Other violations of the act or this chapter.

§ 139.10. [ Advisory Board ] (Reserved).

[ (a) For the purpose of advising the Secretary when determining factual interpretations amending or repealing this chapter and for evaluating petitions for exception or variance from this chapter, the Governor will appoint an Advisory Board on Amusement Ride/Attraction Safety consisting of nine members. Members will include the following:

(1) A representative of the amusement ride manufacturers.

(2) The President of the Pennsylvania State Showman's Association.

(3) The Chairman of the Pennsylvania Amusement Park Association.

(4) The President of the Pennsylvania Amusement Park Association.

(5) The President of the Pennsylvania County Fairs Association.

(6) A mechanical engineer.

(7) Two public representatives.

(8) The Secretary, who will be designated by the Governor as the Chairman.

(b) The Board will be known as the Amusement Ride Safety Advisory Board.

(c) The Board will hold public hearings at a time and place that the Board specifies to carry out its responsibilities. ]

§ 139.11. Accident reporting.

(a) *Report required.* [ When an owner submits an accident report to the owner's insurance company, a copy of those reports which involve physical injuries or death to an individual as a result of the operation of an amusement ride or attraction shall be sent to the Department by the owner at the same time. The notice shall indicate the description of the amusement ride or attraction by which the injury or death occurred and the nature of the injuries or cause of death. ] An owner or lessee shall file an accident report with the Department with respect to any accident which results in death or serious injury or illness as a result of the operation of an amusement ride or amusement attraction. The accident report form shall be faxed or delivered to the Department, at the address or fax number in § 139.14 (relating to contacting the Department), within 48 hours after the owner, lessee or operator is aware of the death, serious injury or illness.

(b) *Accident report form.* [ When a serious injury, death or fire occurs as a result of the operation of an amusement ride or attraction, the operators shall immediately close the attraction or ride and the owner shall so notify the Department within a reasonable period of time. The attraction or ride may not be reused until it has been inspected, repaired or declared safe by a qualified inspector. In the event of death, the ride or attraction may not be reopened until declared safe by the insurance company of the owner. This declaration shall be in writing to the Department. In the case of a verbal declaration from the insurance carrier, a written declaration shall be submitted to the Department. ] An accident report required under the act and this section shall be made on a form provided by the Department. The accident report form may be downloaded from the Department's website, or a supply of accident report forms may be obtained from the Department by request directed to the Department in accordance with § 139.14. The following information shall be included in an accident report:

(1) The name and address of the operator of the amusement ride or amusement attraction at which the death or serious injury or illness occurred.

(2) The name and address of the owner or lessee of the amusement ride or amusement attraction at which the death or serious injury or illness occurred.

(3) A description of the ride involved, including registration number, name of ride, manufacturer and manufacturer's serial number.

(4) A detailed description of the incident giving rise to the death or serious injury or illness.

(5) The name and address of the dead or injured person.

(6) A general summary of the apparent injuries sustained by each dead or injured person.

(7) The names and addresses of all known witnesses to the incident giving rise to the death or injury.

(8) The signature of the owner or lessee, verifying the accuracy of the injury report form subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(c) *Duty of owner, lessee or operator to close ride or attraction pending reinspection.* [ Documents concerning accident reports, the disclosure of which may lead to the disclosure of the institution, progress or result of investigation undertaken by an agency in the performance of its official duties, may not be deemed public record under the act of June 18, 1984 (P. L. 384, No. 81) (65 P. S. § 66.1), known as the Right-to-Know Act. ]

(1) When a death, a serious injury or illness or a fire occurs as a result of an operation of an amusement ride or amusement attraction, the owner, operator or lessee shall immediately close the ride or attraction until it has been inspected and declared safe by a qualified inspector.

(2) If the serious injury described in paragraph (1) results in death, dismemberment, significant disfigurement or permanent loss of the use of a body organ, the required inspection shall be per-

formed by a qualified inspector who is an employee of the Department, and the ride or attraction may not be reopened until it has been inspected and approved to reopen, in writing, by the Department.

(3) If the serious injury described in paragraph (1) results in death, the ride or attraction may not be reopened until the written approval described in paragraph (2) is obtained and the ride or attraction is declared safe by the insurance company of the owner. This declaration shall be by writing delivered to the Department.

§ 139.12. [ Variances ] (Reserved).

[ Where the literal application of this chapter may cause undue hardship, the affected party may file a written request for relief with the Secretary. The petition shall set forth in detail the grounds upon which the request is based and whether or not a personal hearing is desired. The Secretary may, upon application, grant exceptions or variances but only where it is clearly evident that it is needed to prevent undue hardship—that is, financial, and the like—existing conditions prevent practical compliance and where it is clearly evident that reasonable safety is assured. ]

§ 139.13. Penalties.

(a) *Civil penalties.*

(1) A person who willfully or repeatedly violates the act or this chapter is subject to a civil penalty not to exceed \$2,000 [ for ] with respect to each violation.

(2) If the Department elects to pursue a civil penalty, it will provide the person who is the proposed subject of that civil penalty with written notice of the proposed adjudication assessing the civil penalty, and afford that person 7 working days from receipt of that notice within which to deliver to the Department a written request for an administrative hearing on the proposed civil penalty.

(3) A written request for an administrative hearing must specify those portions of the proposed adjudication with respect to which the person requesting the hearing takes issue, the basis for the objection and other relevant facts or arguments not addressed in the proposed adjudication. The administrative hearing will be limited to these objections, additional facts or arguments. Any portion of the proposed adjudication that is not specifically objected to will be deemed admitted at the administrative hearing.

(4) The Department will, in accordance with section 11(a) of the act (4 P. S. § 411(a)), grant an administrative hearing within 7 days of receiving a written request for an administrative hearing. The Department will grant this hearing by mailing or delivering a notice to the person making the request, setting forth the date, time and location of the administrative hearing. An administrative hearing is "granted" for purposes of section 11(a) of the act if the referenced notice is mailed or delivered within the 7-day period, regardless of whether the actual scheduled date of the administrative hearing is before or after the expiration of the referenced 7-day period.

(5) If a timely request for an administrative hearing is not received, the Department will issue the proposed adjudication as its final adjudication, and deliver that final adjudication to the subject of that document.

(b) *Criminal penalties.* An owner or lessee of an amusement ride or **amusement** attraction who willfully violates the act or this chapter where the violation causes death to a member of the public exposed to the violation, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not exceeding \$2,500 or to a term of imprisonment not exceeding 1 year, or both. If the conviction is for a violation committed after a first conviction, the offender shall be sentenced to pay a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 1 year, or both.

\* \* \* \* \*

#### § 139.14. Contacting the Department.

(a) *Methods of contact.* For purposes of the act and this chapter, the Department may be contacted as follows:

(1) By mail to the following address:

Pennsylvania Department of Agriculture  
ATTN: Bureau of Ride and Measurement Standards  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

(2) By telephone to (717) 787-2291.

(3) By fax to (717) 783-4158.

(4) By e-mail to: ra-amusementrides@state.pa.us.

(b) *Obtaining forms.* Forms and documents referenced in this chapter may be obtained by mailing, faxing or telephoning a request to the Department, or may be available from the Department's website, at: [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)

(c) *Filing documents with the Department.* A document required to be filed with the Department under this chapter will be considered "filed" as of the date of postmark, fax transmission, e-mail delivery or actual delivery, whichever occurs first.

(d) *Delivering documents to the Department.* A document required to be delivered to the Department under this chapter will be considered "delivered" as of the date it is received at the Department, whether by mail delivery, e-mail, personal delivery, facsimile transmission or other electronic means.

#### Subchapter B. DESIGN AND CONSTRUCTION

##### § 139.41. General.

(a) *Design and construction.* Manufacturers and fabricators of amusement rides and attractions shall design and construct the amusement rides, devices[, ] and structures to carry all loads safely and to withstand normal stresses to which they may be subjected. Structural materials and construction of rides and attractions [ shall ] must conform to recognized engineering [ practices ] practices, procedures, standards and specifications. This information shall also be furnished by the owner or operator for existing rides and attractions if required by the Department. Stress analysis and other data pertinent to the design, structure, factors of safety or performance characteristics shall be in accordance with accepted engineering practices.

(b) *ASTM International F-24 Committee Standards.* Manufacturers and fabricators of amusement rides and attractions shall comply with **current ASTM International F-24 Committee Standards** concerning amusement rides and devices as they pertain to manufacturer responsibilities for equipment design, testing, erection, operation maintenance and inspections. **These ASTM International F-24 Committee Standards [ , October 1984, ]** and subsequent amendments are incorporated by reference.

(c) *Changes or modifications.*

(1) **The applicable standards shall be the ASTM International F-24 Committee Standards in effect as of the earlier of the following:**

(i) **The date of contract for original manufacture of the amusement ride or attraction.**

(ii) **The date of the bill of sale from the manufacturer to the original purchaser of the amusement ride or attraction.**

(2) **Any changes or modifications to the ASTM International F-24 Committee Standards after the earlier of the dates described in paragraph (1)(i) and (ii) may not apply to the amusement ride or amusement attraction unless the standards themselves require retroactive implementation or the Department makes adherence to these new standards a condition of registration.**

(d) **An amusement ride or amusement attraction shall operate in strict accordance with the applicable ASTM International Standards. If the attraction is modified the latest version of the ASTM International Standards shall apply to the change, alteration or modifications.**

(e) **Owners of existing amusement rides[, ] and attractions are responsible for obtaining the required construction maintenance and operational information from the manufacturer if available.**

##### § 139.42. Structures.

[ (a) ] **Permanent buildings, enclosed structures and rides intended to be used for or as an amusement ride or amusement attraction shall be constructed to conform to [ the requirements of fire and panic regulations at 34 Pa. Code Chapters 49—59 (relating to administration—buildings; general requirements—buildings; A-1 assembly; division A-2 assembly; division A-3 assembly; group B educational; division C-2 hotels, motels, apartment buildings, etc.; division C-3 small group habitation; division C-4 single exit apartments; division D-0 ordinary commercial, industrial, office) ] the Pennsylvania Construction Code Act unless exempted under that statute or its attendant regulations, and shall have posted therein a certificate of occupancy issued by [ the Secretary of the Department of Labor and Industry ] a building code official in accordance with the Pennsylvania Construction Code Act.**

[ (b) ] **Temporary buildings intended to be used for or as an amusement ride or attraction that are relocated from time to time, with or without disassembly, shall conform to the following:**

(1) Be noncombustible or 1 hour flame-retardant.

(2) Be provided a minimum of two exits reasonably remote from each other. Exits, including access to exits, shall be illuminated and marked and exit doors be equipped with panic hardware and open outward and lead directly to the outside. Required travel distance from one point may be no more than 75 feet.

(3) Be provided with an emergency lighting system which shall be activated by U. L. approved smoke detectors.

(4) Have access to the means of egress marked by readily visible signs in cases where it is not immediately visible to the passengers.

(5) Conform interior finishes to the fire prevention requirements of § 139.75(d) (relating to fire protection and prevention) which deal with fabric hazards constituting part of a passenger-carrying amusement ride.

(6) Be placed or secured with blocking, cribbing, outriggers, guys or other means to be stable under operating conditions. ]

§ 139.43. Passenger-carrying rides.

[ Tubs, cars, chairs, seats, gondolas and other carriers ] Amusement rides and amusement attractions shall be designed for safe operation and meet applicable ASTM International standards, as described in § 139.41(c) (relating to general), and conform to the other requirements of this section to the extent they do not conflict with applicable ASTM International standards.

\* \* \* \* \*

(4) *Self-powered rides.* Rides which are self-powered and which are operated by a passenger shall have the driving mechanism and any moving part that might pose a threat to the rider guarded and the guards secured in place to prevent passengers from gaining access to the mechanism.

\* \* \* \* \*

(8) *Travel clearance.* The path of travel of an amusement ride shall have a clearance envelope to ensure that a passenger on the ride cannot be injured by contacting a structural member or other fixed or moveable object when the passenger is in the riding position in accordance with the manufacturer's specifications.

(9) *Emergency brakes and [ antiroll back ] antirollback devices.* Emergency brakes and [ antiroll back ] antirollback devices [ shall ] must be in accordance with manufacturer's specifications and, if required or recommended by the manufacturer, must be in place and operational when the ride is open for use by the public.

\* \* \* \* \*

(ii) On rides which make use of inclined tracks, automatic [ antiroll back ] antirollback devices shall be installed to prevent backward movement of the passenger-carrying units in case of failure of the propelling mechanism, unless movement in the reverse direction would not cause injury or damage.

\* \* \* \* \*

(11) *Signal systems.*

(i) Signal systems for the starting and stopping of amusement rides shall be provided where the operator of the ride does not have a clear view of the point at which passengers are loaded and unloaded, or where the ride operator does not have a clear view of oncoming or returning passenger-carrying vehicles with sufficient line-of-sight to prevent a collision. A signal system must be a mechanical, electronic or other system that meets or exceeds the manufacturer's recommendations.

(ii) A code of signals adopted for the operation of an amusement ride shall be printed and kept posted at both the operator's station and the signalman's [ stations ] station. A person who may use these signals shall be [ carefully ] adequately instructed in their use.

\* \* \* \* \*

(12) *Protection against moving parts.*

(i) An amusement ride may not be used or operated while a person is [ so located as to ] located in a position where a person would be endangered by [ it ] the amusement ride. Areas in which persons may be endangered shall be fenced, barricaded or otherwise guarded against public intrusion.

\* \* \* \* \*

(13) *Amusement ride and attraction ancillary equipment.*

(i) *Air compressors and hydraulic equipment.*

\* \* \* \* \*

(B) Air compressor tanks and other receivers used [ inconnection ] in connection with air compressors [ shall ] must comply with 34 Pa. Code Chapter 3a (relating to boilers and unfired pressure vessels).

\* \* \* \* \*

Subchapter C. OPERATION, MAINTENANCE AND RECORDS

§ 139.71. General requirement.

(a) Owners and operators of amusement rides, devices and structures shall [ use ASTM Standards on Amusement Rides and Devices ] conform to the ASTM International F-24 Committee Standards in effect as of the date the amusement ride or amusement attraction is registered with the Department, as they pertain to owner/lessee/operator responsibilities for equipment erection, testing, operation, maintenance and inspection. [ ASTM Standards, October 1984, and subsequent amendments, are incorporated by reference. ] Changes or modifications to the ASTM International F-24 Committee Standards after this registration date may not apply to the amusement ride or amusement attraction unless the standards themselves require retroactive implementation or the Department makes adherence to these new standards a condition of registration.

(b) **An amusement ride or amusement attraction shall be constructed, maintained and operated in strict accordance with the applicable ASTM International F-24 Committee Standards. If the attraction is modified, the latest version of the ASTM International F-24 Committee Standards shall apply to the change, alteration or modification. If the modification is a major modification, the owner, operator or manufacturer shall also comply with § 139.78 (relating to rebuilt and modified rides).**

(c) Air compressors and hydraulic equipment shall be inspected under § 139.43(13) (relating to passenger-carrying rides).

**§ 139.72. Erection/disassembly of amusement rides and attractions.**

The owner or lessee shall cause each amusement ride, device or attraction to be erected in accordance with the manufacturer's recommendations as provided for in ASTM International F-24 Committee Standards, and shall conform to the other requirements of this section to the extent they do not conflict with applicable ASTM International Standards.

\* \* \* \* \*

(2) *Proximity to high voltage lines.* Amusement rides shall be located at least **[ 10 ] 15** feet from suspended high voltage lines.

(3) *Ride entry and discharge.* Safe and adequate means of normal entry and normal discharge from each ride shall be provided.

\* \* \* \* \*

(iii) **[ No ] A** means of egress **[ shall ] must** be **[ less than 22 ] at least 36** inches in width.

\* \* \* \* \*

(x) Stairways, passageways, ramps, landings or platforms **[ may not be less than 22 ] must be at least 36** inches in width for single lane passage or 44 inches for double lane passage. Landings or platforms **[ may not be less than ] must be at least 3** feet long measured in the direction of travel.

(xi) Stair treads **[ shall ] must** be at least 9 inches deep, exclusive of nosing, and the rise may not exceed 8 inches. Between two connecting levels, the treads **[ shall ] must** be uniform depth and the risers **[ shall ] must** be of uniform height. The slope of ramps may not exceed one in ten except that when nonslip surfaces are provided.

\* \* \* \* \*

**§ 139.73. Electrical system and equipment.**

\* \* \* \* \*

(c) Where electrical distribution and transmission lines have not been de-energized or where special insulating barriers to prevent physical contact with the lines have **[ have ]** not been erected, a person shall be designated to give timely warning for all maneuvers of equipment, ride structures and machinery operated proximate to the lines so that ample clearance is maintained.

\* \* \* \* \*

(g) Services shall be installed in conformance with Article **[ 230 ] 525** of the *National Electrical Code [ (NFPA 70-1984) and as subsequently amended ]*.

(h) Temporary electrical power and lighting installation shall be permitted during periods of construction, remodeling or demolition activities. Temporary electrical power and **[ lightings ] lighting** shall be permitted for a period not to exceed 90 days when associated with operating amusement rides or attractions.

**§ 139.74. Temporary wiring.**

(a) Feeders shall be provided with overcurrent protection in accordance with the load imposed and conductor size as specified in Article 240 of the *National Electrical Code [ (NFPA70-1984) and as subsequently amended ]*.

\* \* \* \* \*

(m) **[ Receptables ] Receptacles** and attachment plugs **[ shall ] must** be of the grounding type and have **ground fault interrupter (GFI) protection.**

\* \* \* \* \*

**§ 139.75. Fire protection and prevention.**

(a) Approved U. L. fire extinguishers shall be provided at **[ gas driven ] gasoline-driven** rides and otherwise where necessary to secure reasonable and adequate protection from fire hazards.

\* \* \* \* \*

(d) Fabrics constituting part of an amusement ride shall:

(1) Conform to the following requirements, based on tests conducted in accordance with **[ the requirements of ]** ASTM-E-84, or its current successor document:

\* \* \* \* \*

**§ 139.76. Ride and attraction operators and [ attraction ] attendants.**

**[ (a) ]** The ride operator shall operate the ride, device or attraction as follows:

\* \* \* \* \*

(4) The operator may not **[ opeate ] operate** a ride while under the influence of alcohol or drugs.

\* \* \* \* \*

**(6) There shall be sufficient numbers of operators and attendants, and this number shall meet or exceed the number of operators recommended by the manufacturer of the ride, device or attraction.**

**[ (b) The operator shall lock-out the electrical disconnect switch when restoration of electrical power to an amusement ride or attraction could create a hazard to persons during the performance**

of maintenance, repair, inspection or an emergency evacuation of persons, and ensure that it remains locked out until restoration of power will not create a hazard. ]

§ 139.77. Maintenance of amusement rides and attractions.

(a) Maintenance program. The owner of an amusement ride or amusement attraction shall implement a program of maintenance, testing and inspection, based on manufacturer's recommendations, providing for the duties and responsibilities necessary in the care of each amusement ride or attraction. The maintenance program [ shall ] must include a [ check list ] checklist to be made available to the person performing the regularly scheduled maintenance. The maintenance program [ shall ] must include, but is not limited to, the ASTM International F-24 Committee Standards for the operation, maintenance, testing and inspections.

(b) Electricity lock-out. A person performing maintenance or repairs, or making an inspection, shall lock-out the electrical disconnect switch when restoration of electrical power to an amusement ride or amusement attraction could create a hazard to persons during the performance of maintenance, repair, inspection or an emergency evacuation of persons, and ensure that it remains locked out until restoration of power will not create a hazard.

(c) Identification and rating plates. Manufacturers' identification information affixed to the ride or attraction shall be maintained in a readily visible and legible condition at all times to the inspector.

[ (c) ] (d) \* \* \*

[ (d) ] (e) \* \* \*

[ (e) ] (f) \* \* \*

§ 139.79. Records.

(a) The owner or lessee of an amusement ride or amusement attraction shall maintain the following records onsite and make them available [ to ] upon request of the Department, the Department's representative [ and ] or the qualified inspector.

(1) Daily inspection records. Daily inspection records—including daily ride-specific inspection checklist records referenced in ASTM International F-24 Committee Standards—shall be prepared and maintained by the owner, lessee or operator who shall be experienced and knowledgeable in the proper assembly and operation of the ride or attraction. The inspection and tests [ shall ] must include operation of control devices, speed-limiting devices, brakes and other safety equipment. The inspection shall be made each day the ride or attraction is put into normal operation.

(2) Tests. Tests recommended by the manufacturer shall be recorded and a copy made available to the Department, the Department's representative and the qualified inspector. Evidence of satisfactory test results shall be recorded on a form or statement by one of the following:

\* \* \* \* \*

(iii) A [ registered licensed ] professional engineer.

(iv) A person recommended by the manufacturer as qualified to perform the test.

\* \* \* \* \*

[Pa.B. Doc. No. 07-1083. Filed for public inspection June 22, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Firearms

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, proposed to amend § 141.15 (relating to loaded firearm).

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

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

The proposed rulemaking was made public at the April 18, 2007, meeting of the Commission. Comments can be sent, until June 25, 2007, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 2503 of the act (relating to loaded firearms in vehicles) generally prohibits persons, not otherwise authorized, from having a loaded firearm of any kind in, on or against a conveyance propelled by mechanical power. This prohibition is intended primarily to protect the safety of persons traveling within these conveyances as well as others who may be in the vicinity. Similar to the hazards associated with more traditional firearms, loaded crossbows and muzzleloaders also have the potential of causing serious injury or death to persons inside a conveyance propelled by mechanical power, as well as others who may be in the vicinity of the same, if either an intended or unintended discharge occurs. In an effort to limit the various and potential harms associated with this type of conduct, the Commission is proposing to amend § 141.15 to extend the application of section 2503 of the act to prohibit "loaded" crossbows or muzzleloaders in, on or against a conveyance propelled by mechanical power.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.15 were proposed under this authority.



## 2. Regulatory Requirements

The proposed rulemaking will amend § 141.15 to extend the application of section 2503 of the act to prohibit "loaded" crossbows or muzzleloaders in, on or against a conveyance propelled by mechanical power.

## 3. Persons Affected

Persons possessing loaded crossbows or muzzleloaders in, on or against a conveyance propelled by mechanical power will be affected by the proposed rulemaking.

## 4. Cost and Paperwork Requirements

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

## 5. Effective Date

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

## 6. Contact Person

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-253. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter A. GENERAL

§ 141.15. Loaded [firearm] firearms or devices in vehicles.

For the purpose of enforcing section 2503 of the act (relating to loaded firearms in vehicles), the term loaded [means a firearm of any kind which has a live shell or cartridge in either the chamber or magazine.] firearm includes the following meanings:

(1) Any centerfire or rimfire firearm that has a live shell or cartridge in either the chamber or magazine.

(2) Any muzzleloading firearm that has a live charge of ammunition in its firing chamber and a primer, flash powder or a battery, which ever is applicable, properly positioned in the firing mechanism of the firearm rendering it capable of discharge.

(3) Any crossbow that has been cocked and has a bolt affixed onto the string or positioned into the firing mechanism of the device.

[Pa.B. Doc. No. 07-1084. Filed for public inspection June 22, 2007, 9:00 a.m.]

## [58 PA. CODE CH. 141]

### Hunting and Trapping; Muzzleloading Firearms

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, proposed to amend § 141.18 (relating to permitted devices).

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

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

The proposed rulemaking was made public at the April 18, 2007, meeting of the Commission. Comments can be sent, until June 25, 2007, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Each year the Commission is asked to review the potential permissive use of various devices for hunting or trapping purposes that are otherwise prohibited by statute or regulation. As part of the review process, the Commission generally considers to what degree the use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase or public safety. Two devices that have recently been presented to the Commission for consideration are: 1) muzzleloading firearms using an electronic impulse to trigger discharge; and 2) illuminated nocks for arrows and bolts. After thoughtful review of these devices, the Commission determined that their use would have negligible impacts on the previously mentioned principles while still providing increased opportunity to hunters interested in using these devices. Therefore, the Commission is proposing to amend § 141.18 to permit the lawful use of muzzleloading firearms using an electronic impulse to trigger discharge and illuminated nocks for arrows and bolts.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.18 were proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend § 141.18 to permit the lawful use of muzzleloading firearms using an electronic impulse to trigger discharge and illuminated nocks for arrows and bolts.

#### 3. Persons Affected

Persons wishing to hunt through the use of muzzleloading firearms using an electronic impulse to trigger discharge and illuminated nocks for arrows and bolts will be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

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

#### 5. Effective Date

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

6. *Contact Person*

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-254. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter A. GENERAL**

**§ 141.18. Permitted devices.**

The following devices may be used to hunt or take wildlife:

(1) Any manually operated firearm that uses an electronic impulse to detonate the primer or main powder charge of the [ **cartridge** ] **ammunition** unless [ **manually operated** ] **those** firearms are a specifically prohibited device.

\* \* \* \* \*

(4) **Electronic illuminating devices that are affixed at the aft end of a bolt or arrow and used solely for the purpose of locating or tracking bolt or arrow flight after being launched from a cross-bow or bow.**

[Pa.B. Doc. No. 07-1085. Filed for public inspection June 22, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 June 12, 2007.

#### BANKING INSTITUTIONS

##### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-11-07	North Penn Bank Scranton Lackawanna County	Scranton	Filed

North Penn Bank (the "Bank"), which is currently organized in mutual holding company structure, including a mid-tier bank holding company, North Penn Bancorp, Inc. (the "Mid-Tier"), under North Penn Mutual Holding Company (the "MHC"), is proposing to reorganize by converting the MHC and the Mid-Tier to Federal charters and then creating a thrift holding company and three interim banks (the "Interims") and thereafter merging the Mid-Tier and the MHC into the Bank and then merging the Interims into the Bank. The resulting structure will be a Stock Federal Thrift Holding Company, New North Penn Bancorp, Inc., which will own all of the shares of the Bank.

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-8-07	Susquehanna Patriot Bank Marlton Burlington County, NJ	Marlton, NJ	Filed

Application represents conversion from New Jersey State-chartered bank to a Pennsylvania State-chartered bank to be known as Susquehanna Bank, DV, Bryn Mawr.

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-6-07	Mauch Chunk Trust Company Jim Thorpe Carbon County	226 Claremont Street Tamaqua Schuylkill County	Approved
6-11-07	Fulton Bank Lancaster Lancaster County	Benner Pike and Rolling Ridge Drive Benner Township Centre County	Filed
6-12-07	S & T Bank Indiana Indiana County	12550 Perry Highway Wexford Allegheny County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-6-07	Republic First Bank Philadelphia Philadelphia County	<i>To:</i> 421 West Germantown Pike Plymouth Meeting Montgomery County  <i>From:</i> 75 West Germantown Pike East Norriton Montgomery County	Approved
6-6-07	CommunityBanks Millersburg Dauphin County	<i>To:</i> 1801 Baltimore Street York West Manheim Township York County  <i>From:</i> 1345 Baltimore Street York West Manheim Township York County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-12-07	The Juniata Valley Bank Mifflintown Juniata County	<i>To:</i> R. D. 1 McAlisterville Juniata County  <i>From:</i> Main and School Streets McAlisterville Juniata County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-6-07	Hyperion Bank Philadelphia Philadelphia County	Amendment to Article II of the Articles of Incorporation provides for a change of address of the principal place of business  <i>From:</i> 1201-09 North 2nd Street Philadelphia, PA 19122  <i>To:</i> 199 West Girard Avenue Philadelphia, PA 19123	Approved and Effective
6-8-07	Public Savings Bank Southampton Bucks County	Amendment to Article II of the Articles of Incorporation provides for a change of address of the principal place of business  <i>From:</i> 1265 Industrial Boulevard Southampton Bucks County, PA 18966  <i>To:</i> 2755 Philmont Avenue Huntingdon Valley Montgomery County, PA 19006.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-1086. Filed for public inspection June 22, 2007, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2007**

The Department of Banking (Department), under the authority contained in Section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of July 2007 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which

such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.87 to which was added 2.50 percentage points for a total of 7.37 that by law is rounded off to the nearest quarter at 7 1/4%.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-1087. Filed for public inspection June 22, 2007, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0246387 (Sew)	Rustic Meadows Camping —Golf Resort d/b/a Elizabethtown/Hershey KOA 1980 Turnpike Road Elizabethtown, PA 17022	Lancaster County West Donegal Township	UNT Snitz Creek 7-G	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029335 (Sew)	PA Lions Beacon Lodge Camp, Inc. 114 SR 103 South Mount Union, PA 17066	Mifflin County Wayne Township	Sugar Valley Run 12-A	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.*

**PA0244252**, Industrial Waste, SIC 3452, **Southco, Inc.**, 210 North Brinton Lake Road, Concordville, PA 19331. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge stormwater and blowdown from cooling water tower.

The receiving stream, a UNT to West Branch Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Aqua PA main system is located on Chester Creek and is 8.56 miles below the point of discharge.

The proposed monitoring requirements for Outfall 001 are based on an average stormwater flow.

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	Monitor and Report	
COD	Monitor and Report	
Oil and Grease	Monitor and Report	
pH (Standard Units)	Monitor and Report	
Total Suspended Solids	Monitor and Report	
Total Kjeldahl Nitrogen	Monitor and Report	
Total Phosphorus	Monitor and Report	
Iron (Dissolved)	Monitor and Report	
Copper, Total	Monitor and Report	
Lead, Total	Monitor and Report	
Zinc, Total	Monitor and Report	

The proposed effluent limits for Monitoring Points 101, 201, 301 and 401 are based on a design flow of 600 gpd.

<i>Parameters</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
pH (Standard Units)	6.0	9.0
Temperature		110° F

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

1. Chemical Additive Condition.
2. Change of Ownership.
3. TMDL/WLA Analysis.
4. Laboratory Certification.
5. Small Stream Discharge.
6. Stormwater Condition.

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

**PA0070084**, Industrial Waste, SIC Code 5171, **Buckeye Terminals, LLC** (Macungie Terminal), 5002 Buckeye Road, P. O. Box 368, Emmaus, PA 18049. This existing facility is located in Lower Macungie Township, **Lehigh County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge stormwater from an existing petroleum products terminal.

The receiving stream, UNT to Swabia Creek, is in the State Water Plan Watershed No. 02C and is classified for: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Allentown City Bureau of Water is located on Little Lehigh Creek 7 miles below the point of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on stormwater flow and are as follows:

<i>Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Oil and Grease	15	30

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

1. Requirements for Petroleum Marketing Terminals.

The EPA waiver is in effect.

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

**Application No. PA 0260622**, CAFO, **Clifford Zimmerman Farm**, 2993 Mill Road, Elizabethtown, PA 17022.

Clifford Zimmerman has submitted an application for an NPDES permit for an existing CAFO of the same name, located in Conewago Township, **Dauphin County**. The farm consists of six barns housing 160,000 broiler chickens and one steer barn that holds no animals currently but may hold up to 100 steers, for a total of 432 animal equivalent units. The farm is situated near a UNT of Brills Run which is classified for TSF.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA 0260762**, Sewage, **New Buffalo Borough**, P. O. Box 245, New Buffalo, PA 17069. This facility is located in New Buffalo Borough/Watts Township, **Perry County**.

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

The receiving stream, Buffalo Creek, is in Watershed 6-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water is located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.020 mgd are:

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

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 0051748**, Sewage, **Tulpehocken Area School District (High School)**, 428 New Schafferstown Road, Bernville, PA 19506-8939. This facility is located in Jefferson Township, **Berks County**.

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

The receiving stream, UNT to Little Northkill Creek, is in Watershed 3-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Western Berks Water Authority is located on the Tulpehocken Creek, approximately 13 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 0.0216 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N	20		40
Total Phosphorus	1.0		2.0
Total Residual Chlorine	0.50		1.64
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)		10,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.0216 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N	20		40
Total Phosphorus	1.0		2.0
Total Residual Chlorine	0.50		1.64
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.

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

**PA0001627**, Industrial Waste, SIC, 4911, **Orion Power Midwest**, 121 Champion Way, Canonsburg, PA 15317. This application is for Renewal of an NPDES permit to discharge treated process water and untreated cooling water and stormwater from Cheswick Power Station in Springdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tawney Run, Little Deer Creek and the Allegheny River, classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Oakmont Borough Municipal Authority, located at 2.4 miles below the discharge point.

*Outfall 002*: Monarch Mine discharge (12.375 mgd) to Little Deer Creek from permit issuance through 3 years from issued date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids			35	70	
Aluminum			1.2	2.4	
Iron, tot			2.6	5.2	
Iron, dis			Monitor and Report		
Manganese			0.87	1.74	
Total Residual Chlorine			0.5	1.0	
Beryllium			0.01	0.02	
Cadmium			0.003	0.006	
Chromium, hex			0.006	0.012	
Silver			0.02	0.04	
Thallium			0.018	0.036	
Copper			0.033	0.066	
Pentachlorophenol			0.004	0.008	
Antimony			Monitor and Report		



## NOTICES

*Outfall 002:* Monarch Mine discharge (12.375 mgd) to Little Deer Creek from permit issuance through 3 years from issued date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Lead					Monitor and Report
Mercury					Monitor and Report
Selenium					Monitor and Report
Cyanide, free					Monitor and Report
Chloroform					Monitor and Report
Sulfate					Monitor and Report
Osmotic Pressure (MOs/Kg)					Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* Monarch Mine discharge (12.375 mgd) to Little Deer Creek from 3 years after permit issuance through permit expiration.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids			35	70	
Aluminum			0.48	0.96	
Iron			1.5	3.0	
Iron, dis			0.3	0.6	
Manganese			0.87	1.74	
Total Residual Chlorine			0.013	0.026	
Beryllium			0.01	0.02	
Cadmium			0.0003	0.0006	
Chromium, hex			0.006	0.012	
Silver			0.003	0.006	
Thallium			0.002	0.004	
Copper			0.009	0.018	
Pentachlorophenol			0.0003	0.0006	
Antimony			0.014	0.028	
Lead			0.003	0.006	
Mercury			0.00005	0.0001	
Selenium			0.005	0.01	
Cyanide, free			0.005	0.01	
Chloroform			0.006	0.012	
Sulfate			Monitor and Report		

*Outfall 002:* Monarch Mine discharge (12.375 mgd) to Little Deer Creek from 3 years after permit issuance through permit expiration.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Osmotic Pressure (MOs/Kg)			50	100	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 103:* Boiler blowdown to Outfall 003.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfalls 203 and 303: Bottom Ash Transport Waters discharge (1.7 mgd) to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 403 (previously Outfall 107): coal pile runoff discharge (0.4 mgd) to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids					50
pH	not less than 6.0 nor greater than 9.0				

Outfall 503: new discharge, design flow of 0.144 mgd, FGD Treatment Plant Discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
Aluminum			Monitor and Report		
Arsenic			Monitor and Report		
Beryllium			0.004	0.008	
Boron			Monitor and Report		
Cadmium			Monitor and Report		
Chlorides			Monitor and Report		
Copper			0.1	0.2	
Chromium, III			Monitor and Report		
Lead			0.1	0.2	
Manganese			Monitor and Report		
Mercury			0.004	0.008	
Nickel			Monitor and Report		
Selenium			2.5	5.0	
Silver			0.1	0.2	
Zinc			Monitor and Report		
Iron			Monitor and Report		
Iron, dissolved			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 603: Miscellaneous low volume wastes discharge (1.0 mgd) to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 803: Internal monitoring points 203—603 (5.0 mgd) discharge to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

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*Outfall 003:* Internal monitoring points 103 and 803 and untreated once-through noncontact cooling water, 369 mgd discharge to the Allegheny River, Interim Limits.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Residual Chlorine					0.2
Temperature	Heat discharged to the waterway shall not exceed 2.96 by 10 <sup>9</sup> Btu/hr Heat				
Lead	Monitor and Report				
Mercury	Monitor and Report				
Selenium	Monitor and Report				
Silver	Monitor and Report				
Thallium	Monitor and Report				
Cyanide, free	Monitor and Report				
Cadmium	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003:* Internal monitoring points 103 and 803 and untreated once-through noncontact cooling water, 369 mgd discharge to the Allegheny River, Final Limits.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Residual Chlorine					0.2
Temperature	Heat discharged to the waterway shall not exceed 2.96 by 10 <sup>9</sup> Btu/hr Heat				
Lead			0.007	0.014	
Mercury			0.0001	0.0002	
Selenium			0.010	0.020	
Silver			0.004	0.008	
Thallium			0.003	0.006	
Cyanide, free			0.011	0.022	
Cadmium			0.00055	0.0011	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 004:* Existing discharge to Allegheny River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
	Debris collected on the intake trash racks shall not be returned to the waterway.				

*Outfalls 005:* Stormwater discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Chromium, hex	Monitor and Report				
Total Suspended Solids	Monitor and Report				
pH	Monitor and Report				

*Outfalls 010—011:* Stormwater discharges, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	These discharges shall consist solely of uncontaminated stormwater runoff.				

*Other Conditions*

The permittee is required to complete an SWPPP for Outfall 005.

The permittee is required to complete a TRE for Outfalls 002 and 003.

The EPA waiver is not in effect.

**PA0005037**, Industrial Waste, SIC 4911, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748. This application is for renewal of an NPDES permit to discharge treated process water, sewage, cooling water and stormwater, from the Homer City Power Station in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, tributaries of Two Lick Creek, Blacklick Creek and Cherry Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Water Authority, located at Freeport, 57 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 2.16 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)					
(7-1 to 7-31)	1.38				
(8-1 to 6-30)	2.34				
Free Available Chlorine			0.2	0.5	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature (° F)					
(1-1 to 1-31)				109.8	
(2-1 to 2-29)				104.1	
(3-1 to 6-15)				110	
(6-16 to 6-30)				104.6	
(7-1 to 7-31)				84.4	
(8-1 to 11-15)				110	
(11-16 to 11-30)				97.9	
(12-1 to 12-31)				92.9	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003: existing discharge, design flow of 1.45 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Temperature (° F)				110	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 004: existing discharge, design flow of 0.32 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Dissolved Iron			2.0	4.0	
Manganese			2.0	4.0	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 005: existing discharge, design flow of 0.87 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Temperature (° F)				110	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 007: existing discharge, design flow of 0.015 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.015				
TSS			30		60
CBOD <sub>5</sub>			25		60
Dissolved Oxygen			5.0 (minimum)		
Fecal Coliform					
(5-1 to 9-30) (lbs/100 ml)			200	1,000	
(10-1 to 4-30) (lbs/100 ml)			2,000		
TRC			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

*Outfall 008: existing discharge, design flow of 0.016 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.016				
TSS			30		60
CBOD <sub>5</sub>			25		50
Dissolved Oxygen			5.0 (minimum)		
Fecal Coliform					
(5-1 to 9-30) (lbs/100 ml)			200	1,000	
(10-1 to 4-30) (lbs/100 ml)			2,000		
TRC			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

*Outfall 011: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 012: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 014: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	

*Outfall 015: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Temperature (° F)				110	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 016: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Temperature (° F)				110	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 018: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Dissolved Iron			4	7	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 020: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Dissolved Iron			2	4	
Manganese			2	4	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 023: existing discharge, interim limits*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			35	70	90
Iron			3.0	6.0	7.0
Manganese			Monitor and Report		
Aluminum			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 023: existing discharge, final limits*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			35	70	90
Iron			1.5	3.0	7.0
Manganese			Monitor and Report		
Aluminum			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 027: existing discharge, design flow of 0.179 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30	100	
CBOD <sub>5</sub>			25	50	

## NOTICES

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease			15	20	
Temperature (° F)				110	
Beryllium			0.8	1.6	
Lead			0.1	0.2	
Selenium			0.8	1.6	
Boron			Monitor and Report		
MBAS			Monitor and Report		
Osmotic Pressure			Monitor and Report		
TDS			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 126 and 226:* existing discharges.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Free Available Chloride			0.2	0.5	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature (° F)					
(1-1 to 1-31)				109.8	
(2-1 to 2-29)				104.1	
(3-1 to 6-15)				110	
(6-16 to 6-30)				104.6	
(7-1 to 7-31)				84.4	
(8-1 to 11-15)				110	
(11-16 to 11-30)				97.9	
(12-1 to 12-31)				92.9	
pH	not less than 6.0 nor greater than 9.0				

Outfalls 006, 009, 013, 017, 019, 021, 022, 024—026, 028 and 029 shall consist solely of uncontaminated stormwater.

The EPA waiver is not in effect.

**PA0092363**, Sewage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Marion Villa STP in Washington Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Downers 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 Belle Vernon Borough Municipal Authority on the Monongahela River.

*Outfall 001:* existing discharge, design flow of 0.0267 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.2			4.4
(11-1 to 4-30)	5.5			11.0
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			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0252522**, Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, 2209 North Center Avenue, Somerset, PA 15501. This application is for amendment of an NPDES permit to discharge treated sewage from Lavansville STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as West Branch Coxes 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 Ohiopyle Municipal Water Works.

*Outfall 001:* existing discharge, design flow of 0.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	5.0	7.5		10.0
(11-1 to 4-30)	15.0	22.5		30.0
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			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.3 mgd.

*Outfall 001:* existing discharge, proposed design flow of 0.30 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	3.5	5.3		7.0
(11-1 to 4-30)	10.0	15.0		20.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0239828**, Industrial Waste, **Troyer Sand & Gravel Ltd.**, 13021 Flatts Road, Waterford, PA 16441-2809. This existing facility is located at Wheelertown Road, Waterford, PA 16441, LeBoeuf Township, **Erie County**.

Description of Proposed Activity: The applicant requests a new NPDES permit for the discharge of treated gravel wash water from the Troyer 1 Mine.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply affected by this discharge.

The receiving stream, Wheeler Creek, is in Watershed 16-A and classified for: WWF, aquatic life and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
Total Suspended Solids	35		70
pH	6.0 to 9.0 Standard Units at all times		

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)

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



**WQM Permit No. 2189419**, Amendment 07-1, Sewerage, **Silver Spring Township Authority**, P. O. Box 1001, 31 East Main Street, New Kingstown, PA 17072. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Application to construct SBR wastewater treatment plant expansion to increase rated plant flow to 1.2 mgd.

**WQM Permit No. WQG02220702**, Sewerage, **East Hanover Township**, 8848 Jonestown Road, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for construction/operation of sewer extension and pump station to serve the Main Stay Suites.

**WQM Permit No. 67070201**, Industrial Waste, **PPL Brunner Island, LLC**, Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Application for construction/operation of a once-through Mechanical Draft Cooling Tower at the Brunner Island Plant.

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

**WQM Permit No. 6306201-A1**, Industrial Waste, **Molycorp, Inc.**, 1217 West Wayne Street, Washington, PA 15301. This existing facility is located in Canton Township, **Washington County**.

Description of Proposed Action/Activity: Application for upgrade of existing contact water treatment plant.

**WQM Permit No. 5607402**, Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501-0247. This proposed facility is located in Somerset and Jefferson Townships, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer force main and pump station.

**WQM Permit No. 3274407-A3**, Sewerage, **Homer City Station Ownership Group**, 1750 Power Plant Road, Homer City, PA 15748-9558. This existing facility is located in Center and BlackLick Townships, **Indiana County**.

Description of Proposed Action/Activity: Application for the upgrade of the chlorination and dechlorination facilities of the sewage treatment plant.

**WQM Permit No. WQG016146**, Sewerage, **William Greenwood**, 4158 State Game Land Road, Wexford, PA 15090. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewage treatment facility.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907001	Alex Yuchkovski P. O. Box 754 Richboro, PA 19054	Bucks	Solebury Township	Tributary Aquetong Creek HQ-WWF
PAI010907004	Zalepa Custom Builders 19 Green View Drive Chesterfield, NJ 08620	Bucks	Solebury Township	Cuttalossa Creek HQ-CWF
PAI011507021	K. Hovnanian of East Brandywine, LLC 1170 Wheeler Way Langhorne, PA 19047	Chester	East Brandywine Township	Beaver Creek TSF-MF Culbertson Run HQ-TSF-MF
PAI011507025	James S. Bryant 602 South First Avenue Coatesville, PA 19320	Chester	West Brandywine Township	UNT West Branch Brandywine Creek HQ-TSF-MF
PAI012607026	Birch Run Village 1220 Valley Forge Road Unit No. 25 P. O. Box 987 Valley Forge, PA 19482	Chester	West Vincent Township	Birch Run EV

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI014607003	Realen Valley Forge Greens Associates 1000 Chesterbrook Boulevard Berwyn, PA 19312	Montgomery	Upper Merion Township	Trout Creek WWF-MF

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S105R	Price Township Development Corp. One Empire Plaza SR 611 Stroudsburg, PA 18360	Monroe	Price and Smithfield Townships	Michael Creek HQ-CWF

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

*Cameron County Conservation District: 20 East Fifth Street, Room 105, Emporium, PA 15834, (814) 486-2244, Ext. 5.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2041207001	Jan Hampton Cameron County Conservation District 20 East 5th Street Room 105 Emporium, PA 15834	Cameron	Shippen Township	May Hollow Run and Sterling Run CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407008	James Nixon—Halfmoon, LLC Orchard Manor Subdivision 6310 Stevens Forest Road Columbia, MD 21046	Centre	Halfmoon Township	UNT to Spruce Creek HQ-CWF

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

*Allegheny County Conservation District, Lexington Technology Park, Building 1, Suite 102, 400 Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050207002	Department of Transportation 45 Thomas Run Road Bridgeville, PA 15017	Allegheny	White Oak Borough	Jacks Run HQ
PAI055607007	The Buncher Company 5600 Forward Avenue Pittsburgh, PA 15217	Somerset	Jefferson Township	Laurel Hill Creek HQ-CWF

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## 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)

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### CAFO Notices of Intent Received

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

**PAG124824**, CAFO, SIC 0212, 0213 and 0241, **Rodney E. Lane, Lane Farms**, 750 Woodard Road, Harrison Valley, PA 16927-9434. This existing facility is located in Harrison Township, **Potter County**.

Description of Size and Scope of Operation/Activity: Lane Farms is an existing swine, dairy and beef operation, totaling 797.3 Animal Equivalent Units.

The water body nearest to this facility is the North Branch Cowanesque River in the Cowanesque River Watershed (SWP-04A) and has a designated use of CWF.

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

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will be in effect.

### PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

#### SAFE DRINKING WATER

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

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

**Application No. 1507504**, Public Water Supply.

Applicant	<b>Honey Brook Borough Authority</b>
Township	Honey Brook
County	<b>Chester</b>

Responsible Official	Michael E. Shuler 91 Pequea Avenue P. O. Box 669 Honey Brook, PA 19344-0669
Type of Facility	Public Water Supply
Consulting Engineer	Spotts, Stevens and McCoy, Inc. 1047 North Park Road Reading, PA 19610-0307
Application Received Date	June 6, 2007
Description of Action	Replacing existing gas chlorination with Sodium hypochlorite injection at well No. 8.

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

**Application No. 1507503**, Public Water Supply.

Applicant	<b>Warwick Land Development, Inc.</b>
Township	Warwick
County	<b>Chester</b>
Responsible Official	Linda Boardman P. O. Box 608 Reagent Center Lionville, PA 19353
Type of Facility	Public Water Supply
Consulting Engineer	The Arro Group, Inc. 270 Granite Run Drive Lancaster, PA 17601-6804
Application Received Date	June 1, 2007
Description of Action	The construction of a new well and relocation of the existing water storage and disinfection system.

**Application No. 0907508**, Public Water Supply.

Applicant	<b>Bedminster Municipal Authority</b>
Township	Bedminster Township
County	<b>Bucks</b>
Responsible Official	Dawn Cook 432 Elephant Road Perkasie, PA 18944

Type of Facility Public Water Supply  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 Reading, PA 19603  
 Application Received Date June 4, 2004  
 Description of Action Modified minor permit  
 amendment for repainting  
 existing water storage tank.

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

**Application No. 2307501**, Public Water Supply.  
 Applicant **Chester Water Authority**  
 Township Little Britain  
 County **Lancaster**  
 Responsible Official Robert W. Naef  
 415 Welsh Street  
 P. O. Box 467  
 Chester, PA 19016-0467  
 Type of Facility Public Water Supply  
 Consulting Engineer Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Application Received Date May 25, 2007  
 Description of Action Replacement of approximately  
 2,300 linear feet of 42-inch  
 transmission water main.

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

**Application No. 4507503**, Public Water Supply.  
 Applicant **Hannig Development, LLC**  
 Tobyhanna Township  
**Monroe County**  
 Responsible Official Charles M. Hannig  
 Hannig Development, LLC  
 200 Plaza Court  
 Suite A  
 East Stroudsburg, PA 18301  
 Type of Facility PWS  
 Consulting Engineer Joseph Durkin, P. E.  
 Reilly Associates  
 222 Wyoming Avenue  
 West Pittston, PA 18643  
 Application Received Date March 30, 2007  
 Description of Action This application proposes a new  
 PWS system to serve a  
 development of 111 single-family  
 homes and 59 townhouses.  
 System components include a  
 new well source, disinfection,  
 corrosion control treatment,  
 finished water storage, pump  
 station and distribution system  
 facilities.

**Application No. 3907506**, Public Water Supply.  
 Applicant **Niagara Bottling, LLC**  
 Upper Macungie Township  
**Lehigh County**  
 Responsible Official Brian Hess, Director of  
 Operations  
 Niagara Bottling, LLC  
 5675 Concoors Street  
 Ontario, CA 91764

Type of Facility BVRB  
 Consulting Engineer Harry Garman, P. E.  
 Barry Isett & Associates  
 85 SR 100 and Kressler Lane  
 P. O. Box 147  
 Trexlertown, PA 18087-0147

Application Received Date May 25, 2007  
 Description of Action This application proposes the  
 construction of a new bottled  
 water facility utilizing an  
 existing, permitted source from  
 the Lehigh County Authority, as  
 the source of supply. Treatment  
 proposed includes filtration,  
 reverse osmosis and ozonation.

**Application No. 6407501**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 Texas Township  
**Wayne County**  
 Responsible Official Roswell McMullen, P. E.  
 Aqua PA  
 HCR 6  
 Box 6040  
 Hawley, PA 18428

Type of Facility Public Water System  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA  
 Application Received Date May 2, 2007

Description of Action The construction of a new well  
 source and a building housing  
 treatment consisting of  
 disinfection and general  
 corrosion control.

*Central Office: Bureau Director, Water Standards and  
 Facility Regulation, P. O. Box 8467, Harrisburg, PA  
 17105-8467.*

**Permit No. 9996553**, Public Water Supply.  
 Applicant **Fernbrook Springs Bottled  
 Water Company Ltd.**  
 Township or Borough Halton Hills  
 Ontario, Canada  
 Responsible Official Rob Mackay  
 QC Manager  
 Type of Facility Out-of-State Bottled Water  
 System

Application Received Date June 4, 2007  
 Description of Action Applicant requesting Department approval to sell bottled water in this Commonwealth under the brand name Fernbrook Natural Spring Water.

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

**Permit No. 3607509**, Public Water Supply.  
 Applicant **Elizabethtown Area Water Authority**  
 Municipality West Donegal Township  
 County **Lancaster**  
 Responsible Official Elizabethtown Area Water Authority  
 Authority Manager  
 5 Municipal Drive  
 Elizabethtown, PA 17022  
 Type of Facility Public Water Supply  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112

Application Received: March 23, 2007  
 Description of Action Construction of a new 250,000 gallon storage tank and installation of approximately 2,000-feet of water line.

**Permit No. 0507504**, Public Water Supply.  
 Applicant **Bob Evans Farms, Inc.**  
 Municipality East Providence Township  
 County **Bedford**  
 Responsible Official Bob Evans Farms, Inc.  
 Director of Engineering  
 3776 South High Street  
 Columbus, OH 43207  
 Type of Facility Public Water Supply  
 Consulting Engineer Larry Brehn, P. E.  
 MS Consultants, Inc.  
 2221 Schrock Road  
 Columbus, OH 43229  
 Application Received: March 26, 2007  
 Description of Action Installation of treatment for the removal of arsenic from the source water.

**Permit No. 0507505**, Public Water Supply.  
 Applicant **Crestview Mobile Home Park**  
 Municipality East Providence Township  
 County **Bedford**  
 Responsible Official Crestview Mobile Home Park,  
 Owner  
 681 Brantner Road  
 Breezewood, PA 15533  
 Type of Facility Public Water Supply

Consulting Engineer Kevin L. Yoder, P. E.  
 CME Engineering, LP  
 165 East Union Street  
 Somerset, PA 15501  
 Application Received: April 6, 2007  
 Description of Action Modification of the existing system to blend the source water to lower arsenic levels.

**Permit No. 2207507**, Public Water Supply.  
 Applicant **Harman Stove Company**  
 Municipality Jackson Township  
 County **Dauphin**  
 Responsible Official Harman Stove Company  
 Facility Manager  
 352 Mountain House Road  
 Halifax, PA 17032  
 Type of Facility Public Water Supply  
 Consulting Engineer Harry E. Bingaman, P. E.  
 Glace Assoc., Inc.  
 3705 Trindle Road  
 Camp Hill, PA 17011

Application Received: May 31, 2007  
 Description of Action Installation of Arsenic removal treatment.

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

**Permit No. 1707501—Construction**, Public Water Supply.  
 Applicant **Reliant Energy—Shawville Station**  
 Township or Borough Bradford Township  
 County **Clearfield**  
 Responsible Official James V. Locher  
 Vice President Coal Plant  
 Operations  
 Reliant Energy Mid-Atlantic  
 Power Holdings, LLC  
 121 Champion Way  
 Suite 200  
 Canonsburg, PA 15317  
 Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer Steven J. Novotny, P. E.  
 Cambria Consultants, Inc.  
 1212 Wineland Street  
 Johnstown, PA 15904  
 Permit Application Date June 11, 2007

Description of Action Replace existing potable water system by installing a PALL ARIA™ AP-2 micro-filtration system; include enhanced flux maintenance and clean in place system; add booster pumps; add 500 gallon filtrate surge tank. Wastewater will be processed in the existing industrial waste treatment system.

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

**Application No. 6207502**, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Township or Borough Warren  
**Warren County**

Responsible Official Jerry E. Hankey, P. E.

Consulting Engineer William H. Lage  
Project Manager  
PA American Water  
2736 Ellwood Road  
New Castle, PA 16101

Application Received Date June 7, 2007

Description of Action Construction of new 250,000 gallon concrete Clearwell at the Glade Run Filter Plant.

### WATER ALLOCATIONS

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

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

**WA3-1001A**, Water Allocations, **Mahoning Township Municipal Authority**, P. O. Box 60, Distant, PA 16223, **Armstrong County**. The applicant is requesting the right to purchase 85,000 gallons of water per day from the Redbank Valley Municipal Authority.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person

shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Dober Facility UST Closure Project**, Hazle Township, **Luzerne County**. Jon P. Kleinle, Barry Isett & Associates, Inc., 100 West Broad Street, Hazleton, PA 18201 has submitted a Notice of Intent to Remediate (on behalf of his client, CAN DO, Inc., 1 South Church Street, Hazleton, PA 18201) concerning the remediation of site soils found or suspected to have been impacted by No. 2 Fuel Oil as a result of historic overfills and/or accidental spillage from an underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Standard Speaker* on May 26, 2007.

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

**Messiah College, Schoolhouse Building**, Upper Allen Township, **Cumberland County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of Messiah College, 1 College Avenue, Grantham, PA 17027, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from a removed underground storage tank. The building is and will continue to be used for storage. The applicant is seeking to remediate to the Statewide Health Standard.

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

**Wolfe Poultry Farm, Inc.**, Smithfield Township, **Bradford County**. Teeter Environmental, R. R. 1, Box 124B, Macfee Road, Sayre, PA 18840 on behalf of Wolfe Poultry Farms, Inc., Laurel Hill Farm, Laurel Hill Road, East Smithfield, PA 18817 has submitted a Notice of

Intent to Remediate soil contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is unknown.

**RLE Trucking**, Turbot Township, **Northumberland County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of RLE Trucking, 239 North 5th Street, Lebanon, PA 17046 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel along PA Route 147, 1/4 mile south of the Interstate 80 interchange. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Red Rock Job Corps**, Cherry Township, **Sullivan County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Red Rock Job Corps, P. O. Box 218, Route 487, Lopez, PA has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

#### 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.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. 301294. Petromax, Ltd.**, 301 Prestley Avenue, Carnegie, PA 15106. Petromax, Ltd., 301 Prestley Avenue, Carnegie, PA 15106. An application for the permit renewal of a residual waste processing facility in the Borough of Carnegie, **Allegheny County** was received in the Regional Office on June 1, 2007.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

#### PLAN APPROVALS

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

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

**01-03017A: Premier Chemicals, LLC** (300 Barr Harbor Drive, Suite 250, West Conshohocken, PA 19428) for an increase in mineral throughput in their Aspers, PA facility in Menallen Township, **Adams County**.

**06-03117E: Custom Processing Services, Inc.** (2 Birchmont Street, Reading, PA 19606-3266) for construction of a micronizing grinding mill controlled by a fabric collector in Exeter Township, **Berks County**.

**21-05031C: Community Refuse Service, Inc.** (135 Vaughn Road, Shippensburg, PA 17257) for a Hopewell expansion of the existing Cumberland County Landfill. The facility is in Hopewell and North Newton Townships, **Cumberland County**.

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

**42-184H: Keystone Powdered Metal Co.** (8 Hanley Drive, Lewis Run, PA 16738) for installation of an induction heat treater with a smog hog type control device at their facility in the Borough of Lewis Run, **McKean County**. This is not a Title V facility.

**25-029A: Erie Coke Corp.** (Foot of East Avenue, Erie, PA 16512-6180) for installation of a replacement absorber that is part of the coke gas desulfurization system in Erie City, **Erie County**. This is a Title V facility.

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

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

**66-318-005: Proctor and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) for modification of a coremaking operation at their facility in Washington Township, **Wyoming County**. The facility is a Title V facility. The modification of the tissue/towel converting coremaking operation is for the conversion of 23 lines from a central coremaking operation to an online coremaking operation. Additionally, seven of these online coremaking lines will be converted to a new ink application system. The modification will result in an increase of 1.3 tpy of VOCs. The modification of the converting line is subject to Subpart JJJJ of the National Emission Standards for HAPs; Paper and Other Web Coating, 40 CFR 63.3280—63.3420. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

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

**05-05024A: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) for construction of three spray booths and associated equipment at their Weber Lane Facility in Bedford Township, **Bedford County**. The plan approval will limit facility wide emissions to less than 50 tpy of VOC, 10 tpy of a single HAP and 25 tpy of combined HAPs. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

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

**37-257A: Mohawk School District** (Mohawk School Road, Bessemer, PA 16112) for an increase of the content of the sulfur in the coal used in the elementary school boilers from 1.5% to 2.0% as described in the applicant's application of April 2, 2007 in North Beaver Township, **Lawrence County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424 that the Department of Environmental Protection (Department) intends to issue a Plan Approval, No. 37-257A, for their elementary school in North Beaver Township, Lawrence County. This plan approval will authorize the applicant to increase the content of the sulfur in the coal used in the elementary school boilers from 1.5% to 2.0% as described in the applicant's application of April 2, 2007. The Plan Approval will subsequently be incorporated into the company's State-only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, coal usage will be limited to 865 tpy on a rolling average sum. Emissions of SO<sub>x</sub> will be limited by limiting the sulfur content of the coal

used in the boilers. SO<sub>x</sub> emissions are expected to increase by 6.7 tpy. A small amount of natural gas is being used to operate the coal boiler burners and can also be used as a secondary fuel to the coal. However, using minimal amounts of pipeline quality natural gas will cause negligible increases of emissions, which are incorporated into the permit and plan approval application.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 37-257A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

**43-349A: Valley Can, Inc.** (1264 Fredonia Road, Hadley, PA 16130) Notice is hereby given, under 25 Pa. Code §§ 127.44(a) and 127.424 that the Department of Environmental Protection (Department) intends to issue a Plan Approval, No. 43-349A, for their plant located in Green Tree Township, **Mercer County**. This plan approval will authorize the applicant to install and operate a fabricated metal spray-painting operation, which utilizes a down draft exhaust control device with furnace filters. The spray painting will occur only when the down draft system is operating with a face velocity of at least 200 feet per minute, as described in the applicant's application of January 30, 2007, with addendum dated April 16, 2007. The Plan Approval will subsequently be incorporated into a State-only Operating Permit in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, VOC emissions will be limited to 6.0 tpy, and monitored through the monitoring and recordkeeping requirements established in 25 Pa. Code § 129.52. The VOC content of each paint coating shall be limited to 6.67 pounds of VOC per pound of coating solid. PM shall be limited to 0.04 grain per dry standard cubic feet exhaust gases.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays



at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 43-349A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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

**AMS 07099: BFI Transfer Systems of Pennsylvania, LLC** (2904 South Christopher Columbus Avenue, Philadelphia, PA 19148) for installation of a wood shredder with a 525 HP diesel engine in the City of Philadelphia, **Philadelphia County**. The new processes have the potential to emit 2.8 tons of NOx per year. The plan approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**04-00235: First Energy Generation Corp.** (76 South Main Street (AGO-13) Akron, OH 44308) for operation of Bruce Mansfield Power Generation Plant in Shippingport on Lower Road 483 in Shippingport Borough, **Beaver County**. This is a Title V Renewal.

**11-00356: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) for operation of a compressor station primarily used for the storage and distribution of natural gas at their Rager Mountain/Laurel Ridge Station located in Jackson Township, **Cambria County**.

**03-00076: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) for operation of a compressor station primarily used for the storage and distribution of natural gas at their Girty Station located in South Bend Township, **Armstrong County**.

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

**61-00198: Handsome Lake Energy, LLC** (173 Cornplanter Lane, Kennerdell, PA 16374) for a Title V Operating Permit reissuance in Rockland Township, **Venango County**. The facility's major sources of emissions include ten Combustion Turbine Engines and a fuel heater. The source is major due to its' being subject to the Acid Rain Program.

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

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

**07-03002: PPG Industries, Inc.** (P. O. Box 307, Tipton, PA 16684) for operation of glass screen printing, bending and tempering equipment at the company's Tipton Works plant in Antis Township, **Blair County**.

**38-03044: Conrad Enterprises, Inc.** (200 Rexmont Road, P. O. Box 656, Cornwall, PA 17016) for operation of a roll-off waste container fabrication facility in Cornwall Borough, **Lebanon County**. The facility wide (State-only) operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-03027: PVC Container Corp.—Airopak Corp.** (One Devco Drive, Manchester, PA 17345-1337) for operation of the plastic blow molding operation in East Manchester Township, **York County**. This is a renewal of the State-only operating permit issued in 2002.

**67-03132: Voith Siemens Hydro Power Generation, Inc.** (P. O. Box 712, York, PA 17405) for operation of their hydro turbines and parts manufacturing facility in West Manchester Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**10-00030: Concast Metal Products Co.** (131 Myoma Road, Mars, PA 16046) for reissuance of a Natural Minor Permit to operate a secondary nonferrous metal melting and casting facility in Adams Township, **Butler County**. The significant emitting sources include induction furnaces 1 and 2 and associated casters, and the like, No. 3 electric furnace with two associated casters, machine shop and diesel emergency generator.

**37-00296: Select Industries** (P. O. Box 7158, 420 North Cascade Street, New Castle, PA 16107) for a renewal operating permit in New Castle, **Lawrence County**. The facility coats tinplates. The significant sources at the facility are a roll coater controlled by a thermal oxidizer, a printing press, a small paint booth, miscellaneous natural gas combustions sources and miscellaneous cleaning solvent. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor.

**25-00197: TSK Partners Inc.—Erie Bronze and Aluminum Co.** (63000 West Ridge Road, Erie, PA 16506-

1021) for the reissuance of a Natural Minor Operating Permit to operate a foundry producing aluminum and bronze castings. This facility is in Fairview Township, **Erie County**. The facility's primary emission sources include sand handling, six induction furnaces, two gas crucible Aluminum furnaces, finishing operations, core ovens, a parts washer, general foundry operations, VOC use and miscellaneous natural gas use.

**20-00268: Tedes Co.** (614 Baldwin Street, Meadville, PA 16335-1611) for reissuance of a Natural Minor Operating Permit to operate a cremator in the City of Meadville, **Crawford County**. The facility's primary emission source is an incinerator that is fueled using natural gas.

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

**N07-001: Menasha Packaging, LLC** (801 East Erie Avenue, Philadelphia, PA 19134) for a printing and packaging facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three Flexographic presses, two 7.53 mmBtu/hr firing No. 2 fuel oil or natural gas boilers and a waste paper collector cyclone.

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

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

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

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

Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

*Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**Permit No. 03851302 and NPDES Permit No. PA0379302, Rosebud Mining Company,** (301 Market Street, Kittanning, PA 16201), to renew the permit for the Rosebud No. 3 Mine in Perry Township, **Armstrong County** and related NPDES permit for reclamation only. No additional discharges. Application received January 24, 2007.

**Permit No. 63841302 and NPDES Permit No. PA00900689, Maple Creek Mining, Inc.,** (1 Industrial Park Drive, Wheeling, WV 26003), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington County** to change the land use for 1.7 acres at the Park Shaft site from undeveloped land with possible wildlife enhancement to residential. No additional discharges. Application received March 5, 2007.

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

**11070202 and NPDES No. PA0262439. Ebensburg Power Company,** (2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931), commencement, operation and restoration of a bituminous surface refuse reprocessing mine in Nanty Glo Borough and Jackson Township, **Cambria County**, affecting 83.1 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 29, 2007.

**56010101 and NPDES No. PA0248924. Action Mining, Inc.,** (1117 Shaw Mines Road, Meyersdale, PA 15552), revision of an existing bituminous surface mine to add additional acres for mining in Elk Lick Township, **Somerset County**, affecting 81.0 acres. Receiving streams: UNT to the Casselman River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 31, 2007.

**11020201 and NPDES No. PA0249181. Alverda Enterprises, Inc.,** (P. O. Box 245, Alverda, PA 15710), permit renewal for coal refuse reprocessing in Elder Township, **Cambria County**, affecting 16.9 acres. Receiving stream: Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 25, 2007.

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

**03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Application received for a gasoline and road variance at an existing bituminous surface mining site located in Washington and East Franklin Townships, **Armstrong County**, affecting 263.8 acres. Receiving streams: UNTs to Limestone Run, classified for CWF, and UNTs to Glade Run, classified for WWF. There are no public water supply intakes within 10 miles of the point of discharge. Application received June 4, 2007.

**02020201 and NPDES Permit No. PA0250121. Robindale Energy Services, Inc.** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Renewal application for continued operation and reclamation of an existing coal refuse reprocessing surface mine, located in Plum Borough, **Allegheny County**, affecting 172 acres. Receiving streams: Little Plum Creek and a UNT to Little Plum Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received June 5, 2007.

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

**33010105 and NPDES Permit No. PA0242004. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip operation in Young and McCalmont Townships, **Jefferson County** affecting 204.6 acres. Receiving streams: Three UNTs to Elk Run and Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 4, 2007.

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

**17070111 and NPDES No. PA0256579. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 370 acres. Receiving streams: Bald Hill Run and Surveyor Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 16, 2007.

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

**22030201C2. Meadowbrook Coal Co., Inc.,** (6690 SR 209, Lykens, PA 17048), correction to an existing anthracite coal refuse reprocessing operation to include sewage sludge disposal for land reclamation in Wiconisco Township, **Dauphin County** affecting 84.0 acres, receiving stream: none. Application received May 29, 2007.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 4975SM3 and NPDES Permit No. PA0612235, Glen-Gery Corporation**, (Route 61, Box 340, Shoemakersville, PA 19555), renewal of NPDES Permit, Hamilton Township, **Adams County**. Receiving stream: Muncy Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 1, 2007.

**4975SM5 and NPDES Permit No. PA0612430. Glen-Gery Corporation**, (Route 61, Box 340, Shoemakersville, PA 19555), renewal of NPDES Permit, Oxford Township, **Adams County**. Receiving stream: UNT South Branch Conewago Creek classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is New Oxford Municipal Authority, South Branch Conewago Creek. Application received June 1, 2007.

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

**37030305 and NPDES Permit No. PA0242543. Glacial Sand & Gravel Co.** (P. O. Box 1022, Kittanning, PA 16201). Revision to an existing sand and gravel operation in Plain Grove Township, **Lawrence County** affecting 98.2 acres. Receiving streams: UNT to Jamison Run, Jamison Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision for a change in the water handling plan and to mine deeper. Application received June 8, 2007.

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

**Permit No. 4773SM3 and NPDES Permit No. PA0207101. Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18040), renewal of NPDES Permit, in Limestone Township, **Lycoming County**. Receiving streams: UNT to Antes Creek (CWF) to Antes Creek to West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received May 31, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

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## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-776. Chester Water Authority**, 415 Welsh Street, P. O. Box 467, Chester, PA 19016-0467, Lower Oxford Township, **Chester County**, ACOE Philadelphia District.

To replace and maintain approximately 2,300 linear feet of 42-inch water main including stream crossings at Octoraro Creek (WWF-MF) and a UNT to Octoraro Creek. This project is located approximately 1,400 feet northwest of the intersection Forge Road and Street Road (Kirkwood, PA USGS Quadrangle N: 7.8 inches; W: 6.3 inches).

**E23-461. Radnor Township**, 301 Ivan Avenue, Wayne, PA 19087-5297, Radnor Township, **Delaware County**, ACOE Philadelphia District. To perform grading activities to facilitate parking area within the floodway and floodplain of Ithan Creek associated with the Radnor Township Municipal Building. Work will also include the installation and maintenance of an 18-inch SCCLP stormwater outfall to Ithan Creek (CWF).

The work is associated with the proposed reconstruction of a new municipal building in the footprint of the original building. The site is located along the South Side of Creek Drive approximately 200 feet South of Iven Avenue, in Radnor Township, Delaware County (Norristown, PA Quadrangle N: 6.685 inches; W: 17.09 inches).

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

**E35-405. Lewis Ferrari**, 12 Sunset Road, Moscow, PA 18444, in Roaring Brook Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 235-foot long driveway crossing through 0.13 acre of wetlands within the Roaring Brook Watershed (CWF). The project is located off of Pinewood Drive (T-351) approximately 200 feet east of Relda Road (T-357) (Moscow, PA Quadrangle N: 19.9 inches; W: 7.4 inches).

**E64-270. Roy and Louise Montalvan**, 200 Jersey Avenue, Greenwood Lake, NY 10925, in Salem Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To fill 0.39 acre of isolated wetlands within the Wallenpaupack Creek Watershed (HQ-CWF) for the purpose of constructing a commercial building, associated parking and stormwater facilities. The project is located on the northside of SR 0590 approximately 2.3 miles east of its intersection with SR 0191 (Lakeville, PA Quadrangle N: 6.1 inches; W: 14.6 inches).

**E35-406. Spano Realty, LLC**, 310 17th Street, Scranton, PA 18504, in Old Forge Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a channel change along 2,000 feet of St. Johns Creek (CWF) with work consisting of excavation and placement of fill in the floodway along the eastern side of the creek to establish an overbank area averaging 30-feet wide along the right bank of the channel. The purpose of the project is to reduce the extent of the 100-year floodplain to facilitate a residential development. The project is located on the northwest side of the intersection of Milwaukee Avenue and Villa Drive (Pittston, PA Quadrangle N: 21.0 inches; W: 0.1 inch).

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

**E67-821. Codorus Creek Watershed Association**, P. O. Box 2881, York, PA 17405, Heidelberg Township, **York County**, ACOE Baltimore District.

To construct and maintain a 2,700 linear foot stream restoration project on Oil Creek (WWF) using rock vanes, J-hooks, cross rock vanes, bank grading, rock toe protection, floodplain restoration, stormwater bmps, invasive plant removal and riparian planting to stabilize streambanks and improve sediment transport and aquatic habitat, and to construct and maintain three agricultural crossings at the center and ends of the project and streambank fencing around the restored reach. The project is located on the Earl Fuhrman Farm (beginning at Hanover, PA Quadrangle N: 12.2"; W: 9.9", 39° 49' 4.21" N; 76° 56' 35.94" W and ending at Hanover, PA Quadrangle N: 13.0"; W: 9.8", 39° 49' 20.94" N; 76° 56' 35.94" W) in Heidelberg Township, York County. There is 0.01 acre of PEM wetland impact associated with the project. The applicant has agreed to provide 0.11 acre of wetland replacement adjacent to the stream channel on site.

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

**E08-443. Howard W. Mahady**, R. R. 3, Box 213, Columbia Cross Roads, PA 16914. Water Obstruction and Encroachment Permit Application for private residential bridge, in Ridgebury Township, **Bradford County**, ACOE Susquehanna River Basin District (Bentley Creek, PA Quadrangle N: 8.70 inches; W: 9.7 inches).

To construct and maintain a single span steel I-beam with clear span of 58 feet, a width of 12 feet and a minimum underclearance of 8 feet 9 inches on a skew of 90° over Bentley Creek, located 0.25 mi. south of the intersection of SR 4018 and SR 4013 along SR 4013. This project proposes to permanently impact 60 linear feet of UNT to Bentley Creek, which is designated a WWF and does not propose to impact any jurisdictional wetlands.

**E12-164. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 0555 Section A01, Driftwood Bridge Replacement Project over Driftwood Branch of Sinnemahoning Creek, Driftwood Borough, **Cameron County**, ACOE Susquehanna River Basin District (Driftwood, PA Quadrangle N: 16.01 inches; W: 1.47 inches).

To remove an existing three-span steel thru-girder bridge and appurtenant structures and to construct and maintain a three span continuous prestressed concrete box-beam bridge, 92' 2-3/8" from Abutment No. 1 to Pier No. 1, 93' 1-1/4" from Pier No. 1 to Pier No. 2, 92' 2-3/8" from Pier No. 2 to Abutment No. 2 with concrete wing walls having a hydraulic opening of 3,231 square feet. The vertical clearance will be 18'-9" at Pier No. 1.

Rock, Class R-8 chocked with rock Class R-4, will be permanently placed around Piers Nos. 1 and 2. Rock, Class R-8 chocked with rock Class R-4, will be permanently placed along the front face of Abutment No. 1 and Abutment No. 2.

This project proposes to have a minimal impact on Sinnemahoning Creek, which is designated a TSF. This project does not propose to impact any jurisdictional wetlands.

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

**E02-1556. Allegheny County Airport Authority**, Landside Terminal, 4th Floor Mezzanine, Pittsburgh, PA 15231. To place and maintain fill in Findlay Township, **Allegheny County**, Pittsburgh ACOE District (Aliquippa, PA Quadrangle; N: 0.5 inch; W: 2.5 inches, Latitude: 40° 30' 14"; Longitude: 80° 16' 16"). The applicant proposes to place and maintain fill in 0.04 acre of wetlands (PEM) and to place and maintain fill in 246 feet of a UNT to Raredon Run (TSF) for the purpose of extending the runway 10L Safety Area (RSA). The project is located approximately 1.5 miles northeast of Clinton. To compensate for the wetland impacts the applicant proposes to construct and maintain 0.04 acre of replacement wetlands onsite. To compensate for the stream impacts the applicant proposes to perform stream liming along another UNT to Raredon Run, located approximately 6,000 feet west of the project area.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA54-017NE. Schuylkill County Conservation District**, 1206 Agriculture Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901. Frailey Township, **Schuylkill County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain an abandoned mine discharge (AMD) passive treatment system proposed in and along Good Spring Creek (CWF) and a tributary thereof. The purpose of the project is to treat and reduce AMD loadings discharging from the Tracy Airhole to restore the water quality of Good Spring Creek. The project is located

on the southern side of SR 0125, approximately 1,500 feet west of SR 0081 (Tremont, PA Quadrangle N: 0.8 inch; W: 10.5 inches).

**EA40-010NE. Dallas Township**, P. O. Box 518, Dallas, PA 18612. Dallas Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove an abandoned bridge along a tributary to Leonard Creek adjacent to the Kunkle Fire Department at the intersection of SR 0309 and Kunkle Road (Centermoreland, PA Quadrangle N: 0.5 inch; W: 14.75 inches).

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

**EA67-014: Department of Conservation and Natural Resources**, 2200 Rosstown Road, Lewisberry, PA 17339-9787, Warrington Township, **York County**, ACOE Baltimore District.

To remove 18 inches of a 30-foot long by 6-foot wide concrete wall across Beaver Creek (WWF) located immediately downstream of the Gifford Pinchot State Park Dam (Dover, PA Quadrangle; North: 16.4 inches; West: 16.9 inches, Latitude: 40° 05' 30"; Longitude: 76° 52' 00") in Warrington Township, York County.

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## ACTIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064122	Conectiv Bethlehem, LLC 2254 Applebutter Road Bethlehem, PA 18015	City of Bethlehem Northampton County	Lehigh River 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0005029	Brookfield Power Pine and Deep Creek, LLC Piney Hydro Power Plant 225 Greenfield Parkway Suite 201 Liverpool, NY 13088	Piney Township Clarion County	Clarion River 17-B	Y
PA0210471 Amendment No. 1	Bessemer Municipal Authority STP P. O. Box 642 Bessemer, PA 16112	Bessemer Borough Lawrence County	Hickory Run 20-B	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. PA0051284**, Industrial Waste, **Springfield Township**, 50 Powell Road, Springfield, PA 19064. This proposed facility is located in Springfield Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from Springfield Township Landfill into Crum Creek in Watershed 3G.

**NPDES Permit No. PA0011622**, Industrial Waste, **Exelon Generation Company, LLC**, 3901 North Delaware Avenue, Philadelphia, PA 19137. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: approval for the renewal to discharge stormwater from Delaware Generating Station into the Delaware River Estuary Zone 3 in Watershed 3J.

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

**NPDES Permit No. PA0248746**, CAFO, **Leon Snyder**, 230 Poplar Road, Fleetwood, PA 19522 and **Country View Family Farms, LLC**, 6360 Flank Drive, Suite 100, Harrisburg, PA 17112-2766. This proposed facility is located in Fannett Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,320 AEU swine operation in Watershed 12-B.

**NPDES Permit No. PA0248347**, CAFO, **Leshers Poultry Farm, Inc., Leshers Poultry Farm**, 1153 Swamp Fox Road, Chambersburg, PA 17201. This proposed facility is located in Guilford Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,063 AEU layer operation in Watershed 13-C.

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

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

**WQM Permit No. WQG022212**, Sewerage, **Municipal Authority of the Township of Westfall**, P. O. Box 235, Matamoras, PA 18337. This proposed facility is located in Westfall Township, **Pike County**.

Description of Proposed Action/Activity: This project is for the construction of a sanitary sewage collection system and pump station with flows of 22,500 gpd to service the Rivers Edge Subdivision a 150 unit senior townhouse development.

**WQM Permit No. 4806405**, Sewerage, **Pen Argyl Municipal Authority**, 11 North Robinson Avenue, Pen Argyl, PA 18071. This proposed facility is located in Pen Argyl Borough, **Northampton County**.

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

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

**WQM Permit No. 5507403**, Sewerage, **Penns Creek Municipal Authority**, P. O. Box 148, Penns Creek, PA 17862. This proposed facility is located in Center Township, **Snyder County**.

Description of Proposed Action/Activity: Permit issuance for installation of a fine screen on the influent and replacement of the existing baffle at the existing treatment facility.

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

**WQM Permit No. 6306408**, Sewerage, **Cecil Township Municipal Authority**, Cecil Township Municipal Building, 3599 Millers Run Road, Suite 104, Cecil, PA 15321. This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pump station to service the proposed Maple Ridge PRD.

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

**WQM Permit No. WQG018548**, Sewerage, **Dorothy A. McLain and Alan L. Yelvington**, R. D. 2, Box 2159, Russell, PA 16345. This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG018534**, Sewerage, **Mark J. Murphy**, 837 Irwin Avenue, Meadville, PA 16335. This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG018542**, Sewerage, **Alvin L. and Denise M. Cochran**, 5885 Nichols Run Road, Limestone, NY 14753. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. 3793401**, Sewerage Amendment No. 1, **Bessemer Municipal Authority**, P. O. Box 642, Bessemer, PA 16112. This proposed facility is located in Bessemer Borough, **Lawrence County**.

Description of Proposed Action/Activity: This project is to rerate the Bessemer Water Pollution Control Plant from 0.230 to 0.350.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0115030651(1)	Lincoln University 1570 Baltimore Pike Lincoln University, PA 19352	Chester	Lower Oxford Township	McDonald Run HQ, TSF, MF
PAI011503071	Toll Brothers, Inc./Orleans Homebuilders, Inc. 325 Fellowship Road Chester Springs, PA 19425	Chester	West Vincent Township	Pickering Creek HQ
PAI011504055	Devault Foods, Inc. 1 Devault Lane Devault, PA 19432	Chester	Charlestown Township	UNT Valley Creek EV
PAI011505021	D'Agostino Builders, Inc. 319 East Conestoga Road Wayne, PA 19087	Chester	West Pikeland Township	Pine Creek HQ, TSF
PAI011506012	Charlestown Township P. O. Box 507 4030 Whitehorse Road Devault, PA 19432	Chester	Charlestown Township	Pigeon Creek HQ, TSF
PAI011507013	Robert and Mary Ellen Joos 18 Tiptonbrooke Lane Malvern, PA 19355	Chester	Charlestown Township	Pickering Creek HQ
PAI011506002	Division of Aviation Philadelphia International Airport Terminal E Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Mingo Creek and Delaware River WWF



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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026405008(1)	United States Army Corps of Engineers Philadelphia District 100 Penn Square East Wanamaker Building Philadelphia, PA 19107	Wayne	Prompton Borough	West Branch Lackawaxen River HQ-CWF—TSF, MF

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

*Somerset County Conservation District, Somerset County Agriculture Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055606005	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310	Somerset	Allegheny Township	UNT Wolf Camp Run HQ-CWF

*Westmoreland County Conservation District, Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (714) 837-1560.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056506004	Bulltown Assoc., Inc. 772 Pine Valley Drive Pittsburgh, PA 15239	Westmoreland	Murrysville	Tributary to Haymakers Run HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062407001	United States Army Corps of Engineers Baltimore District	Elk	Benezette Township	Dents Run HQ-CWF

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

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

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

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

## NOTICES

2871

*General Permit Type—PAG-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Schuylkill Township Chester County	PAG2001507012	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Pickering Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001507010	Chester County Department of Parks and Recreation 601 Westtown Road Suite 160 West Chester, PA 19380-0990	Valley Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Chester Delaware County	PAG2002306028	Chester Economic Development Authority 511 Welsh Street Chester, PA 19016	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002307005	Brandywine Suites Associates c/o Roger Altemose 2930 Bergey Road Suite D Hatfield, PA 19440	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Township Delaware County	PAG2002306050	Jeffrey M. Nielson 1725 Walnut Green Road Wilmington, DE 14907	Brandywine Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004607010	Upper Moreland Parks and Recreation Department 117 Park Avenue Willow Grove, PA 19090	UNT Pennypack Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004607043	Nand Todi 424 Gwynedd Valley Drive P. O. Box 3 Gwynedd Valley, PA 19437	Twewellyn Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004607037	Montgomery Township 1001 Stump Road Montgomeryville, PA 18936	UNT Little Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004607033	Simon Property Group 225 West Washington Street Indianapolis, IN 46204	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004606083	Arun Savani 115 Jonathan Drive North Wales, PA 19454	UNT Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004606019	Upper Providence Township 1286 Black Rock Road P. O. Box 406 Oaks, PA 19445	UNT Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG20046051101	Ira Saligman 200 Chamounix Road Suite 103 Wayne, PA 19087	UNT West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004607018	Telford Borough 122 Penn Avenue Telford, PA 18960	Indian Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Hanover Township Montgomery County	PAG2004607049	Upper Hanover Township 1704 Pilsbury Road East Greenville, PA 18041	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004607054	Colorcon, Inc. 415 Moyer Boulevard P. O. Box 24 West Point, PA 19486	UNT West Branch Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004607040	The Haverford School 450 Lancaster Avenue Haverford, PA 19041	UNT Cobbs Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004607057	Sunnybrook Golf Club 398 Stenton Avenue Plymouth Meeting, PA 19462	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG2004607077	Lower Pottsgrove Township 2199 Buchert Road Pottstown, PA 19464	Sanatoga Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004607065	Settlement Music School P. O. Box 63966 Philadelphia, PA 19147	Pennypack Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG20046051051	Buchert Ridge Community, Inc. 2461 East High Street Pottstown, PA 19464	Sprogels Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004606172	Wurzco Partnership 4753 Frost Lane Doylestown, PA 18901	UNT West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Green Lane Borough Montgomery County	PAG2004606194	Montgomery County Planning Commission One Montgomery Plaza Suite 201 Norristown, PA 19404	Perkiomen Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004607014	Spring Ford Area School District 199 Bechtel Road Collegeville, PA 19426	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004607059	D & D Associates 481 Crossfield Road King of Prussia, PA 19406	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004607091	Gorski Engineering 1 Iron Bridge Drive Collegeville, PA 19426	Schoolhouse Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105073	Sloan Automotive Group 527 North Easton Road Glenside, PA 19034	Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106080	Rite Aid Corporation of Pennsylvania 1170 Bustleton Avenue Philadelphia, PA 19116	Delaware River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107021	Philadelphia Housing Authority 12 South 23rd Street Philadelphia, PA 19103	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wilkes-Barre Township Wilkes-Barre City Luzerne County	PAG20040070061	Dan Pieretti 289 Pine Street Larksville, PA 18651	Tributary to Spring Run CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Delano Township Schuylkill County	PAG2005407003	Delano Associates 21 Schultz Drive P. O. Box 220 Majic Ind. Park Delano, PA 18220-0220	North Mahanoy Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Rice Township Luzerne County	PAG20040050091	Matt McGowan Presidential Land Co. 444 West Centre Street Mahanoy City, PA 17948	Big Wapwallopen Creek CWF Little Wapwallopen Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Washington Township Franklin County	PAG2002807014	Bayside Homes Antonia Mourtil 574 Middleneck Road Great Neck, NY 11023	UNT to Waynesboro Reservoir CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Greene Township Franklin County	PAG2002807003	Green Acres Lance Kegerreis 2402 Philadelphia Avenue Chambersburg, PA 17201	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Antrim Township Franklin County	PAG200206067	Pleasant Walk Estates Greg McGee Oliver Homes 19733 Leitersburg Pike Hagerstown, MD 21742	Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Washington Township Franklin County	PAG2002806072	Hunter's Ridge 1625 East Main Street Waynesboro, PA 17260	East Branch of Antietam Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Southampton Township Franklin County	PAG2002807015	Dirk Baumgarder 26 Truck Techway Shippensburg, PA 17257	Rowe Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Guilford Township Franklin County	PAG2002806084	David Murphy 184 Lake Meade Drive East Berlin, PA 17316	Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Chambersburg Borough Franklin County	PAR10M273R	Shanri Holdings Alton Brown, III 917 Western America Circle Suite 503 Mobile, AL 36609-4110	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Silver Spring Township Cumberland County	PAG200210020	CVS & Turkey Hill Summit Realty Advisors John Zaharchuk 8 Devenshires Court Blue Bell, PA 19422	Hogestown Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Union Township Berks County	PAR10C3871	Larry Byrne Heritage Building Group 2500 York Road Jamison, PA 18929	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Hampden Township Cumberland County	PAR10H291R	Smith Land & Improvement Corp. Wentworth Estates 2010 State Road Camp Hill, PA 17011	UNT Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
South Heidelberg Lower Heidelberg Heidelberg Townships Berks County	PAG2000607010	Larry Byrne Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Manor Creek Spring Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bedford Township Bedford County	PAG20005070011	Department of Transportation Engineering District 9-0 Walter Tomassetti	UNT to Raystown Branch Juniata River WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900
Freedom and Blair Townships Blair County	PAG2000707015	Zane Helsel Excavating 255 Puzzletown Road Duncansville, PA	Poplar Run CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
PA Route 274 1 mile west of New Bloomfield Centre Township Perry County	PAG2035007006	John Adams 30 Adams Lane New Bloomfield, PA 17068	Little Juniata Creek CWF	Perry County Conservation Dist. 31 West Main Street P. O. Box 36 New Bloomfield, PA 17068
Centre County Taylor Township	PAG2001407007	Mike Sulesky—Liner Borrow Waste Site New Enterprise Stone & Lime Co. P. O. Box 77 New Enterprise, PA 16664	UNT to Bald Eagle Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Fairfield Township	PAG2004107007	Dr. Anthony Harlacher 216 Woodland Court Montoursville, PA 17754	Bennett's Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Armstrong County South Bethlehem Borough Armstrong County New Bethlehem Borough Clarion County	PAG2000307003	Redbank Valley Municipal Authority 243 Broad Street New Bethlehem, PA 16242	Redbank Creek TSF	Armstrong County CD (714) 548-3425
Indiana County Burrell Township	PAG2003207005	Russell Bonarrigo Bonarrigo Enterprises P. O. Box 97 Blairsville, PA 15717	UNT Conemaugh River CWF	Indiana County CD (714) 463-8547

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington County Houston Borough	PAG2006307020	Canon-Mac Metals P. O. Box 985 McMurray, PA 15317	Tributaries to Chartiers Creek WWF	Washington County CD (714) 228-6774
Mercer County Greenville Borough	PAG2004307001	Craig Rippole Greenville Commercial Properties, LP One Atlantic Avenue Pittsburgh, PA 15202	Little Shenango River TSF	Mercer Conservation District (714) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Chartiers Township Washington County	PAR506106	Arden Landfill, Inc. 625 Cherrington Parkway Moon Township, PA 15108	Outfall 001 and 003, Chartiers Creek. Outfall 004, UNT to Georges Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset Township Somerset County	PAR206132	Somerset Foundry & Machine Company 809—831 South Edgewood Avenue Somerset, PA 15501	East Branch of Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Barkeyville Borough Venango County	PAR708324	Glenn O. Hawbaker, Inc. Glenn O. Hawbaker—Harrisville Asphalt Plant 711 East College Avenue Bellefonte, PA 16823	UNT to the North Branch Slippery Rock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Butler Township Butler County	PAR238301	Air Products & Chemicals, Inc. 7201 Hamilton Boulevard A11B1 Allentown, PA 18195	UNT to Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAR208317	Hodge Foundry, Inc. Hodge Foundry 42 Leech Road P. O. Box 550 Greenville, PA 16125	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Farmington Township Warren County	PAG049344	Dorothy A. McLain and Alan L. Yelvington R. D. 2 Box 2159 Russell, PA 16345	UNT to Fairbanks Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG049331	Mark J. Murphy 837 Irvin Avenue Meadville, PA 16335	UNT to French Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Keating Township McKean County	PAG049338	Alvin L. and Denise M. Cochran 5885 Nichols Run Road Limestone, NY 14753	North Branch of Cole Creek 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Gwynedd Township Montgomery County	PAG050079	Sunoco, Inc. 350 Eagleview Boulevard Suite 300 Exton, PA 19341	Wissahickon Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Dauphin County West Hanover Township	PAG053584	Ray and Ruthann Funck Funck's Manada Hill Mobile 1805 North Route 934 Annville, PA 17003	Manada Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-10**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Bradford McKean County	PAG108308	American Refining Group 77 North Kendall Avenue Bradford, PA 16701	Tunungwant Creek 16-C	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>	
Lancaster County Warwick Township	PAG123602	Elvin Hurst Elvin Hurst Poultry Farm 61 Clay Road Lititz, PA 17543	7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 0606515, Minor Amendment, Public Water Supply.**

Applicant	<b>Washington Inn</b>
Municipality	Washington Township
County	<b>Berks</b>
Type of Facility	Addition of arsenic treatment at Washington Inn
Consulting Engineer	George W. Ruby, P. E. Ruby Engineering 3605 Island Club Drive North Port, FL 34288-6611
Permit to Construct Issued:	June 1, 2007

**Permit No. 2806510 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>South Mountain Restoration Center</b>
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Municipality	Quincy Township	Permit to Construct Issued:	June 11, 2007
County	<b>Franklin</b>		
Type of Facility	Construction of a new 500,000 gallon storage tank, demolition of the existing storage tank and replacement of the existing distribution system.	<b>Permit No. 3606522 MA, Minor Amendment,</b> Public Water Supply.	
Consulting Engineer	Paul Gross, P. E. Buchart Horn, Inc. 445 West Philadelphia Street York, PA 17405 7040	Applicant	<b>Northwestern Lancaster County Authority</b>
Permit to Construct Issued:	April 23, 2007	Municipality	Penn Township
		County	<b>Lancaster</b>
		Type of Facility	Installation of a new 275 gpm well pump and 100 feet of 24-inch water line.
		Consulting Engineer	Mark L. Homan, P. E. Becker Engineering, LLC 111 Millersville Road Lancaster, PA 17603
<b>Permit No. 0107507 MA, Minor Amendment,</b> Public Water Supply.		Permit to Construct Issued:	May 25, 2007
Applicant	<b>Anchor Estates/Goldenville Estates MHP</b>	<b>Permit No. 2807501 MA, Minor Amendment,</b> Public Water Supply.	
Municipality	Butler Township	Applicant	<b>Bear Valley Franklin County Pennsylvania Joint Authority</b>
County	<b>Adams</b>	Municipality	Hamilton Township
Type of Facility	Modifications to the an existing construction permit changing chlorine contact tanks and finished water storage tanks.	County	<b>Franklin</b>
Consulting Engineer	Terrace L. Kline, P. E. Kline Engineering, PC 449 Cameron Street Marysville, PA 17053	Type of Facility	Repainting of the existing permitted 575,000 gallon South Hamilton Tank.
Permit to Construct Issued:	June 11, 2007	Consulting Engineer	David R. Knapton, P. E. Gannett Fleming, Inc. 601 Holiday Drive Pittsburgh, PA 15220
<b>Permit No. 0605509,</b> Public Water Supply.		Permit to Construct Issued:	April 18, 2007
Applicant	<b>Superior Water Company, Inc.</b>	<b>Permit No. 2207505 MA, Minor Amendment,</b> Public Water Supply.	
Municipality	Washington Township	Applicant	<b>United Water Pennsylvania</b>
County	<b>Berks</b>	Municipality	Susquehanna Township
Type of Facility	Addition of West Tract Water System which consists of four wells to supply 786 residences, 19 offices, 32 retail and 13 commercial units.	County	<b>Dauphin</b>
Consulting Engineer	Stanley J. Endlich, P. E. EDM Consultants, Inc. 1101 South Broad Street P. O. Box 127 Lansdale, PA 19446	Type of Facility	Rehabilitation of 6th Street filter Nos. 6 and 7. Replacement of underdrain, filter media and painting of the filter.
Permit to Construct Issued:	June 11, 2007	Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
<b>Permit No. 0606507,</b> Public Water Supply.		Permit to Construct Issued:	June 11, 2007
Applicant	<b>Shillington Municipal Authority</b>	<b>Permit No. 0607512 MA, Minor Amendment,</b> Public Water Supply.	
Municipality	Mohnton Borough	Applicant	<b>Western Berks Water Authority</b>
County	<b>Berks</b>	Municipality	Lower Heidelberg Township
Type of Facility	Installation of a booster pump station to allow system to fill an existing finished water storage tank to capacity.	County	<b>Berks</b>
Consulting Engineer	Darryl A. Jenkins, P. E. Great Valley Consultants 75 Commerce Drive Wyomissing, PA 19610	Type of Facility	Replacement of High Service Pump No. 3 with one of less capacity; and removal of High Service Pump No. 5.



Consulting Engineer James C. Elliot, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct June 4, 2007  
Issued:

**Operations Permit issued to Bernville Borough Authority**, 3060085, Bernville Borough, **Berks County** on June 11, 2007, for the operation of facilities approved under Construction Permit No. 0604520.

**Operations Permit issued to Valley Run Water System**, 3060135, Washington Township, **Berks County** on June 8, 2007, for the operation of facilities approved under Construction Permit No. 0605507.

**Operations Permit issued to Maiden creek Township Authority**, 3060012, Maiden creek Township, **Berks County** on June 11, 2007, for the operation of facilities approved under Construction Permit No. 0605518.

**Operations Permit issued to United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on May 25, 2007, for the operation of facilities approved under Construction Permit No. 2206501.

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

**Permit No. MA-5984503—Operation**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Mansfield**  
Township or Borough Mansfield Borough  
County **Tioga**  
Responsible Official Ronald Weed  
Municipal Authority of the  
Borough of Mansfield  
19 East Wellsboro Street  
Mansfield, PA 16933  
Type of Facility Public Water Supply—Operation  
Consulting Engineer Kirt L. Ervin, P. E.  
US Engineering, LLC  
75 Jardin Circle  
Highland, IL 62249  
Permit Issued Date June 5, 2007  
Description of Action Operation of the 500,000 gallon  
Fourth Street tank.

**Permit No. M. A.—1989501—Construction**, Public Water Supply.

Applicant **Pleasant View Mobile Home Park**  
Township or Borough North Centre Township  
County **Columbia**  
Responsible Official Martin Mancini  
ARC 1  
Mark Lane  
Honeybrook, PA 19344  
Type of Facility Public Water  
Supply—Construction

Consulting Engineer Brent Cowan  
CSC Technology, Inc.  
170 Netherwood Drive  
Coatesville, PA 19320

Permit Issued Date June 5, 2007

Description of Action Ion exchange unit with  
Absorbisia™ media for arsenic  
removal.

**Permit No. M. A.—667W008-T2—Operation**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
Township or Borough Milton Borough  
County **Northumberland**  
Responsible Official Dave R. Kaufman  
Pennsylvania American Water  
Company  
800 West Hersheypark Drive  
Hershey, PA 17033  
Type of Facility Public Water Supply—Operation  
Consulting Engineer Scott M. Thomas, P. E.  
Pennsylvania American Water  
Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
Permit Issued Date June 8, 2007  
Description of Action Operation of the recently  
rehabilitated 650,000 gallon  
Clarifier/Flocculator No. 2 at the  
Milton Filter Plant.

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

**Permit No. 0486501 MA, Minor Amendment**, Public Water Supply.

Applicant **D'Atri, Inc., Knob Vue Estates Mobile Home Park**  
320 Sunset Drive  
Baden, PA 15005  
Borough or Township New Sewickley Township  
County **Beaver**  
Type of Facility Mobile Home Park  
Consulting Engineer Shoup Engineering, Inc.  
329 Summerfield Drive  
Baden, PA 15005  
Permit to Construct June 6, 2007  
Issued

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

**Permit No. 250606502**, Public Water Supply.

Applicant **Summit Township Water Authority**  
Township or Borough Summit Township  
County **Erie County**  
Type of Facility Public Water Supply  
Permit to Construct June 8, 2007  
Issued

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:* Weisenberg Elementary School

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Weisenberg Township	2175 Seipstown Road Fogelsville, PA 18051-2022	Lehigh

*Plan Description:* The approved plan provides for the expansion of the existing Weisenberg Elementary School of the Northwestern Lehigh School District. The existing school is located on a 17.7 acre tract and was built to accommodate 520 students, teachers and staff. The expansion to the school will allow the school population to increase to 790 by the 2009 school year.

A wastewater treatment plant with a permitted stream discharge of 3,380 gpd currently serves the school. The proposed 8,000 gpd of sewage flows resulting from the expansion to the school will be collected and conveyed to the Arcadia West Industrial Park Wastewater Treatment Plant by means of an existing sanitary manhole located across Golden Key Road from the school.

Lehigh County Authority (LCA) owns, operates and maintains the Arcadia West Industrial Park sanitary facilities. LCA is expanding the existing treatment capacity at the industrial park from 12,000 gpd to 40,000 gpd. This expansion is being accomplished under a separate Planning Module submission by HRG Engineering, Inc. on behalf of its client, West Hill Partners, LP. The new LCA Wastewater Plant is scheduled to begin operations in August of 2009.

The elementary school will continue to use its onsite treatment facility during the school expansion project. If the Arcadia Treatment Facility is not operational by the time the school project is completed in September of 2009, the school district will delay bringing the additional students to the school until the LCA plant becomes operational. After the school is connected to the new LCA Wastewater Plant, it will eliminate its existing 3,380 gpd onsite treatment facility.

It will be the responsibility of all parties affected by the construction of the expanded LCA Treatment Plant to monitor the progress of the implementation schedule that was submitted by HRG Engineering, Inc. on behalf of West Hill Partners, LP. Weisenberg Township and Lehigh County Authority reviewed and concurred with the implementation schedule.

The proposed development is located on Golden Key Road, Weisenberg Township, Lehigh County.

Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lititz Borough	7 South Broad Street Lititz, PA 17543	Lancaster

*Plan Description:* The approved plan provides for an upgrade of the Lititz Sewer Authority WWTP to address nutrient reduction requirements imposed by the Chesapeake Bay Tributary Strategy. The chosen alternative for the upgrade includes a five-stage BNR process, side stream phosphorous removal, tertiary filtration, UV disinfection and augmented aerobic digestion with a sludge-dryer to produce Class A biosolids. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

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

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

The Department has received the following plans and reports:

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

**Dober Facility UST Closure Project**, Hazle Township, **Luzerne County**. Jon P. Kleinle, Barry Isett & Associates, Inc., 100 West Broad Street, Hazleton, PA 18201 has submitted a Final Report (on behalf of his client, CAN DO, Inc., 1 South Church Street, Hazleton, PA 18201) concerning the remediation of site soils found to have been impacted by No. 2 Fuel Oil as a result of historic overfills and/or accidental spillage from an underground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in the *Standard Speaker* on May 26, 2007.

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

**Former Garber Motor Company**, Elizabethtown Borough, **Lancaster County**. Groundwater Sciences Corporation, 2601 Market Street Place, Room 6, Harrisburg, PA 17110, on behalf of Garber Motor Company, P. O. Box 308, Elizabethtown, PA 17022-0308, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons from underground storage tanks removed in 1992. The report is intended to document remediation of the site to the Site-Specific and Statewide Health Standard.

**Metso Minerals Industries, Inc.**, Spring Garden Township, **York County**. CDM, Inc., Raritan Plaza I, Raritan Center, Edison, NJ 08818, on behalf of Cresticon, Inc., 1840 Century City Park East, Los Angeles, CA 90067-2199 and Metso Minerals Industries, Inc., 240 Arch Street, P. O. Box 15312, York, PA 17405, submitted a Final Report concerning remediation of site soils contaminated with lead and cadmium. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

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

**Tom's Citgo**, Valley Township, **Montour County**. Ralph G. Schaar, 300 Claremont Drive, Lansdale, PA 19446 on behalf of Thomas Lyons, 25 Spring Lane, Drums, PA 18222 has submitted a combined Remedial Investigation Report, Cleanup Plan and Final Report concerning remediation of site soil contaminated with hydrocarbon concentrations. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**RLE Trucking**, Turbot Township, **Northumberland County**, Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of RLE Trucking, 239 North 5th Street, Lebanon, PA 17046 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel along PA Route 147, 1/4 mile south of the Interstate 80 interchange. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rothermel Property**, Monroe Township, **Snyder County**. Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 on behalf of Robert Rothermel, Country Side Village Unit 8B, Selinsgrove, PA 17870 has submitted a Final Report concerning remediation of site

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

**Red Rock Job Corps.**, Cherry Township, **Sullivan County**, Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Red Rock Job Corps, P. O. Box 218, Route 487, Lopez, PA has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Metal Powder Products Company**, St. Marys Borough, **Elk County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Metal Powder Products, 879 Washington Street, St. Marys, PA 15857, has submitted a Revised Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, TCE and TCA, vinyl chloride, DCE and DCA. The revised report is intended to document remediation of the site to meet the Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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**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).**

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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.*

**Suburban Propane**, Emmaus Township, **Lehigh County**. Tom Voss, Viron Consulting Group, LLC, 88 South Finley Avenue, P. O. Box 508, Basking Ridge, NJ 07920 has submitted a Final Report (on behalf of his client, Suburban Propane, LP, P. O. Box 206, 240 Route 10, West Whippany, NJ 07981) concerning the remediation of soils impacted by the historical operations of a propane/petroleum/manufactured gas plant. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on June 4, 2007.

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

**Alice Demey Elementary School**, Borough of Middletown, **Dauphin County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of Middletown Area School District, c/o Elizabeth A. Reister, Esquire, Solicitor, Kegel Kelin Almy & Grimm, LLP, 24 North Lime Street, Lancaster, PA 17602, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil from removed underground storage tanks. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on June 1, 2007.

**Misco Products Corporation**, Bern Township, **Berks County**. Elk Environmental Services, 1420 Clarion Street, Reading, PA 19601, on behalf of Misco Products Corporation, 1048 Stinson Drive, Reading, PA 19605-9440, submitted a Final Report concerning the remediation of site soils contaminated with ethylene glycol. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on June 4, 2007.

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

**Dominion Transmission—Ellisburg Compressor Station**, Genesee Township, **Potter County**. Has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on June 5, 2007.

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

**Carbone of America Ind. Graphite Materials Div.**, City of St. Marys, **Elk County**. Hydrosystems Management, Inc., P. O. Box 789, Washington, PA 15301-0789 on behalf of Carbone of America Ind. Corp., 215 Stackpole Street, Suite 1, St. Marys, PA 15857 has submitted a Revised Remedial Investigation Report and Final Report concerning remediation of site soil contaminated with Acenaphthene, Acetone, Anthracene, Antimony, Arsenic, Benzene, Beryllium, Cadmium, Carbon Disulfide, Chlorobenzene, Chloroform, Chromium (III), Chrysene, Copper, Dichloroethane 1,2-, Dichloroethylene 1,1-, Dichloroethylene CIS-1,2-, Dichloroethylene TRANS-1,2-, Dichloropropene 1,3-, Ethyl Benzene, Fluoranthene, Fluorene, Lead, Mercury, Methyl Ethyl Ketone, Naphthalene, Nickel, PCB-1260 (Aroclor), Phenanthrene, Pyrene, Silver, Tetrachloroethylene (PCE), Toluene, Trichloroethane 1,1,1-, Trichloroethane 1,1,2-, Trichloroethylene (TCE), Vinyl Chloride, Xylenes (Total), Zinc and Compounds and site groundwater contaminated with Acetone, Arsenic, Barium and compounds, Benzene, Beryllium, Bromodichloromethane, Bromomethane, Cadmium, Carbon Disulfide, Chloroform, Copper, Dichloroethane 1,1-, Dichloroethane 1,2-, Dichloroethylene 1,1-, Dichloroethylene CIS-1,2-, Dichloromethane (Methylene Chloride), Dichloropropane 1,2-, Diethyl Phthalate, Iron, Lead, Manganese, Methyl Chloride, Methyl Isobutyl Ketone, Nickel, Pentachlorophenol, Pyrene, Silver, Tetrachloroethylene (PCE), Toluene, Tribromomethane (Bromoform), Trichloroethane 1,1,1-, Trichloroethane 1,1,2-, Trichloroethylene (TCE), Vinyl Chloride, Xylenes (Total), Zinc and Compounds and other compounds not on the Statewide Health Standard list. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

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

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

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

**Permit No. 300717. Pine Hill Inc.**, P. O. Box 62, Blossburg, PA 16912-0062, located in Ward Township, **Tioga County**. The permit renewal was issued by the Williamsport Regional Office on May 19, 2007.

Persons interested in reviewing the permit should contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permit No. 301197. Reliant Energy Northeast Management Co.**, Shawville Generating Station, P. O. Box F, Routes 879 and 970, Shawville, PA 16873. Located in Bradford Township, **Clearfield County**. The permit renewal was issued by the Williamsport Regional Office on June 5, 2007.

Persons interested in reviewing the permit should contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 100172. Arden Landfill, Inc.,** 200 Rangos Lane, Washington, PA 15301. Operation of a municipal waste landfill in Chartiers Township, **Washington County**. Application withdrawn in the Regional Office on June 7, 2007.

## AIR QUALITY

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

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

**09-0152A: Gelest, Inc.** (11 East Steel Road, Morrisville, PA 19067) on June 6, 2007, to operate scrubber parameters in Falls Township, **Bucks County**.

**46-0026D: Global Packaging, Inc.** (Brower and Montgomery Avenues, Oaks, PA 19456) on June 6, 2007, to operate a flexographic printing press in Upper Providence Township, **Montgomery County**.

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

**21-05049B: Pennsy Supply, Inc.** (1 Clear Spring Road, Annville, PA 17003) on June 8, 2007, to install a limestone crushing plant at the company's Penn Township Quarry in Penn Township, **Cumberland County**.

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

**63-00027B: Jessop Steel, LLC** (100 River Road, Brackenridge, PA 15014) on June 4, 2007, to issue a Plan Approval (PA-63-00027B) for installation of one Anneal and one Charge-Fire furnace at their Jessop Steel Washington facility, in **Washington County** as described in their application to the Department received on January 16, 2007. The Jessop Steel facility is part of Allegheny Ludlum's Plate Product Division and is considered a finishing mill. Operations at this facility include rolling, annealing, pickling, plasma arc cutting, shearing, abrasive cutting and machining. Combined, these furnaces are expected to increase NO<sub>x</sub>, CO and VOC emissions by 17.2, 12.8 and 2.8 tpy, respectively.

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

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

**15-0004F: Alcoa Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) on June 5, 2007, to operate a replacement of unwind stand in Downingtown Borough, **Chester County**.

**09-0061: Donaldson Co., Inc.—d/b/a Tetratex** (85 Railroad Drive, Ivyland, PA 18974) on June 5, 2007, to operate an extrusion line in Northampton Township, **Bucks County**.

**46-0221: Upper Moreland Hatboro Joint Sewer Authority** (P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090) on June 5, 2007, to operate a Tri-Mer odor scrubber in Upper Moreland Township, **Montgomery County**.

**09-0186: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on June 6, 2007, to operate a bulk product handling in Falls Township, **Bucks County**.

**23-0038B: DELCORA** (100 East Fifth Street, P. O. Box 999, Chester, PA 19016) on June 6, 2007, to operate a venturi scrubber in City of Chester, **Delaware County**.

**09-0117B: Heucotech Ltd.** (99 Newbold Road, Fairless Hills, PA 19030) on June 6, 2007, to operate a pigment mixing operations in Falls Township, **Bucks County**.

**15-0015C: Sartomer Co.** (502 Thomas Jones Way, Exton, PA 19341) on June 7, 2007, to operate a control device in West Chester Borough, **Chester County**.

**46-0005Z: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on June 8, 2007, to operate a stream injection on boiler No. 10 in Upper Gwynedd Township, **Montgomery County**.

**46-0013A: Hatfield Quality Meats Inc.—sub Clemens** (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440) on June 8, 2007, to operate a 49 mmBtu/hr heat input boiler in Hatfield Township, **Montgomery County**.

**15-0010B: ISG Plate, LLC** (139 Modena Road, Coatesville, PA 19320) on June 11, 2007, to operate a new fabric collector in City of Coatesville, **Chester County**.

**15-0094A: Metallurgical Products Co.** (P. O. Box 598, West Chester, PA 19381-0598) on June 11, 2007, to operate a new efficiency fiber bed filter in West Goshen Township, **Chester County**.

**46-0167: Parkhouse** (1600 Black Rock Road, Upper Providence, PA 19468) on June 11, 2007, to operate two boilers/No. 2 fuel oil in Upper Providence Township, **Montgomery County**.

**46-0035D: SmithKline Beecham—d/b/a Glaxo-SmithKline** (709 Swedeland Road, King of Prussia, PA 19406) on June 11, 2007, to operate an incinerator in Upper Merion Township, **Montgomery County**.

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

**67-05004I: P. H. Glatfelter** (228 South Main Street, Spring Grove, PA 17362) on June 7, 2007, to install a fluidized bed scrubber on the Fluo-Solids Calciner in Spring Grove Borough, **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.*

**14-00014C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on June 6, 2007, to operate a portable stone crushing and screening plant

and associated diesel engine, a portable stone screening plant and associated diesel engine and an aggregate bin on a temporary basis and to construct a second aggregate bin and two associated conveyors, a dust storage silo, a telescopic loadout spout and pug mill, a railcar aggregate unloading operation and a recycled/reprocessed oil and liquid asphalt storage operation, until October 4, 2007, in Spring Township, **Centre County**. The plan approval has been extended.

**08-00012A: Cargill Meat Solutions Corp.** (P. O. Box 188, Wyalusing, PA 18853) on June 8, 2007, to operate a 41.84 million Btu/hr natural gas, No. 2 fuel oil, tallow and biogas-fired boiler and a biogas flare on a temporary basis until October 6, 2007, in Wyalusing Township, **Bradford County**. The plan approval has been extended.

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

**32-00040B: Reliant Energy Seward, LLC** (121 Champion Way, Canonsburg, PA 15317) on June 11, 2007, to construct a net nominal 521 MW electric generating facility to replace the existing 200 MW Seward Station in East Wheatfield Township, **Indiana County**. Reliant Energy is seeking to modify this Plan Approval to specify the PM10 test method and to account for one ton of PM10 emissions from the Bed Ash Transport System that was recently (August 21, 2006) exempted from Plan Approval. The following changes will be made to Plan Approval 32-00040B:

The following sentence has been added to Plan Approval Special Condition No. 13: PM10 emissions shall be determined in accordance with RM 201A or alternative as approved by the Department and consist of filterable particulate only.

The table in Condition No. 14 will be modified to reflect the change in the facility PM10 emissions from 310 tpy to 311 tpy.

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

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

**46-00078: G-Seven Ltd.** (2289 North Penn Road, Hatfield, PA 19440) on June 7, 2007, This action is a renewal of the Title V Operating Permit in Hatfield Township, **Montgomery County**. The initial permit was issued on September 28, 2001. G-Seven Ltd. is a wood office furniture manufacturing facility. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**09-00122: Arkema, Inc.—Altuglas International Bristol Plant** (100 PA Route 413, Bristol Township, Bucks County, PA 19007) on June 7, 2007, for a Title V Operating Permit at their facility in Bristol Township, **Bucks County**. The facility is a diverse chemical manufacturing plant that specializes in various continuous and

batch-type polymerization reactions processes that produce acrylic molding resins that are used as raw material in a variety of applications. As a result of potential emissions of VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

**09-00037: CMS Gilbreth Packaging Systems** (3001 State Road, Croydon, PA 19021) on June 8, 2007, for renewal/administrative amendment of the Title V Operating Permit in Bristol Township, **Bucks County**. The initial permit was issued on January 18, 2001. The proposed permit is being administratively amended to formally incorporate conditions from the previously issued Plan Approval Nos. 09-0037B, 09-0037C and 09-0037D and to incorporate conditions from Plan Approval No. 09-0037E for the installation of an automated parts washer that uses n-propyl acetate as the cleaning solvent. The facility is a primary producer of pressure sensitive labels that results in the emission of VOCs and NOx. As a result of potential emissions of VOCs the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**46-00011: ISG Plate, LLC** (900 Conshohocken Road, Conshohocken, PA 19341) on June 8, 2007, for renewal of their Title V Operating Permit in Plymouth Township, **Montgomery County**. The initial permit was issued on July 5, 2001. The facility is a manufacturing facility that conditions steel slabs and plates by heat treatment processes. As a result of potential emissions of VOCs the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**11-00034: Johnstown Specialty Castings, Inc.** (545 Central Avenue, Johnstown City, PA) on May 30, 2007, to continue operation of their Johnstown Foundry in Johnstown City, **Cambria County**. The facility has the potential to emit VOC, CO and PM at levels exceeding major limits as defined by 25 Pa. Code. This is a Title V Facility.

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

**V06-013: Exelon Generating Co.—Delaware Station** (1325 North Beach Street, Philadelphia, PA 19125) on June 11, 2007, to operate an electric generating facility in City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 233 mmBtu/hr combustion turbines and one 284 mmBtu/hr combustion turbine.

**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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00007: Holy Redeemer Hospital and Medical Center** (1648 Huntingdon Pike, Meadowbrook, PA 19047) on June 6, 2007, for a non-Title V, State-only, Synthetic Minor Operating Permit in Abington Township, **Montgomery County**. This operating permit is for three boilers and two emergency generators that are located on the facility grounds. The main emissions from the facility are NOx, and the facility has a limit of 25 tons of NOx emissions per year. Monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

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

**06-03094: K and L Woodworking, Inc.** (440 North 4th Street, Reading, PA 19601-2847) on June 8, 2007, to operate a wood working facility in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit.

**36-05149: Burle Business Park, LP** (1004 New Holland Avenue, Lancaster, PA 17601) on June 4, 2007, to operate four facility boilers at the Business Park in the City of Lancaster, **Lancaster County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain emission restrictions, fuel restrictions, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**56-00102: Penn Carbose, Inc.** (100 Burgess Street, Somerset, PA 15501) on May 31, 2007, to operate a sodium carboxymethyl cellulose manufacturing facility in Somerset Borough, **Somerset County**.

**65-00792: AMI Doduco Inc.** (1003 Corporate Drive, Corporate Park, Export, PA 15632) on May 25, 2007, to operate an electrical contacts manufacturing and assembling facility in Murrysville Borough, **Westmoreland County**.

**32-00368: TJS Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774) on June 6, 2007, for a State-only operating permit to operate the Mine No. 5 Coal Preparation Plant in South Bend Township, **Armstrong County**.

**65-00028: Lehig Specialty Melting, Inc.** (107 Gertrude Avenue, Latrobe, PA 15650) on May 23, 2007, to operate three main shops: Melt Shop, Forge Shop and Heat Treat Shop. The facility took a limitation on natural

gas consumption, fuel oil usage and quantity of steel produced at their facility approximately 40 miles east of Pittsburgh in Latrobe Borough, **Westmoreland County**. This is a synthetic minor facility.

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

**25-00558: Products Finishing, Inc.** (2002 Greengarden Road, Erie, PA 16502-2132), on June 5, 2007, to reissue a Natural Minor Operating Permit to operate a chrome plating facility in the City of Erie, **Erie County**. The facility's primary emission sources include 11 chrome electroplating tanks, an acid stripping tank and two natural gas fueled boilers.

**43-00290: Winner Steel, Inc.** (277 North Sharpsville Avenue, Sharon, PA 16146-2153) on June 8, 2007, to issue a Synthetic Minor Operating Permit to operate a hot dip zinc galvanizing facility in the City of Sharon, **Mercer County**. The facility's primary emission sources include three natural gas fueled furnace lines, two emergency diesel generators, a parts washer and miscellaneous natural gas use (facility heating). The requirements of Plan Approval 43-0290B have been incorporated into the permit.

**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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00142: Fluid Energy Processing and Equipment Co.** (461 State Street, East Greenville, PA 18041) on June 5, 2007, a minor modification, in accordance with the requirements of Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462, was made to the permit to change the allowable pressure differential for the dust collector associated with the Coarse Grinding System in East Greenville Borough, **Montgomery County**. The permit was also revised through an administrative amendment to incorporate plan approval PA-46-0142A for the addition of a 6-inch fluid bed dryer, cyclone and dust collector to the facility, in accordance with the requirements of the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include testing, monitoring and recordkeeping requirements designed to keep the facility within all applicable air quality requirements.

**46-00026: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) on June 5, 2007, for operation of two flexographic presses in a total enclosure exhausted to a catalytic oxidizer in Upper Providence Township, **Montgomery County**. This amendment is to address the incorporation of the printing operations previously permitted under plan approval, PA-46-0026C. 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. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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



**06-03069: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422-0465) on June 8, 2007, to operate a nonmetallic mineral crushing plant at their Temple Quarry in Alsace Township, **Berks County**. This operating permit has been administratively amended as a result of the construction of additional equipment. 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

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

**11020201 and NPDES No. PA0249181. Alverda Enterprises, Inc.,** (P. O. Box 245, Alverda, PA 15710), permit renewal for coal refuse reprocessing in Elder Township, **Cambria County**, affecting 16.9 acres. Receiving stream: Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 25, 2007. Permit issued June 5, 2007.

**56060107. Greathouse & Greathouse Enterprises,** (2966 Whistler Road, Stoystown, PA 15563), commencement, operation and restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 29.6 acres. Receiving stream: Higgins Run, a tributary to Quemahoning Creek classified for the following use: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority and Johnstown Water Authority. Application received May 5, 2006. Permit issued June 5, 2007.

**11070102. PA0262293. C.M.T. Energy, Inc.,** (108 South Twigg Street, Box 23, Smokerun, PA 16681), commencement, operation and restoration of a bituminous surface-auger mine in Chest Township, **Cambria County**, affecting 15.2 acres. Receiving streams: unnamed streams No. 1—4 to Chest Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 19, 2007. Permit issued June 1, 2007.

**56960105 and NPDES No. PA0234168. L. K. Mining, Inc.,** (323 Coalyard Road, Rockwood, PA 15557), permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 20.2 acres. Receiving streams: UNT to South Glade Creek classified for the following use: WWF. There are no

potable water supply intakes within 10 miles downstream. Application received April 23, 2007. Permit issued June 1, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (714) 925-5500.*

**03950114 and NPDES Permit No. PA0201928. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in South Bend Township, **Armstrong County**, affecting 221.6 acres. Receiving stream: UNT to Sugar Run. Renewal issued June 1, 2007.

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

**19960101R2 and NPDES Permit No. PA0223719. City of Philadelphia, Trustee,** (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite surface mine, coal refuse reprocessing, coal refuse disposal and coal ash utilization operation in Conyngham, Union and Butler Townships, **Columbia and Schuylkill Counties** affecting 876.0 acres, receiving stream: Mahanoy Creek. Application received June 15, 2006. Renewal issued June 6, 2007.

### Noncoal Permits Actions

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

**14060802. Thomas J., Robert B. and William C. Confer, Jr.** (324 Mill Street Extension, Howard, PA 16841), commencement, operation and restoration of a quarry operation (sandstone) in Burnside Township, **Centre County**, affecting 4.6 acres. Receiving streams: Boake Run, tributary to West Branch of the Susquehanna River. Application received December 19, 2006. Permit issued May 29, 2007.

**17980801. H & H Clearing and Excavating** (R. D. 1, Box 5, DuBois, PA 15801), noncoal mining operation in Sandy Township, **Clearfield County**. Restoration of 5 acres completed. Application received June 5, 2007. Final bond release June 7, 2007.

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

**35070801. Norman G. Wright, Sr.,** (R. R. 2, Box 2341, Factoryville, PA 18419-9636), commencement, operation and restoration of a quarry operation in Greenfield Township, **Lackawanna County** affecting 5.0 acres, receiving stream: none. Application received February 23, 2007. Permit issued June 4, 2007.

**58070819. S. McClain Stone Co., Inc.,** (617 SR 6 West, P. O. Box 585, Tunkhannock, PA 18657-0585), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received March 7, 2007. Permit issued June 4, 2007.

**64070813. Paul R. Gustin,** (P. O. Box 105, Preston Park, PA 18455), commencement, operation and restoration of a quarry operation in Mt. Pleasant Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received March 20, 2007. Permit issued June 4, 2007.



**52070801. David G. Smith**, (4101 Conashaugh Lakes, Milford, PA 18337), commencement, operation and restoration of a quarry operation in Blooming Grove Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received April 5, 2007. Permit issued June 4, 2007.

**58070815. Todd S. Decker**, (HC 31, Box 5B, Harford, PA 18823), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 20, 2007. Permit issued June 6, 2007.

**64070814. Louie J. Stone**, (R. R. 1, Box 116D, Thompson, PA 18465), commencement, operation and restoration of a quarry operation in Starrucca Borough, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received March 23, 2007. Permit issued June 6, 2007.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**56074001. Wampum Hardware Company**, (2856 Stoystown Road, Friedens, PA 15541), blasting activity permit issued for wind power site development in Black and Summit Townships, **Somerset County**. Duration of blasting is 365 days. Permit issued June 4, 2007.

**28074132. David H. Martin Excavating, Inc.**, (4961 Cumberland Highway, Chambersburg, PA 17201-9655), blasting activity permit issued for commercial development in Guilford Township, **Franklin County**. Blasting activity permit end date is November 24, 2008. Permit issued June 1, 2007.

**28074133. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), blasting activity permit issued for pipeline development in Saint Thomas Township, **Franklin County**. Blasting activity permit end date is December 30, 2007. Permit issued June 1, 2007.

**28074133. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), blasting activity permit issued for pipeline development in Peters Township, **Franklin County**. Blasting activity permit end date is December 30, 2007. Permit issued June 1, 2007.

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

**42074002. Catalyst Energy, Inc.** (800 Cranberry Woods Drive, Suite 290, Cranberry Township, PA 16066). Blasting activity permit for the construction of haul roads for gas and oil exploration in Hamilton Township, **McKean County**. Application received June 6, 2007. Permit issued June 7, 2007. Permit expires June 7, 2008.

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

**14074012. Douglas Explosives, Inc.** (664 Graham Station Road, Philipsburg, PA 16866), construction blasting at Nittany Terrace, Lot 30, located in College Township, **Centre County**. Permit issued May 23, 2007. Permit expires May 23, 2008.

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

**35074112. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for United States Department Surface Mine Sewer Project in Olyphant Borough, located in **Lackawanna County**. Expiration date April 30, 2008. Permit issued June 4, 2007.

**54074104. Maurer & Scott Sales, Inc.**, (P. O. Box 20843, Lehigh Valley, PA 18002), construction blasting for CES Landfill Northern Expansion, located in Foster Township, **Schuylkill County**. Expiration date June 1, 2009. Permit issued June 4, 2007.

**54074105. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Eldred Pine Grove Transmission Station, located in Hegins Township, **Schuylkill County**. Expiration date December 31, 2007. Permit issued June 5, 2007.

**36074156. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a single dwelling on Owl Bridge Road, located in Manor Township, **Lancaster County**. Expiration date June 1, 2008. Permit issued June 6, 2007.

**38074110. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Alden Place in Cornwall Borough, located in **Lebanon County**. Expiration date December 30, 2008. Permit issued June 6, 2007.

**45074132. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Prospect Cemetery, located in East Stroudsburg Borough, **Monroe County**. Expiration date June 30, 2007. Permit issued June 6, 2007.

**45074133. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Sanofi Pasteur in Pocono Township, located in **Monroe County**. Expiration date June 5, 2008. Permit issued June 6, 2007.

**48074109. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Cornerstone Townhouses in the City of Easton, located in **Northampton County**. Expiration date May 29, 2008. Permit issued June 6, 2007.

**48074110. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Jacobs Farms in Forks Township, located in **Northampton County**. Expiration date June 4, 2008. Permit issued June 6, 2007.

**67074125. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Hickory Ridge in Conewago Township, located in **York County**. Expiration date May 31, 2008. Permit issued June 6, 2007.

**06074110. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Heritage Mews in Exeter Township, located in **Berks County**. Expiration date June 15, 2008. Permit issued June 7, 2007.

**06074001. Explo-Craft, Inc.,** (P. O. Box 1332, West Chester, PA 19380), construction blasting for the Berkshire Bottling Works, LLC in the City of Reading, located in **Berks County**. Expiration date December 31, 2007. Permit issued June 7, 2007.

**06074111. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Wyomissing Borough Sanitary Sewer Relocation in Wyomissing Borough, located in **Berks County**. Expiration date: June 1, 2008. Permit issued June 8, 2007.

**36074157. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for The Farm at Quarry Road in Manheim Township, located in **Lancaster County**. Expiration date June 1, 2008. Permit issued June 8, 2007.

**36074158. Keystone Blasting Service,** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Earl Township, located in **Lancaster County**. Expiration date July 30, 2008. Permit issued June 8, 2007.

**38074111. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Hilltop Estates in Cornwall Borough, located in **Lebanon County**. Expiration date June 1, 2008. Permit issued June 8, 2007.

**46074113. Allan A. Myers, Inc. d/b/a Independence Construction Materials,** (P. O. Box 98, Worcester, PA 19490), construction blasting for residential development on Hartman Road in Montgomery Township, located in **Montgomery County**. Expiration date June 1, 2008. Permit issued June 8, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E51-218. City of Philadelphia,** Division of Aviation, Philadelphia International Airport, Terminal E, Departures, Philadelphia, PA 19153, City of Philadelphia, **County of Philadelphia**, ACOE Philadelphia District.

To maintain, extend and improve the existing Airport Runway (RW) 17-35 from its current length of 5,460 feet to a new length of 6,500 feet. The extension will occur on both ends: involving a 640-foot extension to the north end of RW 17, situated in the City and County of Philadelphia, authorized under Permit E51-218; and a 400-foot extension to the south end of RW 35 in Tinicum Township, Delaware County, authorized under Permit E23-463. This work is associated with the modification of Taxiways D and E, which also includes the modification/relocation of parking lots, service roads and local roads at the Philadelphia International Airport within the 100-year floodplain of the Delaware River (Philadelphia, PA-NJ Quadrangle N: 15.5 inches; W: 1.3 inches).

Additional water obstruction and encroachment activities at Philadelphia County associated with the Runway 17-35 improvements project under this permit are as follows:

To enclose and maintain 574 linear feet of Church Creek, a tributary of Mingo Creek (WWF), by placing three parallel 120-inch CMP structures, which tie into the existing, enclosed Church Creek stormwater facility. The enclosure is associated with the extension of Taxiways D and E at the northern end of Runway 17-35 and will include the removal of the existing enclosure modified and authorized by Permit E51-192.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

**E23-463. City of Philadelphia,** Division of Aviation, Philadelphia International Airport, Philadelphia, PA 19153, Tinicum Township, **Delaware County**, ACOE Philadelphia District.

To maintain, extend and improve the existing Airport Runway (RW) 17-35 from its current length of 5,460 feet to a new length of 6,500. The extension will occur on both ends: involving a 640-foot extension to the north end of RW 17 situated in the City and County of Philadelphia authorized under permit (E51-218); and a 400-foot extension to the south end of RW 35 in Tinicum Township, Delaware County authorized under (E23-463). This work is associated with the modification of the Taxiways D and E, which also includes the modification/relocation of parking lots, service roads and local roads at the Philadelphia International Airport within the 100-year floodplain of the Delaware River (Philadelphia, PA-NJ, Quadrangle N: 15.5 inches; W: 1.3 inches).

Additional water obstruction and encroachment activities at Delaware County associated with the RW 17-35 improvements project under this permit are as follows:

To construct and maintain 81 linear feet of a 66-inch RCP culvert and 50 linear feet of associated Grading along southeast Pending Ditch, a stormwater conveyance that drains to the Delaware River for the purpose of constructing a service road crossing. The project will require mitigation of potential turtle habitat loss by the placing turtle basking areas and constructing nesting areas.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

**E40-654. CAN DO, Inc.**, One South Church Street, 200 Renaissance Center, Hazleton, PA 18201. Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill and regrade approximately 0.48 acre of PSS wetlands and four pond areas for the purpose of constructing an access road and water main and reclamation of 75 acres of abandoned strip mined areas under a Growing Greener Grant. The permittee is required to provide 0.48 acre of replacement wetlands. The project is known as the Harwood Innovation Site and is located on the east side of SR 0081, approximately 0.5 mile south of SR 0924 (Conyngham, PA Quadrangle N: 11.0 inches; W: 2.0 inches). (Subbasin: 5B)

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

**E55-212. PR Monroe Limited Partnership**, 200 South Broad Street, Philadelphia, PA 19102. Monroe Market Place, in Monroe Township, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle Latitude 40° 50' 15.1"; Longitude 76° 49' 57.8").

This permit authorizes the construction, operation and maintenance a 710,000 square foot retail development. The following table details the impacts associated with this project:

*Table 1—Summary of Watercourse Impacts*

<i>Watercourse</i>	<i>Total Length Onsite</i>	<i>Length of Permanent Impact</i>	<i>Length of Temporary Impact</i>	<i>Description of Impacted Area</i>
Spring Outlet	900 ft.	550 ft.	200 ft.	Enclosure for site fill and new channel.
<i>Total</i>		550 ft.	200 ft.	

*Table 2—Summary of Wetland Impacts*

<i>Wetland</i>	<i>Total Size in Acres</i>	<i>Total Size in Sq. Ft.</i>	<i>Size of Permanent Impact in Sq. Ft.</i>	<i>Size of Temporary Impact in Sq. Ft.</i>	<i>Description of Impacted Area</i>
A	1.280	55,757	1,900	0	Edge of forested wetland along 11/15 for road widening
B	0.236	10,280	10,280	0	Scrub-shrub wetland for stores/parking
C	0.130	5,663	0	0	No Impact
D	0.128	5,576	150	0	Edge of emergent wetland for access road
E	0.706	30,753	0	0	No impact
F	0.618	26,920	0	0	No impact
G	0.027	1,176	334	667	Edge of emerg/scrub-shrub wetland along 11/15 for road widening
Mit A/B	1.168	50,878	0	8,900	Regrading through upper tips of wetland Mit-A for Replacement Site
Mitigation C	1.382	60,200	0	0	No Impact
<i>Total</i>	5.675	247,203	12,664	9,567	0.291 Ac. Perm/0.220 Ac. Temp

The 1.28 acres of mitigated wetlands will follow the monitoring requirements associated with the conditions of this permit. The stream enclosure impacts a UNT to the Susquehanna River, which carries a water quality designation of WWF. The project is located along SR 15 in Shamokin Dam (Sunbury, PA Quadrangle Latitude 40° 50' 15.1"; Longitude 76° 49' 57.8"). This permit also includes 401 Water Quality Certification.

**E55-214. Department of Transportation District 3-0**, 715 Jordan Avenue, Montoursville, PA 17754. Culvert Extension for Deceleration Land, in Monroe Township, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle Latitude 40° 50' 30"; Longitude 76° 50' 10").

This project is to construct, operate and maintain a 14-foot wide by 9.86-foot high by 20-foot long cast in place arch culvert extension. This extension is required to facilitate a deceleration lane associated with improvements to SR 0015. The culvert extension will permanently impact 20 linear feet of a UNT to the Susquehanna River (WWF) and temporarily impact 38 linear feet of the same stream. The project will permanently impact 0.007 acre of edge emergent/scrub-shrub wetland and 0.01 acre of temporary impacts to the same system. This project is located along SR 15 in Shamokin Dam. This permit also includes 401 Water Quality Certification.

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

**E02-1536. Fox Chapel Borough**, 401 Fox Chapel Road, Pittsburgh, PA 15238. To relocate a channel of Stoney Camp Run in Fox Chapel Borough, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 4.35 inches; W: 4.25 inches, Latitude: 40° 31' 26"; Longitude: 79° 54' 20"). To relocate and maintain approximately 85.9 linear feet of the channel of Stoney Camp Run (HQ-WWF), to extend and maintain the existing 48-inch diameter culvert located under Old Mill Road and on the right bank of said stream with a 48-inch diameter culvert 10.5 feet in length and to place and maintain approximately 68 feet of rip rap and approximately 23 feet of rock joint plantings on the west bank and approximately 72 feet of GEOWEB and approximately 10 feet of rock joint plantings on the east bank of said stream. The project is located at the intersection of Squaw Run Road and Old Mill Road and will impact approximately 100.0 linear feet of stream channel.

**E02-1538. Allegheny County Parks Department**, 211 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To place fill in wetlands in Plum Borough, **Allegheny County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 16.25 inches; W: 17.25 inches, Latitude: 40° 27' 53"; Longitude: 79° 44' 58"). To place and maintain fill in 0.10 acre of existing wetlands and to place and maintain fill in five UNTs to Pierson Run (TSF) totaling 500 feet for the purpose of constructing a passive acid mine drainage treatment system in Boyce Park, located approximately 3,750 feet east of the Pennsylvania Turnpike and 5,000 feet south of Route 380 in Plum Borough. To compensate for the wetland impacts, the applicant proposes to construct and maintain 0.17 acre of replacement wetlands.

**E03-443. Department of Transportation**, District 10-0, P. O. Box 429, Indiana, PA 15701. To remove a bridge and construct a box culvert in Kiskiminetas Township, **Armstrong County**, Pittsburgh ACOE District (Vandergrift, PA Quadrangle N: 20.3 inches; W: 8.1

inches, Latitude: 40° 36' 11"; Longitude: 79° 33' 54"). To remove the existing single span bridge, to construct and maintain a 30-ft. wide, 12-ft. span, reinforced concrete box culvert with an underclearance of 6.0-ft. and depressed an additional 1-ft. located over Rattling Run (CWF); and to relocate approximately 80-ft. of Rattling Run adjacent to and upstream of the culvert. The project includes a temporary road crossing. The project is located approximately 2 miles east of Apollo.

**E0476706 A1. Beaver County Corporation for Economic Development**, 250 Insurance Street, Suite 300, Beaver, PA 15009. To construct and maintain a boat dock in the Borough of Bridgewater, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 12.86 inches; W: 6.16 inches, Latitude: 40° 42' 30"; Longitude: 80° 17' 30"). To amend permit number E0476706 to include the construction and maintenance of a boat docking facility in the channel and along the right bank of the Ohio River (WWF) located approximately 2,500 feet downstream from the Monaca-Rochester Bridge.

**E26-337. Centerville Clinics, Inc.**, 1070 Old National Pike, Fredericktown, PA 15333. To construct a parking area in the City of Uniontown, **Fayette County**, Pittsburgh ACOE District (Uniontown, PA Quadrangle N: 5.00 inches; W: 15.7 inches, Latitude: 39° 54' 9"; Longitude: 79° 44' 9"). To construct and maintain a 55-foot gravel parking area in the floodway of a UNT to Coal Lick Run (WWF). The project is located along SR 21 near SR 40.

**E32-478. Turm Oil Company**, 110 Dodds Road, Butler, PA 16002. To replace a ford stream crossing in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District (New Florence, PA Quadrangle N: 17.75 inches; W: 8.75 inches, Latitude: 40° 27' 58"; Longitude: 79° 5' 26"). To remove an existing temporary culvert stream crossing on Ramsey Run (CWF) and replace it with a permanent ford stream crossing and to restore the disturbed area, for the purpose of maintaining an access road to a gas well.

**E56-343. Department of Transportation**, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To construct and maintain a 32-foot wide bridge in Garrett Borough, **Somerset County**, Pittsburgh ACOE District (Meyersdale, PA Quadrangle N: 20.3 inches; W: 8.1 inches, Latitude: 39° 51' 44"; Longitude: 79° 03' 29"). To construct and maintain a 32-ft. wide, 105.5-ft. long, three span bridge with an underclearance of 11.36 ft. to replace the existing SR 0653, 18.9-ft. wide, 100.5-ft. long, single span bridge with an underclearance of 11.24-ft. over Buffalo Creek (WWF) with a drainage area of 35.12 square miles; fill and maintain 0.02 acre of adjacent wetlands along the western stream bank; and construct and maintain stormwater outfalls. The project includes a temporary road crossing. The project is located in the southeast corner of Garrett Borough.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D11-111A. Cambria Slurry Pond No. 4**. Cambria Township, 7 Riverside Plaza, P. O. Box 38, Blossburg, PA 16912-1137. To modify, operate and maintain the No. 33 Refuse Site/No. 4 Slurry Pond across a tributary to Howells Run (CWF), for the purpose of performing a long-term, controlled breach of the dam structure and

removal of the fine coal slurry. The material from the dam and slurry will be used to fuel a power plant constructed by Reliant Energy New Seward, PA (Ebensburg, PA Quadrangle N: 16.3 inches; W: 11.0 inches) Cambria Township, **Cambria County**.

## SPECIAL NOTICES

### Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The

following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), select Air Topics, Air Quality Home, Permits, Emission Reduction Credits.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 03/28/2013 to 01/9/2014	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating Facility Location: Quakertown, Bucks Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod (609) 584-3000	NOx	5.20		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Contact Person: Keith Nagel (330) 659-9165	VOCs	473.80	03/28/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc.	NOx NOx NOx	482.3 177.4 305.3	03/28/2008 5/28/2008 06/19/2008	Trading
ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Contact Person: Justin Ryan (610) 866-4600				
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Contact Person: Tim Owens (330) 688-1111	VOCs	75.00	06/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators No. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	02/1/2009	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Contact Person: David B. Orr (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Contact Person: Eileen Ackler (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-Generating Facility Location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero (570) 833-3285	NOx VOCs PM	91.10 238.10 45.00	05/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Contact Person: Richard A. Herman (724) 983-6464	NOx VOCs	36.73 12.07	08/18/2007	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Contact Person: William L. West (216) 642-7178	NOx VOCs PM10 SOx CO	1,663.00 373.00 406.00 1,238.00 671.00	02/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	16.00	07/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	09/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	15.47 0.68 14.86	02/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	2.82 44.34 0.57	04/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis (412) 756-2376	NOx SOx	158.68 1,217.95		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	05/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	05/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: East Lake Road County: Erie Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat (651) 778-4450	VOCs VOCs	479.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	04/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Contact Person: Peter M. Guzanick (412) 517-7217	NOx VOCs PM10 SOx CO	17.05 1.87 5.44 32.29 17.93	08/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Contact Person: Donald Boisselle (336) 410-7263	VOCs	24.40	09/1/2007	Trading
Recipient/Holder of ERC: Maple North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: John Cooper (703) 734-0844	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Contact Person: Dennis Lencioni (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 01/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	43.00	01/31/2012	Traded



<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	01/31/2012	Traded
PPL Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer (610) 774-5410	NOx VOCs PM10 SOx	3,521.09 9.70 105.50 13,241.30	04/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete (412) 469-6122	NOx NOx VOCs PM10 SOx CO	5.11 62.57 0.25 15.60 24.85 19.45	12/15/2010 09/30/2008 09/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs PM	4.00 1.68 60.49	Varies from 04/3/2010 to 07/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	04/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach (724) 752-6493	VOCs	5.70	06/3/2010	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett (412) 553-2094	VOCs	468.43	Varies from 09/29/2010 to 05/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer (717) 792-8104	VOCs	9.60	01/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	03/29/2012	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Harry Klodowski (724) 940-4000	NOx VOCs SOx	89.80 2.38 87.70	05/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer (626) 398-2773	VOCs	3.13	06/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo (814) 949-1479	NOx VOCs	4.35 69.80	07/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman (610) 522-1900	VOCs	3.56	04/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	NOx VOCs	1,235.00 943.00	09/30/2012	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Corning Incorporated Source Location: College Township County: Centre Contact Person: Douglas A. Wolf (607) 974-4267	NOx	1,400.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th and Wharton St County: Philadelphia Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	03/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	04/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro (814) 231-5267	VOCs	43.72	04/05/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Thomas M. Sauer (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets/ Trading
CMS Gilbreth Packaging Systems Source: Label and Packaging Network County: Bucks Contact Person: Patricia M. Henry Unrath (610) 789-2277	VOC	17.40	05/31/2008	Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher (570) 326-2461, Ext. 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney (570) 523-2356	VOCs	82.90	03/15/2012	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact person: Kimberly Scarborough (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson (614) 438-7960	NOx	10.00	04/01/2013	Trading
Buckeye Pipe Line Company, LP Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel (484) 232-4491	VOCs	12.00	02/28/2012	Trading
Bollman Hat Company Source Location: Willow Street, Adamstown County: Lancaster Contact Person: David L. Wails (717) 484-4361	VOCs	14.34	10/03/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer (717) 738-3488	VOCs	84.09	09/13/2013	Trading
Armstrong World Industries, Inc (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell (717) 396-3668	VOC NOx	31.79 1.9	09/01/2013 to 08/20/2014 08/20/2014	Internal Use/ Trading
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	08/15/2013 04/16/2014 03/26/2014	Internal Use/ Trading
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks (724) 284-2685	NOx NOx	13.00 24.82	11/06/2011 01/30/2012	Trading/ Internal Use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Laura Lee Spatzer (570) 275-1400, Ext. 1400	VOC	7.29	09/01/2015	Trading
Honeywell-International Source Location: Emlenton Plant County: Venango Contact Person: Shane Dunn (814) 887-4081	VOC	49.82	04/30/2010	Trading
Naval Surface Warfare Center, Carderock Division Source Location: Philadelphia Naval Shipyard County: Philadelphia Contact Person: Michael Santella (215) 897-1315; DSN 443	NOx NOx	116.50 157.50	09/30/2007 09/30/2008	Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Eljer Plumbingware, Inc. Source: Ford City Plant Source Location: Ford City County: Armstrong Contact Person: Bill Harasty (724) 763-6233	NOx VOC NOx VOC NOx VOC	85.68 3.22 73.06 2.64 55.48 1.40	3/15/2014  6/8/2014  10/4/2014	Trading
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Pennsylvania Avenue, Warren County: Warren Contact Person: Keith A. Schmidt (814) 533-8193	NOx VOCs SOx PM CO	695.76 2.99 2,925.36 64.60 20.85	9/28/2012	Trading
Arbill Safety Products Source Location: 2207 West Glenwood Avenue County: Philadelphia Contact Person: Barry Bickman (800) 523-53673	VOCs NOx SOx	20.32 0.38 0.21	01/01/2016	Trading
Dominion Transmission Inc. Source Location: Big Run Compressor Station County: Jefferson Contact Person: David Testa (412) 690-1815	NOx	10.00	10/13/2013	Trading
Carmeuse Lime, Inc. Source Location: Hanover Lime Plant County: Adams Contact Person: Kenneth Kauffman (717) 630-8266	NOx VOC SOx PM10 PM2.5	46.61 1.96 10.26 14.64 7.18	01/03/2016	Trading
Port Glenshaw Glass, LLC Source Location: 1101 William Flynn Hwy., Glenshaw, PA 15116 County: Allegheny Contact Person: Harry Klodowski (724) 940-4000	VOC NOx SOx PM- 2.5 PM-10	10.64 59.46 74.89 23.11 25.40	11/24/2014	Trading/ Internal use
Cinram Manufacturing, LLC Source Location: City of Olyphant County: Lackawanna Contact Person: Mark A. Thallmayer (570) 383-3291	VOC VOC	6.53 6.75	02/06/2016 05/09/2016	Internal use
Bemis Company, Inc. Source Location: Hazle Township County: Luzerne Contact Person: Thomas G. Franko (570) 501-1429	VOC	22.27	01/01/2016	Trading
Techneglas, Inc. Source Location: Pittston Facility County: Luzerne Contact Person: Robert Sorokas /Tracy Zaykoski (570) 655-2931	VOC NOx	784.88 33.82	12/17/2013 to 8/11/2014	Trading

### Bureau of Air Quality

#### Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

#### ERC Generating Facility Information

ERC Generating Facility Name: AK Steel Corporation  
Location of Source: P. O. Box, Butler, Butler County, PA  
Certified ERCs (tpy): 192.82 of NOx  
Amount of ERCs retired: 155 tpy of NOx  
Date of ERCs transfer: 02/09/2007  
ERCs available for future use: 37.82 tpy

**ERC Generating Facility Information**

ERC Generating Facility Name: 3M Company  
 Location of Source: Bristol Township, Bucks County, PA  
 Certified ERCs (tpy): 607 of VOC  
 Amount of ERCs traded: 61 tpy; 44 tpy, 23 tpy of VOC  
 Date of ERCs transfer: 07/20/2005; 05/09/2006, 05/2/2007  
 ERCs available for future use: 479 tpy

**Purchaser/Recipient of ERCS**

**Recipient of ERCs: Sunoco Inc**

Mailing Address: Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103  
 Amount of ERCs received: 61 tpy of VOC  
 Intended Use: Offsets  
 VOC credits available for future use: 61tpy

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Dominion Cove Point LNG, LP  
 Location of Source: Maryland  
 Plan Approval Number: NA  
 VOCs credits used: 0 tpy  
 VOC credits available for future use: 44

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Merck & Co  
 Location of Source: West Point  
 Plan Approval Number: NA  
 VOCs credits used: 0 tpy  
 VOC credits available for future use: 23

**ERC Holder/Generating Facility Information**

ERC Generating Facility Name: Bethlehem Structural Products Corporation  
 Recipient/ Holder: Lehigh Valley Industrial Park, Inc.  
 Location of Source: Northampton County, PA  
 Certified ERCs (tpy): 1,054 tpy of NOx  
 Amount of ERCs traded to Purchaser/Recipient: 89 tpy of NOx  
 Date of ERCs Transfer: 05/15/2007  
 ERCs available for future use: 965

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Temple University- Of The Commonwealth System of Higher Education  
 Location of Source: Philadelphia, PA  
 Permit Number: NA  
 NOx credits used: 0  
 NOx credits available for future use: 89.00 tpy

**SEWAGE FACILITIES ACT SPECIAL NOTICE**

**Special Notice Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Project Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	P. O. Box 124 Fryburg, PA 16326	Clarion
Washington Township Municipal Authority	P. O. Box 113 Fryburg, PA 16326	

*Project Description:* Special Notice-Ban on Connections.

**Washington Township, Clarion County**

On June 12, 2007, under 25 Pa. Code § 94.31, the Department of Environmental Protection issued an Order to Washington Township and to the Washington Township Municipal Authority in **Clarion County**, which imposes a ban on all connections to Washington's sewerage con-

veyance system and sewage treatment plant located in the Village of Marble. No building permits which may result in a connection to the overloaded sewerage facilities, or increase the load to those facilities through an existing connection, shall be issued by Washington Township or by the Washington Township Sewer Authority.

**CERTIFIED MAIL NO. 7005 3110 0000 7018 7879**

Washington Township Supervisors  
 P. O. Box 124  
 Fryburg, PA 16326

**CERTIFIED MAIL NO. 7005 3110 0000 7018 7886**

Washington Township Municipal Authority  
 P. O. Box 113  
 Fryburg, PA 16326

Re: Violations Of January 8, 2007  
 Consent Order And Agreement  
 Ban on Connections (EDUs)

Dear Supervisors and Board Members:

As you are aware, on January 8, 2007, the Department, Washington Township and the Washington Township Municipal Authority (collectively "Washington") entered into

a Consent Order and Agreement ("CO&A"), to address, among other things, Washington's hydraulically overloaded sewerage facilities.

Since the execution of the CO&A, the Authority has failed to comply with Paragraphs 3.b. and 3.c. of the CO&A. Specifically:

- Paragraph 3.b. of the CO&A (*Flow Metering Devices*) requires, among other things, that the Authority install flow metering devices prior to the headworks of the sewage treatment plant within 60 days of the date of the CO&A (i.e. by March 9, 2007); and
- Paragraph 3.c. of the CO&A (*Package Plant*) requires the Authority to submit an administratively complete Water Quality Management Permit application to the Department, within 60 days of the date of the CO&A (i.e. by March 9, 2007), to replace a portion of the existing sewage treatment plant.

On March 13, March 16, and April 12, 2007, the Department spoke with the Chairman of the Authority, Rick Obenrader, concerning the continuing violations of Paragraphs 3.b. and 3.c. of the Washington Township Municipal Authority CO&A. On May 7, 2007, Obenrader informed the Department that the Authority's engineer, Bruce Curfman, would be submitting an administratively complete Water Quality Management Permit application to the Department by May 9, 2007. The Department received an application on June 1, 2007 but it was not administratively complete.

In a letter, dated May 11, 2007, the Department informed Washington that the violations of Paragraphs 3.b. and 3.c. of the CO&A continued, and that the Authority was subject to civil penalty liability for these. In addition, the Department advised Washington that, Under Paragraph 10.g. of the CO&A, the Department may rescind and ban any allocation of new EDUs granted to the Authority for violations of the CO&A. A copy of the May 11, 2007 letter is enclosed.

Notwithstanding the telephone calls and the May 11, 2007 letter, the violations of Paragraphs 3.b. and 3.c. of the CO&A continue to date. The flow metering devices have not yet been installed at the sewage treatment plant and the Department has not yet received an administratively complete Water Quality Management Permit application for the replacement of a portion of the existing sewage treatment plant. Therefore, in accordance with Paragraph 10.g. of the CO&A, the Department hereby rescinds the 5 EDUs granted to the Authority on January 8, 2007, and bans the allocation of any new EDUs to the Authority for connections to Washington's sewerage facilities. In accordance with Paragraph 10.g. of the CO&A, this rescission and ban does not apply to any new EDU that has been lawfully issued a building permit by the Authority before the date of this letter.

In addition, the Authority is subject to civil penalty liability for the 95 days of violations that it has accrued from March 9, 2007, through the date of this letter for failing to comply with the CO&A. Moreover, Under Paragraph 11.a. of the CO&A, the Department may pursue any remedy available for a violation of an order of the Department, including a Court action to enforce the CO&A.

Please notify our office, in writing, when the Authority has complied with its obligations Paragraphs 3.b. and 3.c. of the CO&A. In the meantime, questions concerning this letter may be directed to Ms. Christina Nagy at (814) 332-6942.

Sincerely,  
Ricardo F. Gilson  
Regional Manager  
Water Management

Enclosure

cc: Kelly Burch  
Christina Nagy/Christine Hall  
Floyd Himes/Clint Stonesifer  
Stephanie K. Gallogly, Asst. Counsel

**CERTIFIED MAIL NO. 7005 3110 0000 7018 7985**

Mr. Mark Beichner  
Washington Township Supervisors  
P. O. Box 124  
Fryburg, PA 16326

Re: Building Permits

Dear Mr. Beichner:

The enclosed Department Order has been issued to Washington Township and the Washington Township Municipal Authority (collectively "Washington"). The Order imposes a ban on all connections to Washington's sewerage facilities effective immediately upon receipt of the Order.

Under 25 Pa. Code § 94.33, **no** building permit, which may result in a connection to the overloaded sewerage facilities or increase the load to those sewerage facilities, shall be issued by Washington Township after the ban is effective.

Sincerely,  
Ricardo F. Gilson  
Regional Manager  
Water Management

Enclosure: Order

cc: Tom Lauer  
Jacqui Blose  
Rick Obenrader  
Kelly Burch  
Stephanie Gallogly, Asst. Counsel  
Christina Nagy/Chris Hall

RFG:CH:jb

**DRINKING WATER STATE REVOLVING FUND  
SPECIAL NOTICE**

**Special Notice Under the Federal Safe Drinking  
Water Act (SDWA); 42 U.S.C. 300f, et. seq.**

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Easton Suburban Water Authority	3700 Hartley Avenue Easton, PA 18045	Northampton

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Easton Suburban Water Authority proposes the replacement of two finished

water storage tanks, known as the Morgan Hills Storage Tanks, located in Williams Township, Northampton County. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 07-1088. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Low-Level Waste Advisory Committee; Change of Meeting Date

The September 27, 2007, meeting of the Low-Level Waste Advisory Committee has been rescheduled. The next meeting is now scheduled for November 1, 2007, from 10 a.m. to 2 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the change of the meeting can be directed to Rich Janati at (717) 787-2163 or rjanati@state.pa.us. The agenda and meeting materials for the November 1, 2007, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheryl Miller Laatsch at (717) 787-2163 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1089. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Request for Bids

**BOGM 07-11, Cleaning Out and Plugging Four Abandoned Oil Wells, (Mr. and Mrs. Leonard A. Groshek Property), Keating Township, McKean County.** The principal items of work include cleaning out and plugging four abandoned oil wells, estimated to be between 1,815—2,100 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on June 22, 2007, and bids will be opened on July 24, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1090. Filed for public inspection June 22, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Millcreek Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Millcreek Community Hospital has requested an exception to the requirements of 28 Pa. Code § 117.30(1) (relating to emergency paramedic services).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1091. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code §§ 103.4(3) and 107.26 (relating to functions; and additional committees).

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](mailto:paexcept@health.state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or



hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1092. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Applications for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards):

Clarion Hospital  
Mount Nittany Medical Center  
Crozer Chester Medical Center  
Delaware County Memorial Hospital  
Meadville Medical Center  
Punxsutawney Area Hospital  
The Pottsville Hospital and Warne Clinic  
Allegheny General Hospital  
Sharon Regional Health System  
Monongahela Valley Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1093. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Cervical Cancer Task Force Meeting

The Cervical Cancer Task Force will hold a public meeting on Tuesday, July 31, 2007, from 10 a.m. to 2 p.m. The meeting will be held at the Dixon University Center, Administration Building, Conference Room A, 2986 North Second Street, Harrisburg, PA 17110.

For additional information contact Barbara Caboot, Public Health Program Administrator, Breast and Cervical Cancer Section, Division of Cancer Prevention and Control, Department of Health, Room 1011, Health and Welfare Building, Harrisburg, PA 17120, (717) 346-3981.

Persons with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Barbara Caboot at the

previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1094. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Governor's Advisory Council on Physical Fitness and Sports Committee Meeting

The Governor's Advisory Council on Physical Fitness and Sports Committee will hold a public meeting on Wednesday, July 25, 2007, from 10 a.m. to 3 p.m. The meeting will be held at Hamot Wellness Center, 300 State Street, Erie, PA 16507.

For additional information contact Cyndi Malinen, Physical Activity Program Consultant, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 346-3975.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Cyndi Malinen at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1095. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Integrated Council; Public Meetings

The Statewide Integrated HIV Planning Council, established by the Department of Health under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, July 10, 2007.

The meeting will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050, from 9 a.m. to 2 p.m.

For additional information contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Joseph Pease at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-1096. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Notice of EMSOF Funding Priorities

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2007, and ending June 30, 2008.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to contribute funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By September 30, 2007, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2008.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2007, and ending June 30, 2008, must be expended by the regional EMS council by June 30, 2008, unless a written request for an extension of time, not to exceed 90-calendar days, is submitted by the regional EMS council and approved by the Department prior to June 30, 2008.

#### *Funding Priorities*

These priorities are not ranked. The priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF

money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

- Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

- Recruitment and retention programs, including scholarships/tuition reimbursement for emergency medical technician (EMT) and paramedic training in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

- Automatic external defibrillators (AEDs) and upgrade to current standards for Department recognized quick response services (QRSs) and basic life support (BLS) ambulance services.

- AED trainers at current standards and CPR manikins for Department recognized QRSs and BLS ambulance services.

- Equipment required to meet BLS and advanced life support (ALS) ambulance service licensure.

- Capnography equipment (especially wave-form end-tidal CO<sub>2</sub> monitors).

- An ambulance for ambulance services that is older than 10 years or has more than 200,000 miles on it. Limit to one per fiscal year.

- Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.

- Communication equipment and capabilities for EMS response in areas with poor to no communication capability between ambulances and medical command facilities or between ambulances and receiving facilities.

- Quality assurance/improvement program.

- EMS personnel protective respiratory equipment approved by the Department to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

- Reflective chevron markings on back of new and existing ambulances. Funding shall be provided to cover the cost of the chevron up to 100% of the maximum allowable cost.

When two or more ambulance companies have consolidated, for the first 5 years after the ambulance companies completed consolidation the entity may be deemed eligible to receive funding not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

#### *Emergency Preparedness and Response Funding Requests*

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs, and needs identified by threat vulnerability analysis. Purchases must be coordinated with County emergency, fire service, HAZMAT and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to response to terrorism and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to

participating in the EMS surge capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional catastrophic casualty care plans.

#### *Provider Equipment*

Purchases by providers of EMS are not limited to equipment. If an EMS provider requests EMSOF moneys to purchase equipment, the Eligible Provider Equipment List identifies equipment for which EMSOF funds will be made available to purchase. This chart identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

Funding of a QRS or BLS ambulance service to purchase an AED must occur prior to the service being approved to receive EMSOF funds towards the purchase of any other equipment. Funding to upgrade an AED to meet current standards may be granted at 100% of the cost of the upgrade up to a maximum allowable cost of \$400 per AED.

#### *Paramedic Examinations*

Funding may be provided to services to cover the cost of the State written test for paramedic certification taken by their personnel at 100% of the cost of two examination attempts up to a maximum allowable cost of \$300 per person.

Questions regarding the Eligible Provider Equipment List or other matter addressed in this notice should be directed to Joseph W. Schmider, Director, Bureau of Emergency Medical Services, Pennsylvania Department of Health, 1032 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 787-8740. Speech or hearing impaired persons may use VTT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984. Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Joseph W. Schmider at the previously listed address or telephone numbers.

### ELIGIBLE PROVIDER EQUIPMENT LIST

<i>EQUIPMENT DESCRIPTION</i>	<i>LIFE EXPECTANCY</i>	<i>ELIGIBLE PURCHASE FOR:</i>				<i>ALLOWABLE COSTS<sup>1</sup></i>	<i>NON RURAL (50%)</i>	<i>RURAL (60%)</i>
		<i>ALS</i>	<i>ALS/SQ</i>	<i>BLS</i>	<i>QRS</i>			
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	12,000	6,000	7,200
12 Lead EKG <sup>2</sup>	5 years	Y	Y	N	N	20,000	10,000	12,000
Automated External Defibrillator (AED)	5 years	N	N	Y <sup>3</sup>	Y <sup>3</sup>	1,500	750	900
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose & Mask Regulator (combination or constant flow) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	N	N	900	450	540
Pulse Oximeter	5 years	Y	Y	Y	N	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200
Intravenous Infusion Pumps	5 years	Y	Y	N	N	2,000	1,000	1,000
Adult /Pediatric Intubation Kits	5 years	Y <sup>4</sup>	Y <sup>4</sup>	N	N	600	300	360
Transtracheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	200	100	120
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction, etc.)	3 years	Y	Y	Y	Y	500	250	300
Stairchair 300 lb capacity	3 years	Y	N	Y	N	2,000	1,000	1,200
Stairchair 500 lb capacity	5 years	Y	N	Y	N	2,650	1,325	1,590

## NOTICES

2905

EQUIPMENT DESCRIPTION	LIFE EXPECTANCY	ELIGIBLE PURCHASE FOR:				ALLOWABLE COSTS <sup>1</sup>	NON RURAL (50%)	RURAL (60%)
		ALS	ALS/SQ	BLS	QRS			
Stretcher 300 lb capacity	5 years	Y	N	Y	N	4,000	2,000	2,400
Stretcher 700 lb capacity	5 years	Y	N	Y	N	11,500	5,750	6,900
Stretcher/Chair Combination	5 years	Y	N	Y	N	700	350	420
Suction (portable, battery operated)	3 years	Y	Y	Y	Y	900	450	540
Ventilator, Automatic (per Department of Health guidelines)	5 years	Y <sup>5</sup>	Y <sup>5</sup>	Y <sup>6</sup>	Y <sup>6</sup>	3,000	1,500	1,800
Ambulance with chevron marking on back of unit	—	Y	N	Y	N	—	15,000	20,000
Chevron <sup>7</sup>	—	Y	Y	Y	Y	1,000	500	600
Squad/Response Vehicle with chevron marking on back of unit	—	N	Y	N	Y	—	7,500	9,000
Data Collection Software <sup>8</sup>	—	Y	Y	Y	Y	1,700	1,700	1,700
Data Collection Hardware <sup>9</sup>	3 years	Y	Y	Y	Y	1,500	750	900
Radio, Mobile (two per vehicle)	5 years	Y <sup>10</sup>	Y <sup>10</sup>	Y <sup>10</sup>	Y <sup>10</sup>	3,000	1,500	1,800
Radio, Portable (one per vehicle)	5 years	Y <sup>10</sup>	Y <sup>10</sup>	Y <sup>10</sup>	Y <sup>10</sup>	3,000	1,500	1,800
Triage Vest with reflection stripes meeting ANSI national standards	5 years	Y	Y	Y	Y	150	75	90
Triage System	5 years	Y	Y	Y	Y	500	250	300
Alerting Equipment (5 per service @ \$400 each)	5 years	Y <sup>10</sup>	Y <sup>10</sup>	Y <sup>10</sup>	Y <sup>10</sup>	2,000	1,000	1,200
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	3,500	1,750	2,100
Personal Protective Equipment/Turnout Gear: Helmet, Coat, Pants, Boots, Protection Vest meeting ANSI national standards (one set per provider)	5 years	Y	Y	Y	Y	1,200	600	720
Protective Ballistic Vest	5 years	Y	Y	Y	Y	1,000	500	600
Traffic Safety Equipment	5 years	Y	Y	Y	Y	2,500	1,250	1,500
Large Patient Moving/Carrying Device	10 years	Y	Y	Y	Y	3,000	1,500	1,800
Self Contained Breathing Apparatus (2 per licensed vehicle)	10 years	Y	Y	Y	Y	3,000	1,500	1,800
EMT-P Testing (Written)	—	Y	Y	N	N	300	300	300

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

<sup>3</sup> Must be an approved AED service or part of regional planning and AED medical director required.

<sup>4</sup> Must be durable equipment, not disposable equipment.

<sup>5</sup> Completion of approved training program requested.

<sup>6</sup> Completion of approved training program required and BLS service medical director approval required.

<sup>7</sup> For existing ambulances.

<sup>8</sup> Must be Department-approved software program, version and vendor.

<sup>9</sup> Data collection hardware may include computer, modem, printer, backup device and battery system.

<sup>10</sup> Must be compatible with regional and State EMS communications plan.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-1097. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Request for Exception Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code §§ 201.17 and 205.6(a) (relating to location; and function of building).

Shamokin Area Community Hospital Skilled Nursing Facility  
4200 Hospital Road  
Coal Township, PA 17866  
Facility ID 196502

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Sunbury Community Hospital Skilled Nursing Facility  
350 North Eleventh Street  
P. O. Box 737  
Sunbury, PA 17801-0737  
Facility ID 450302

Muncy Valley Hospital Skilled Nursing Unit  
215 East Water Street  
Muncy, PA 17756  
Facility ID 134302

Bucktail Medical Center  
101 Pine Street  
Renovo, PA 17764  
Facility ID 549602

The following long-term care nursing facility is seeking an exception 28 Pa. Code § 205.20(d) and (f) (relating to resident bedrooms).

Chatham Acres Nursing Center, Inc.  
315 East London Grove Road  
P. O. Box 1  
Chatham, PA 19318  
Facility ID 032102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services).

HealthSouth York Transitional Rehabilitation Unit  
1850 Normandie Drive  
York, PA 17404  
Facility ID 250702

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care

Facilities at the address listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1098. Filed for public inspection June 22, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act (10 P. S. § 376(a)(1) and (2)) for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.
- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 07-1099. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Pennsylvania Lucky Bucks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Bucks.

2. *Price:* The Pennsylvania Lucky Bucks instant lottery game ticket is a promotional item and has no sale price.

3. *Promotional Game Details:* Pennsylvania Lucky Bucks instant lottery game tickets will be provided to retailers to use to augment retailer promotions and to other persons for promotional purposes as approved by the Director of the Lottery.

4. *Play Symbols:* Each Pennsylvania Lucky Bucks instant lottery game ticket will contain one play area containing nine prize play symbols and a separate "Fast Cash Bonus" play area containing one play symbol and one prize symbol. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY) and \$50\$ (FIFTY). The play symbols located in the "Fast Cash Bonus" play area are: Horseshoe (SHOE), Cherry (CHERRY), Bell (BELL), Star (STAR), 7 (SEVEN), Diamond (DIAM), Coin (COIN), \$ (Dollar), Wishbone (WSHBNE), Clover (CLOVER) Lady Bug (LDYBUG) and a Money Bag (MNYBAG). The "Fast Cash Bonus" is played separately from the rest of the game.

5. *Prize Symbols:* The prize symbols and their captions located in the "prize" area of the "Fast Cash Bonus" are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY) and \$50\$ (FIFTY).

6. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$3, \$5, \$10, \$15, \$20 and \$50. The prizes that can be won in the "Fast Cash Bonus" play area are: Free Ticket, \$1, \$2, \$3, \$5, \$10, \$15, \$20 and \$50.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 960,000 tickets will be printed for the Pennsylvania Lucky Bucks instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(b) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$50\$ (FIFTY) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$50.

(c) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$20\$ (TWENTY) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with three matching prize play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(f) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$15\$ (FIFTN) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$15.

(g) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets with three matching prize play symbols of \$3<sup>00</sup> (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$3.

(m) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with three matching prize play symbols of \$1<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Bucks instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

(r) Holders of tickets with a Money Bag symbol (MNYBAG) in the "Fast Cash Bonus" play area and a prize symbol of FREE (TICKET) appears under the Money Bag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Bucks instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 960,000 Tickets</i>
3-FREE's	TICKET	16.67	57,600
FREE w/MONEYBAG	TICKET	16.67	57,600
3-\$1's	\$1	20	48,000
\$1 w/MONEYBAG	\$1	20	48,000
3-\$2's	\$2	30	32,000
\$2 w/MONEYBAG	\$2	30	32,000
3-\$3's	\$3	120	8,000
\$3 w/MONEYBAG	\$3	120	8,000
3-\$5's	\$5	150	6,400
\$5 w/MONEYBAG	\$5	150	6,400
3-\$10's	\$10	600	1,600
\$10 w/MONEYBAG	\$10	600	1,600
3-\$15's	\$15	600	1,600
\$15 w/MONEYBAG	\$15	600	1,600
3-\$20's	\$20	600	1,600
\$20 w/MONEYBAG	\$20	600	1,600
3-\$50's	\$50	9,600	100
\$50 w/MONEYBAG	\$50	9,600	100

MONEYBAG (MNYBAG) in Fast Cash Bonus = Win prize amount shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Lucky Bucks, prize money from winning Pennsylvania Lucky Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Bucks or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 07-1100. Filed for public inspection June 22, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Request for Bids

The Department of Transportation will be accepting bids for the demolition and removal of six houses, three

garages and one storage building in conjunction with the construction of SR 0015 Section 006 in Cumberland County, Lower Allen Township. Asbestos and lead based paint removal will be required. For bid forms, date of inspection, specifications and further information, contact John Leinmiller at (717) 761-1832, jleinmiller@iasrw.com. Contractors must be prequalified for this service.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 07-1101. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Sale of Land No Longer Required for Transportation

The Department of Transportation (Department) under 2003(e) of The Administrative Code of 1929 (71 P.S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is triangular in shape, located behind the sound barrier wall adjacent to Ramp "P" entering southbound onto SR 0222, in Spring Township, Berks County. The parcel is approximately 0.421 acre. The sale of the property is in an as is condition. Interested public agencies are invited to express their interest in purchasing the parcel within 30 calendar days from this notice.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 07-1102. Filed for public inspection June 22, 2007, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, June 7, 2007, and announced the following:

### *Regulations Approved:*

State Board of Medicine #16A-4915: Athletic Trainers (amends 49 Pa. Code Chapters 16, 18 and 25)

State Board of Veterinary Medicine #16A-5719: Recordkeeping (amends 49 Pa. Code Chapter 31)

State Board of Veterinary Medicine #16A-5716: Certified Veterinary Technician Specialist (amends 49 Pa. Code §§ 31.1 and 31.38)

State Board of Certified Real Estate Appraisers #16A-7014: Federally Mandated Education Criteria (amends 49 Pa. Code Chapter 36)

Department of Transportation #18-404: Flashing or Revolving Lights on Emergency and Authorized Vehicles (amends 67 Pa. Code Chapter 173)

Pennsylvania Gaming Control Board #125-48: Slot Machine Testing and Control; Possession of Slot Machines (adds 58 Pa. Code Chapters 461a and 463a)

## Approval Order

Public Meeting held  
June 7, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Medicine and State Board of Osteopathic Medicine—Athletic Trainers Regulation No. 16A-4915 (#2527)*

On March 8, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapters 16, 18 and 25. The proposed regulation was published in the March 18, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 3, 2007.

This regulation implements Acts 92 and 93 of 2001, authorizing the State Boards of Medicine and Osteopathic Medicine to jointly regulate athletic trainers.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 422.51a(d) and 271.7a(d)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting held  
June 7, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Veterinary Medicine—Recordkeeping Regulation No. 16A-5719 (#2565)*

On September 20, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Veterinary Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 31. The proposed regulation was published in the September 30, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 3, 2007.

This regulation clarifies acceptable standards of veterinary medical recordkeeping provisions, adds minimum standards of recordkeeping for services provided in vaccination clinics and adds provisions for notice requirements to clients when a veterinarian retires or closes a practice.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 485.27a(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting held  
June 7, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Veterinary Medicine—Certified Veterinary Technician Specialist Regulation No. 16A-5716 (#2530)*

On March 8, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Veterinary Medicine (Board). This rulemaking amends 49 Pa. Code §§ 31.1 and 31.38. The proposed regulation was published in the March 18, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 3, 2007.

This regulation adds a provision to the existing "code of ethics" for certified veterinary technicians (CVTs) that prohibits CVTs from making "a false, deceptive or misleading statement or claim" that they are specialists if they do not hold a current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 485.11) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.



*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
June 7, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Certified Real Estate  
Appraisers—Federally Mandated Education Criteria  
Regulation No. 16A-7014 (#2537)*

On May 17, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Certified Real Estate Appraisers (Board). This rulemaking amends 49 Pa. Code Chapter 36. The proposed regulation was published in the May 27, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 3, 2007.

This regulation updates the Board's regulations dealing with residential and general real estate appraisers, certified broker/appraisers and certified Pennsylvania evaluators.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 457.5(2), 457.6(f), 458.3, 458.4(d) and 458.12) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
June 7, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Transportation—Flashing or  
Revolving Lights on Emergency and Authorized Vehicles  
Regulation No. 18-404 (#2510)*

On December 6, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 173. The proposed regulation was published in the December 17, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 27, 2007.

This regulation is a comprehensive update of existing regulations that prescribe the use of special light displays on emergency vehicles and other types of vehicles. Chapter 173 has not been amended since 1993.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. §§ 4571, 4572 and 6103) and the intention of the General

Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
June 7, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—Slot Machine  
Testing and Control; Possession of Slot Machines  
Regulation No. 125-48 (#2572)*

On September 27, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking adds 58 Pa. Code Chapters 461a and 463a. The proposed regulation was published in the October 28, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 1, 2007.

This final-form rulemaking establishes two chapters of the Board's regulations. These chapters relate to the testing and approval of slot machines and associated equipment prior to use in the Commonwealth and also the possession and transportation of slot machines.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S.A. §§ 1202(b)(30), 1207 and 1320) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairman*

[Pa.B. Doc. No. 07-1103. Filed for public inspection June 22, 2007, 9:00 a.m.]

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**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received the following regulations. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-676	State Board of Occupational Therapy Education and Licensure Orders	6/7/07	7/19/07

ARTHUR COCCODRILL,  
*Chairperson*

[Pa.B. Doc. No. 07-1104. Filed for public inspection June 22, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Robert Sturman; Doc. No. SC07-06-016

Notice is hereby given of the Order to Show Cause issued on June 12, 2007, by the Deputy Insurance Commissioner of the Commonwealth in the previously-referenced matter. Violation of the following is alleged: 40 P. S. §§ 310.78(b) and 310.11(20).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with the 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 51 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing contact Kathryn J. Culbertson, Disabilities Services Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1105. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Neal Brandoff, D. O.; Prehearing

#### Appeal of Neal Brandoff, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-004

On or before June 28, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 9, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference

initiated by this office is scheduled for July 19, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 13, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 5, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 12, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1106. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Chestnut Hill Lodge; Prehearing

#### Appeal of Chestnut Hill Lodge under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-008

On or before July 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 6, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 31, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 24, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 17, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 24, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1107. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Eagle Texaco; Prehearing

#### Appeal of Eagle Texaco under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 06-063(M); Doc. No. UT07-04-003

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 any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on June 13, 2007. A hearing shall occur on June 28, 2007, in

the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before June 1, 2007. Answers to petitions to intervene, if any, shall be filed on or before June 8, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1108. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Gerald P. Grimaud; Prehearing

#### **Appeal of Gerald P. Grimaud d/b/a/ Beaver Logging; Pennsylvania Compensation Rating Bureau; Doc. No. CL07-04-036**

Under section 654 of The Insurance Company Law of 1921 (40 P. S. § 814), notice is given that the previous-captioned appellant has requested a hearing regarding premium distribution.

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for June 14, 2007. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 8, 2007. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 31, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before June 7, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1109. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Glenn A. Kline, D. O.; Prehearing

#### **Appeal of Glenn A. Kline, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-018**

On or before July 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 17, 2007,

determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 31, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 24, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 17, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 24, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1110. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Pacific Indemnity Company; Prehearing

#### **Appeal of Pacific Indemnity Company; under the Administrative Agency Law and the General Rules of Administrative Practice and Procedure; File No. 06-177-30365; Doc. No. P07-02-022**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to 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 shall be held on June 12, 2007. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, at the previous address on or before May 29, 2007. Answers to petitions to intervene, if any shall be filed on or before June 5, 2007.

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1111. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Physicians' Alliance, Ltd.; Prehearing

#### **Appeal of Physicians' Alliance, Ltd. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-003**

On or before June 28, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 2, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 19, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator

tor on or before July 13, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 5, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 12, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1112. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Physicians' Alliance, Ltd.; Prehearing

#### **Appeal of Physicians' Alliance, Ltd. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-029**

On or before July 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 30, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 31, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 24, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 17, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 24, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1113. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Mason J. Platt, D. O.; Prehearing

#### **Appeal of Mason J. Platt, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-028**

On or before July 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 30, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 30, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator

tor on or before July 24, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 17, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 24, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1114. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Putnam Company; Prehearing

#### **Appeal of Putnam Company under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 05-0195(F); Doc. No. UT07-05-005**

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 any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on June 26, 2007. A hearing shall occur on July 26, 2007, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before July 12, 2007. Answers to petitions to intervene, if any, shall be filed on or before July 19, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1115. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Jeffrey D. Sedlack, M. D.; Prehearing

#### **Appeal of Jeffrey D. Sedlack, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-002**

On or before June 28, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 11, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 20, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator

tor on or before July 13, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 5, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 12, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1116. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Nicole L. Christino; file no. 07-177-35870; Nationwide Insurance Company; doc. no. P07-05-031; June 26, 2007, 10 a.m.

Appeal of Carmen Gonzalez; file no. 07-181-36060; Hartford Insurance Company; doc. no. P07-05-030; July 11, 2007, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Tennille M. Bond; file no. 07-267-34126; American Independent Insurance Company; doc. no. P07-04-033; June 18, 2007, 3 p.m.

Appeal of Tai B. Duong; file no. 07-267-34052; USAA Casualty Insurance Company; doc. no. P07-04-034; June 18, 2007, 4 p.m.

Appeal of David C. Rotenberg; file no. 07-210-33703; Great Northern Insurance Company; doc. no. P07-04-035; June 18, 2007, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is

available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1117. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Review Procedure Hearing under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Martha Walton c/o Helen Locashio; file no. 07-177-34992; Travelers Insurance Company; doc. no. P07-05-006; June 20, 2007, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and

stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1118. Filed for public inspection June 22, 2007, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0212, 959 Liberty Avenue, Pittsburgh, PA 16222.

*Lease Expiration Date:* April 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space on Liberty Avenue in downtown Pittsburgh between 9th and 11th Streets. Location must have rear door access for tractor-trailer deliveries.

*Proposals due:* July 13, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0240, 111 Herman Avenue, Wilmerding, PA 15148.

*Lease Expiration Date:* May 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space serving the Borough of Wilmerding.

*Proposals due:* July 13, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #9205, 1602 Cochran Road, Pittsburgh, PA 15220.

*Lease Expiration Date:* April 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of Cochran and Greentree Roads in Scott Township.

*Proposals due:* July 13, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Armstrong County, Wine & Spirits Shoppe #0308, 13 Franklin Village Mall, Kittanning, PA 16201.

*Lease Expiration Date:* April 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of US Route 422 and SR 268.

*Proposals due:* July 13, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Clearfield County, Wine & Spirits Shoppe #1702, DuBois, PA 15801.

*Lease Expiration Date:* April 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment on SR 255 Northeast of DuBois. Location must have free customer parking and tractor-trailer delivery facilities. Access at a signal light is preferred.

*Proposals due:* July 13, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

PATRICK J. STAPLETON, III,  
Chairperson

[Pa.B. Doc. No. 07-1119. Filed for public inspection June 22, 2007, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Licensee-to-Licensee Discounts on School Milk Sales

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on August 1, 2007, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning whether the Board should establish licensee-to-licensee discounts on school milk sales in all Milk Marketing Areas in accordance with the terms in Milk Marketing Area 5, which provide:

For sales to subdealers servicing schools, the selling dealer may apply the discount if delivery is made only on a one delivery per day basis at each school district, intermediate unit, college or university being serviced. All redistribution of delivered milk must be carried out by the subdealer. *Official General Order A-887, Provision 13(a)(1)*.

The staff of the Board is deemed to be a party to this hearing and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on July 3, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on July 3, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on July 6, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 20, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on July 27, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 13, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 07-1120. Filed for public inspection June 22, 2007, 9:00 a.m.]

## OFFICE OF THE ATTORNEY GENERAL

### Public Meeting

A meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, June 28, 2007, at 9 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 07-1121. Filed for public inspection June 22, 2007, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### Meetings Scheduled and Application Cut-Off Dates

The Fiscal Year 2007-2008 regular meetings and application cut-off dates of the Pennsylvania Infrastructure Investment Authority (PENNVEST) have been scheduled. Meetings of the PENNVEST Board of Directors (Board) will begin at 10:30 a.m. on the stated meeting dates.

<i>Application Cut-Off Dates</i>	<i>Board Meeting Dates</i>	<i>Locations</i>
	Tuesday, July 17, 2007	Governor's Residence
August 28, 2007	Tuesday, October 23, 2007	Dixon University Center
November 27, 2007	Tuesday, January 22, 2008	Governor's Residence
February 19, 2008	Tuesday, April 15, 2008	Dixon University Center

Governor's Residence  
2035 North Front Street  
Harrisburg, PA

Dixon University Center  
Richards Hall Recital Room  
2986 North Second Street  
Harrisburg, PA

Funding applications must be received by 5 p.m. on the stated cut-off dates following PENNVEST procedures.

Persons requiring ADA accommodations at the Board meetings should contact Kathlyn Domitrovich (717) 783-4493, kdomitrovi@state.pa.us.

PAUL K. MARCHETTI,  
*Executive Director*

[Pa.B. Doc. No. 07-1122. Filed for public inspection June 22, 2007, 9:00 a.m.]

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## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Public Meetings Scheduled

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have scheduled public meetings in the 11th Floor Conference Room B, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

<i>Board Meeting Date</i>	<i>Time</i>
July 17, 2007	1 p.m.—2 p.m.
October 23, 2007	1 p.m.—2 p.m.
January 22, 2008	1 p.m.—2 p.m.
April 15, 2008	1 p.m.—2 p.m.

The meetings are scheduled for the purpose of advising the public regarding revisions during Fiscal Year 2006-2007 to the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund Project Priority List and Intended Use Plan.

Persons requiring ADA accommodations should contact Tony Maisano at (717) 772-4055, amaisano@state.pa.us.

PAUL K. MARCHETTI,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*  
KATHLEEN A. MCGINTY,  
*Secretary*  
*Department of Environmental Protection*  
*Vice-Chairperson*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 07-1123. Filed for public inspection June 22, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Utility Service

**A-122350F2009. T.W. Phillips Gas and Oil Company.** Application of T. W. Phillips Gas and Oil Company for approval of the discontinuance and abandonment of gas utility service to four gas customers located in Harrison Township, Allegheny County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 9, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* T. W. Phillips Gas and Oil Company

*Through and By Counsel:* Jay W. Dawson, Esquire, 205 North Main Street, Butler, PA 16001

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1124. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Natural Gas Service

**A-121850F2040. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to five natural gas service customers located in Madison Township, Clarion County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 9, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* National Fuel Gas Distribution Corporation

*Through and By Counsel:* Lee E. Hartz, Esquire, P. O. Box 2081, Erie, PA 16512

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1125. Filed for public inspection June 22, 2007, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene



must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 16, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00123860. Glenn Chester Supplee** (R. R. 2, Box 180, Thompsettown, Juniata County, PA 17094)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Juniata to points in Pennsylvania, and return.

**A-00123862. Stat Enterprises, LLC, t/a Planet Limousine Service** (9537 Bustleton Avenue, Philadelphia, PA 19115)—certificate of public convenience to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-00123864. Sharon A. Larosa** (P. O. Box 154, 4835 Long Run Road, Loganton, Clinton County, PA 17747)—persons in paratransit service from points in Clinton County, to points in Pennsylvania, and return.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00114665, F2. TDF Services, Inc.** (P. O. Box 111, Oakmont, Allegheny County, PA 15139)—a corporation of the Commonwealth—persons in limousine service, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Lawrence and Westmoreland, to points in Pennsylvania, and return.

**Applications of the following for the approval of the transfer of stock as described under each application.**

**A-00109787, F5. L & J Transportation Companies, Inc.** (36 Mountainside Road, Temple, Berks County, PA 19560), a corporation of the Commonwealth—stock transfer—approval of the transfer of shares of stock as follows: (1) James B. Fry 611 shares; Sandra Shaeffer 611 shares; Rodger Caramanica 136 shares; all of which were acquired upon merger of Blanket Transportation, Inc. with L & J Transportation Companies, Inc.; and (2) James B. Fry 1,500 shares and Sandra Shaeffer 1,500 shares; both by purchase of treasury stock held by L & J Transportation Companies, Inc. *Attorney:* Brett A. Huckabee, P. O. Box 6895, Wyomissing, PA 19610.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1126. Filed for public inspection June 22, 2007, 9:00 a.m.]

## Telecommunications

**A-311457F7001. Verizon North, Inc. and CSM Wireless, LLC.** Joint petition of Verizon North, Inc. and CSM Wireless, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and CSM Wireless, LLC, by its counsel, filed on June 6, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and CSM Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1127. Filed for public inspection June 22, 2007, 9:00 a.m.]

## Telecommunications

**A-311457F7000. Verizon Pennsylvania, Inc. and CSM Wireless, LLC.** Joint petition of Verizon Pennsylvania, Inc. and CSM Wireless, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CSM Wireless, LLC, by its counsel, filed on June 6, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and CSM Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1128. Filed for public inspection June 22, 2007, 9:00 a.m.]

## Telecommunications

**A-311449F7000. Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc.** Joint petition of Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc., by its counsel, filed on June 7, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1129. Filed for public inspection June 22, 2007, 9:00 a.m.]

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### Telecommunications

**A-310752F7004. Windstream Pennsylvania, Inc. and MCI metro Access Transmission Services, LLC.** Joint petition of Windstream Pennsylvania, Inc. and MCI metro Access Transmission Services, LLC for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, Inc. and MCI metro Access Transmission Services, LLC, by its counsel, filed on June 8, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Windstream Pennsylvania, Inc. and MCI metro Access Transmission Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1130. Filed for public inspection June 22, 2007, 9:00 a.m.]

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## STATE ETHICS COMMISSION

### Incumbent Judges Who are Candidates Must File Statements of Financial Interests as Candidates; *Darlington* Opinion 07-011

On June 13, 2007, the State Ethics Commission (Commission) issued the *Darlington*, Opinion 07-011, which determined that judges who are candidates are required to file Statements of Financial Interests as candidates in conformance with 65 Pa.C.S. § 1104(b) (relating to statement of financial interests required to be filed) and 51 Pa. Code Chapter 11 (relating to general provisions), using the form promulgated by the Commission.

Per the *Darlington* Opinion, the application of the filing requirements to incumbent judges as candidates shall commence effective for forms due to be filed July 1, 2007, or thereafter.

The *Darlington* Opinion is available in the Commission's e-library at [www.ethics.state.pa.us](http://www.ethics.state.pa.us).

JOHN J. CONTINO, Esq.,  
*Executive Director*

[Pa.B. Doc. No. 07-1131. Filed for public inspection June 22, 2007, 9:00 a.m.]





