



---

Volume 37 (2007)

Pennsylvania Bulletin  
Repository

---

7-7-2007

**July 7, 2007 (Pages 3085-3200)**

Pennsylvania Legislative Reference Bureau

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

---

**Recommended Citation**

Pennsylvania Legislative Reference Bureau, "July 7, 2007 (Pages 3085-3200)" (2007). *Volume 37 (2007)*. 27.

[https://digitalcommons.law.villanova.edu/pabulletin\\_2007/27](https://digitalcommons.law.villanova.edu/pabulletin_2007/27)

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

# PENNSYLVANIA BULLETIN

Volume 37

Number 27

Saturday, July 7, 2007 • Harrisburg, PA

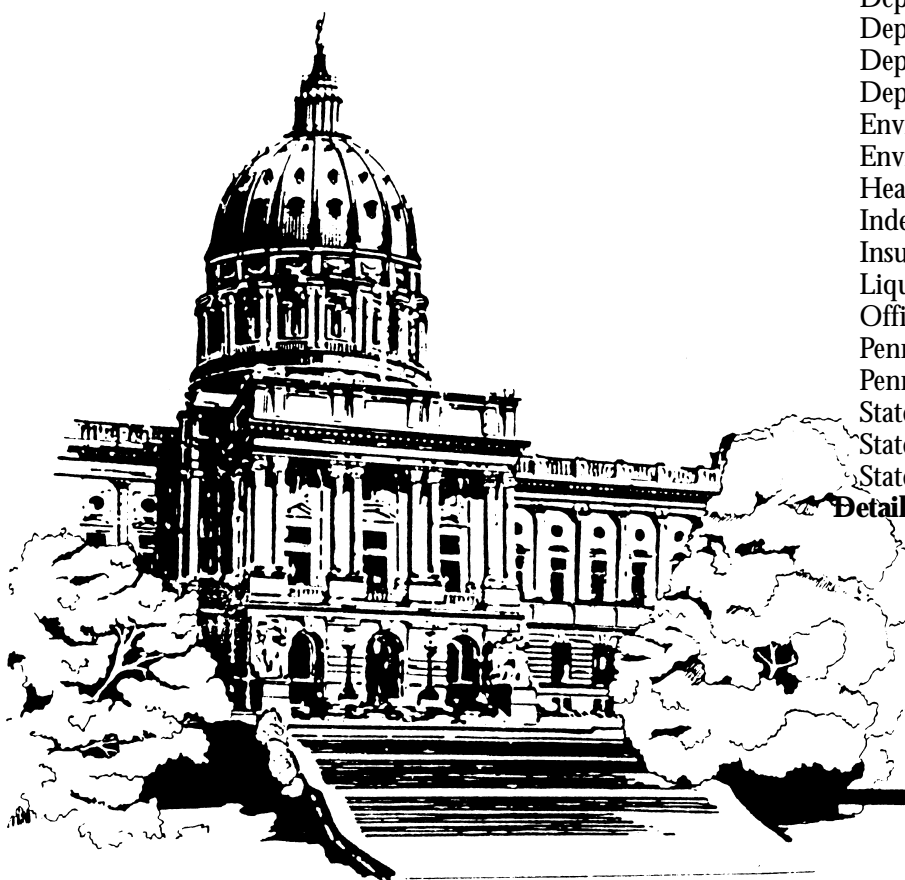
Pages 3085—3200

See Part II page 3157  
for the Subject Index  
for January—June 2007

## Agencies in this issue

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Environmental Hearing Board  
Environmental Quality Board  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Office of the Attorney General  
Pennsylvania Infrastructure Investment Authority  
Pennsylvania Public Utility Commission  
State Board of Education  
State Board of Nursing  
State System of Higher Education

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 392, July 2007**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

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

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

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

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

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

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

Copyright © 2007 Commonwealth of Pennsylvania

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

# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2007 regular session of the General Assembly ..... 3094

## THE COURTS

**DISCIPLINARY BOARD OF THE SUPREME COURT**  
 Notice of disbarment (2 documents) ..... 3097

**JUVENILE RULES**  
 Proposed amendments to rule 613 and proposed new rule 614 ..... 3096

**RULES OF CIVIL PROCEDURE**  
 Amendment of rule 220.1 governing voir dire; proposed recommendation no. 225 ..... 3095  
 Amendment of rule 226 governing points for charge; proposed recommendation no. 226 ..... 3095

## EXECUTIVE AGENCIES

**DELAWARE RIVER BASIN COMMISSION**  
**Proposed Rulemaking**  
 Public hearing regarding revised proposed amendments to the Comprehensive Plan and Water Code relating to a flexible flow management plan for operation of the New York City Delaware Basin Reservoirs ..... 3098

**Notices**  
 Commission meeting and public hearing ..... 3100

**DEPARTMENT OF BANKING**  
**Notices**  
 Actions on applications ..... 3101

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**  
**Notices**  
 Snowmobile and ATV Advisory Committee meeting . 3103

**DEPARTMENT OF EDUCATION**  
**Notices**  
 Application of Ronald Roda for reinstatement of teaching certificate; doc. no. re 07-01 ..... 3103  
 Distinguished educator compensation ..... 3103

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Notices**  
 Applications, actions and special notices ..... 3103  
 Availability of technical guidance ..... 3127  
 Public meetings scheduled ..... 3148  
 State Board of Certification of Sewage Enforcement Officers revised 2007 examination announcement ..... 3128

**DEPARTMENT OF HEALTH**  
**Notices**  
 Application for request for exception to 28 Pa. Code § 123.25(2) ..... 3128  
 Application for request for exception to 28 Pa. Code § 569.35 ..... 3129  
 Decisions on request for exceptions to health care facility regulations ..... 3129

**DEPARTMENT OF LABOR AND INDUSTRY**  
**Notices**  
 Current Prevailing Wage Act debarments ..... 3136

**DEPARTMENT OF REVENUE**  
**Notices**  
 Pennsylvania Lady Bucks instant lottery game ..... 3136

**ENVIRONMENTAL HEARING BOARD**  
**Notices**  
 Texas Eastern Transmission, LP v. DEP; EHB doc. no. 2007-132-R ..... 3137

**ENVIRONMENTAL QUALITY BOARD**  
**Notices**  
 Environmental Quality Board meeting cancellation . 3138

**HEALTH CARE COST CONTAINMENT COUNCIL**  
**Notices**  
 Meetings scheduled ..... 3138

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
**Notices**  
 Actions taken by the Commission ..... 3138  
 Notice of comments issued ..... 3139  
 Notice of filing of final rulemakings ..... 3140

**INSURANCE DEPARTMENT**  
**Notices**  
 Application for approval to acquire control; extension of public comment period ..... 3141  
 Eligible surplus lines insurer list ..... 3141  
 Travelers Personal Insurance Company; private passenger automobile; rate revisions ..... 3148

**LIQUOR CONTROL BOARD**  
**Notices**  
 Expiration of leases ..... 3148

**OFFICE OF THE ATTORNEY GENERAL**  
**Notices**  
 Public meeting ..... 3148

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY**  
**Notices**  
 Public meetings scheduled ..... 3148

---

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

---

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Extension of the fuel cost recovery surcharge special  
permission 28209 ..... 3149  
Order ..... 3150  
Service of notice of motor carrier applications..... 3151

**STATE BOARD OF EDUCATION**

**Notices**

Schedule of meetings for 2008 ..... 3152

**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs  
v. Rhonda Kegley Hopkins, LPN; doc. no. 1137-  
51-2006 ..... 3152

**STATE SYSTEM OF HIGHER EDUCATION**

**Notices**

Bid opportunity; Clarion University (2 documents) .. 3153

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

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

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

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

# List of Pa. Code Chapters Affected

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

## 1 Pa. Code (General Provisions)

### Proposed Rules

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

## 4 Pa. Code (Administration)

### Statements of Policy

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

## 7 Pa. Code (Agriculture)

### Adopted Rules

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

### Proposed Rules

11	951
21	672
23	672
25	672
27	672
95	951
123	951
125	951
128a	951
139	2823

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

### Adopted Rules

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

## 22 Pa. Code (Education)

### Adopted Rules

49	209
----	-----

### Proposed Rules

14	2961
----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

93	11
121	2365
123	883
126	209
127	2365
803	774
804	774
805	774
806	774
807	774
808	774

### Proposed Rules

93	2190
121	2063
127	1317
129	2063
145	2063
901	785, 3098

## Statements of Policy

83	2609
----	------

## 28 Pa. Code (Health and Safety)

### Statements of Policy

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

## 31 Pa. Code (Insurance)

### Adopted Rules

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

### Proposed Rules

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

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

123	2804
-----	------

### Statements of Policy

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

## 37 Pa. Code (Law)

### Adopted Rules

801	2511
802	2511

### Proposed Rules

97	786
----	-----

### Statements of Policy

200	1651, 2517
411	1651

## 40 Pa. Code (Liquor)

### Adopted Rules

5	16
11	16
13	16
17	16

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

### Adopted Rules

7	20
13	2412
16	1644
18	1644
19	2606
35	2291

### Proposed Rules

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

### Statements of Policy

43b	2608
-----	------

## 52 Pa. Code (Public Utilities)

### Proposed Rules

64	1032
Unclassified	1126, 2098



**Statements of Policy**

69 .....29, 1335

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

**Adopted Rules**

140 ..... 2180  
1249 ..... 2185

**Proposed Rules**

1150 ..... 1865  
1243 ..... 1865

**Statements of Policy**

178 ..... 1043, 1046  
1101 ..... 1880  
1249 ..... 2215  
4300 ..... 2979

**58 Pa. Code (Recreation)**

**Adopted Rules**

131 ..... 2947  
135 ..... 1309  
137 ..... 1310, 2948  
139 ..... 2949  
141 ..... 2955, 2956, 2957, 2958  
147 ..... 1310, 1311, 1312, 2959  
401 ..... 2808  
401a ..... 2808  
403 ..... 2808  
403a ..... 2808  
405 ..... 2808  
405a ..... 2808  
407 ..... 2808  
407a ..... 2808  
451 ..... 2686  
451a ..... 2686  
471 ..... 2686  
471a ..... 2686  
481 ..... 2688  
481a ..... 2688  
Unclassified ..... 2960

**Proposed Rules**

61 ..... 2692  
63 ..... 2196, 2694  
65 ..... 1218  
69 ..... 1218  
111 ..... 1220  
131 ..... 1325  
135 ..... 315  
137 ..... 1333  
139 ..... 1327  
141 ..... 1320, 1324, 2837, 2838  
147 ..... 211, 1333, 2695  
421a ..... 2197  
423a ..... 2197  
425a ..... 2197  
427a ..... 2197  
429a ..... 2695  
431a ..... 2197  
433a ..... 2695  
435a ..... 2695  
436a ..... 2197  
437a ..... 2695  
438a ..... 2197  
439a ..... 2197  
440a ..... 2197  
441a ..... 2695  
491a ..... 23  
493a ..... 2298  
494a ..... 2298

495a ..... 2298  
497a ..... 2298  
499a ..... 2298  
501a ..... 416  
503a ..... 416  
511a ..... 1490  
513a ..... 1490

**Statements of Policy**

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

**Temporary Rules**

401 ..... 21, 1841, 1968  
405 ..... 1313, 1968  
421 ..... 1970  
423 ..... 1968, 1970  
425 ..... 21  
427 ..... 1970  
429 ..... 1862  
431 ..... 1970  
433 ..... 1841, 2292  
435 ..... 1841  
437 ..... 1841  
440 ..... 2292  
441 ..... 1841, 2296  
443 ..... 1841  
461 ..... 1968, 2292  
465 ..... 1978, 2292  
511 ..... 1314

**61 Pa. Code (Revenue)**

**Proposed Rules**

1001 ..... 1028

**Statements of Policy**

60 ..... 1048

**67 Pa. Code (Transportation)**

**Adopted Rules**

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

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

**Adopted Rules**

5 ..... 2491  
19 ..... 929

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

**Adopted Rules**

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

**Proposed Rules**

81 ..... 394  
83 ..... 394, 520, 2602

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

**Adopted Rules**

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

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

**Adopted Rules**

1 ..... 521  
3 ..... 521  
9 ..... 521, 2492  
15 ..... 2492  
19 ..... 2405, 2408  
21 ..... 2409

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

**Adopted Rules**  
 ART. I ..... 2492

**Proposed Rules**  
 VIII..... 669

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

**Adopted Rules**  
 200 .....312, 3095  
 400 ..... 1480  
 1000 .....1411, 1480  
 1700 ..... 1480  
 1900 ..... 929  
 1910 .....522, 2800  
 1915 ..... 2602  
 1920 ..... 1959  
 2200 ..... 1480  
 3000 .....939, 1411  
 4000 ..... 2178  
 Part II ..... 1759, 2575

**Proposed Rules**  
 200 ..... 1640, 2930  
 1300 ..... 1641  
 1910 .....1120, 2493  
 1915 ..... 2493  
 1920 ..... 2493  
 3000 ..... 1641  
 4000 ..... 7

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

**Adopted Rules**  
 4 .....523, 752  
 5 ..... 2496  
 7 ..... 523  
 8 ..... 1960  
 10 ..... 312

**Proposed Rules**

1 ..... 2409  
 2 ..... 1302  
 5 .....1025, 1303, 2409

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

**Adopted Rules**  
 1 .....1123, 1483  
 2 ..... 1483  
 3 ..... 1123  
 5 ..... 2506  
 6 ..... 1123  
 8 .....1123, 1483  
 11 ..... 1123

**Proposed Rules**

1 .....527, 1306  
 3 ..... 527  
 5 ..... 527  
 6 ..... 3096  
 11 ..... 943  
 12 ..... 943  
 13 ..... 943  
 14 ..... 943  
 15 ..... 943  
 16 ..... 943  
 17 ..... 943  
 18 ..... 943

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

**Adopted Rules**  
 100 ..... 2092

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

Unclassified ..... 2932

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

Unclassified .....2411, 2933

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

Unclassified ..... 255, 400, 401, 404, 530, 670, 671, 761,  
 768, 770, 772, 773, 949, 950, 1026, 1124, 1215, 1216,  
 1414, 1642, 1962, 2094, 2095, 2096, 2289, 2509, 2510,  
 2681, 2684, 2800, 2802, 2803, 2939, 2940

# THE GENERAL ASSEMBLY

## Recent Actions during the 2007 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2007 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 006 through 007</b>					
006	Jun 12	SB0760	PN0837	60 days	Flight 93 Memorial Highway—designation
007	Jun 21	SB0218	PN1056	Immediately	Local Tax Enabling Act—omnibus amendments

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

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

[Pa.B. Doc. No. 07-1180. Filed for public inspection July 6, 2007, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 200]

#### Amendment of Rule 220.1 Governing Voir Dire; Proposed Recommendation No. 225

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 220.1 governing voir dire be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than August 31, 2007 to:

Harold K. Don, Jr.  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 200. BUSINESS OF COURTS

#### Rule 220.1. Voir Dire.

(a) Voir dire shall be conducted to provide the opportunity to obtain at a minimum a full description of the following information, where relevant, concerning the prospective jurors and their households:

\* \* \* \* \*

(16) Such other pertinent information as may be appropriate to the particular case to achieve a competent, fair and impartial jury.

**Official Note:** For example, in the context of *Capoferri v. Children's Hospital of Philadelphia*, 893 A.2d 133 (Pa. Super. 2006) (en banc), petition for allowance of appeal denied, 916 A.2d 630 (Pa. 2006), voir dire should have been allowed with respect to the effect of pre-trial publicity on prospective jurors' "attitudes regarding medical malpractice and tort reform."

\* \* \* \* \*

#### Explanatory Comment

The Civil Procedural Rules Committee is proposing the addition of a note to Rule 220.1(a)(16) governing voir dire. Current subdivision (a) lists the information to which parties are entitled to obtain during voir dire. The list concludes with a catch-all provision in subparagraph (16).

The proposed note provides an example of the type of information that may be sought from potential jurors pursuant to subparagraph (16) to achieve a competent, fair and impartial jury in a particular case.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 07-1181. Filed for public inspection July 6, 2007, 9:00 a.m.]

### PART I. GENERAL

[231 PA. CODE CH. 200]

#### Amendment of Rule 226 Governing Points for Charge; Proposed Recommendation No. 226

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 226 governing the points for charge be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than August 31, 2007 to:

Harold K. Don, Jr.  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 200. BUSINESS OF COURTS

#### Rule 226. Points for Charge. Motion for Directed Verdict.

(a) Points upon which the trial judge is requested to charge the jury shall be so framed that each may be completely answered by a simple affirmation or negation. Attorneys shall hand copies of requested points for charge to the trial judge and to the opposing attorneys before the closing addresses to the jury are begun.

**Official Note:** As an appellate court cannot consider anything that is not part of the record in a case, an attorney submitting to the court a proposed point for charge must make certain that it

becomes part of the record by reading the point into the record, filing the point in the prothonotary's office, or attaching the point to a motion for post-trial relief.

A point for charge which may be filed with the prothonotary or attached to a motion for post-trial relief must have been presented to the trial court in accordance with the rule.

\* \* \* \* \*

#### Explanatory Comment

The Civil Procedural Rules Committee is proposing to amend Rule 226 governing points for charge by adding a note that is intended to cure the problem of making points for charge part of the record for appellate review. The proposed amendment is in response to the case of *Bennyhof v. Pappert*, 790 A.2d 313 (Pa. Super. 2001), petition for allowance of appeal denied, 573 Pa. 682, 823 A.2d 143 (2003), in which the Superior Court concluded that although a point for charge had been raised by counsel and addressed by the trial court, the text of the point had not been made part of the certified record on appeal. The proposed note specifies the methods by which points for charge may be placed on the record. It is important to note that all points for charge must be presented to the court in accordance with the rule regardless of the method by which they are made part of the record.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 07-1182. Filed for public inspection July 6, 2007, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

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

#### Proposed Amendments to Rule 613 and Proposed New Rule 614

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rule 613 and the new rule 614 be adopted and prescribed. The proposed modified Rule 613 provides that the juvenile court loses jurisdiction when the juvenile attains the age of twenty-one. Rule 614 sets forth the procedures for early termination of court supervision by motion. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the intent of the rules. Please note that the Committee's Reports should not be confused with the official Committee Comments to the Rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.  
Staff Counsel  
Supreme Court of Pennsylvania  
Juvenile Court Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

no later than Monday, August 13, 2007.

By the Juvenile Court  
Procedural Rules Committee

FRANCIS BARRY MCCARTHY,  
Chair

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

#### PART B. MODIFICATIONS, REVIEWS, AND APPEALS

#### Rule 613. Termination of Court Supervision.

**A. Aging Out.** When the juvenile has attained the age of twenty-one, the court shall enter an order terminating court supervision of the juvenile.

**B. Notice.** [When the juvenile has completed the terms of the dispositional order, the juvenile probation officer shall move for the termination of the court's supervision by filing a motion.] The juvenile probation officer shall promptly notify the court when the conditions of probation have been satisfied. The court shall decide if supervision should be terminated. The [motion] notice shall set forth:

\* \* \* \* \*

[B.] **C. Objection.** Any party may object to the [motion] notice under paragraph [(A)] (B) and request a hearing. Such objection shall be made within thirty days of receipt of the [motion] notice; otherwise, objections are deemed waived.

[C.] **D. Hearing.** If objections have been made under paragraph [(B)] (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

[D.] **E. Termination.** When the requirements of paragraphs [(A)] (B) through [(C)] (D) have been met and the court is satisfied that the juvenile has carried out the terms of the dispositional order, the court may discharge the juvenile from its supervision.

#### Comment

For procedures on [motions] filing and service of the notice under paragraph (B)(2), see Rule [344 and] 345. For procedures on the dispositional order, see Rule 515. See also, 42 Pa.C.S. § 6352.

[Under paragraph (A)(2)] For collection of restitution, see 42 Pa.C.S. § 9728 [for collection of outstanding restitution].

**See Rule 614 for early termination of court supervision by motion.**

\* \* \* \* \*

**Rule 614. Early Termination of Court Supervision by Motion.**

A. *Motion.* Any party may move for early termination of court supervision. The motion shall state with specificity why early termination is sought and why the requirements of Rule 613 (A) have not been met.

B. *Notice.* In addition to the service requirements of Rule 345, any party moving for early termination shall serve the motion upon the juvenile probation officer.

C. *Objection.* A party or the juvenile probation officer may object to the motion under paragraph (A) and request a hearing. Such objection shall be made within thirty days of receipt of the motion; otherwise, objections are deemed waived.

D. *Hearing.* If objections have been made under paragraph (C), the court shall hold a hearing and give each party and the juvenile probation officer an opportunity to be heard before the court enters its final order.

E. *Termination.* When the requirements of paragraphs (A) through (D) have been met and the court is satisfied that there are compelling reasons to discharge the juvenile prior to the completion of the requirements of Rule 613(B), the court may order an early discharge of the juvenile from its supervision.

**Comment**

For procedures on motions, see Rule 344. For filing and service requirements, see Rule 345. For procedures on the dispositional order, see Rule 515. *See also*, 42 Pa.C.S. § 6352.

See 42 Pa.C.S. § 9728 for collection of outstanding restitution regardless of court supervision status.

**Explanatory Report**

*Rule 613—Termination of Court Supervision*

The Committee is proposing that a new paragraph (A) be added to Rule 613. Pursuant to 42 Pa.C.S. § 6302, the juvenile court loses jurisdiction over a juvenile when the juvenile attains the age of twenty-one regardless of whether the terms of the court's dispositional order have been completed. This proposed addition requires the court to enter a court order terminating court supervision of the juvenile so cases may be properly closed when the juvenile turns twenty-one.

The Comment was also changed to reflect that restitution may be collected under 42 Pa.C.S. § 9728 when court supervision is terminated.

*Rule 614—Early Termination of Court Supervision by Motion*

This new rule allows for early termination of court supervision if all the requirements of Rule 613 have not been met.

During the Committee's survey of all the judicial districts, some counties asked the Committee to look into several reasons why a court may want to terminate court supervision prior to the fulfillment of the court's dispositional order. Some examples of reasons for early termination could be that the juvenile is serving time in an adult prison and dual supervision is unnecessary; the juvenile would like to enroll in the military; or other compelling reasons for early termination.

The court has the power to continually change the terms of its court order at commitment review or dispositional review hearings. See Pa.Rs.J.C.P. 610(B) and 612(C), and 42 Pa.C.S. § 6353. If the court can change the terms of its dispositional order, it may decide to terminate court supervision prior to the completion of those terms.

Once court supervision has been terminated, restitution may be collected pursuant to 42 Pa.C.S. § 9728.

[Pa.B. Doc. No. 07-1183. Filed for public inspection July 6, 2007, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that James J. Gallo, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated October 31, 2006, the Supreme Court of Pennsylvania issued an Order on June 20, 2007, disbaring James J. Gallo, from the Bar of this Commonwealth, effective July 20, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 07-1184. Filed for public inspection July 6, 2007, 9:00 a.m.]

### Notice of Disbarment

Notice is hereby given that Richard R. Thomas, II, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated November 28, 2006, the Supreme Court of Pennsylvania issued an Order on June 20, 2007, disbaring Richard R. Thomas, II, from the Bar of this Commonwealth, effective July 20, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 07-1185. Filed for public inspection July 6, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

### Public Hearing Regarding Revised Proposed Amendments to the Comprehensive Plan and Water Code Relating to a Flexible Flow Management Plan for Operation of the New York City Delaware Basin Reservoirs

The Delaware River Basin Commission (Commission) will hold a public hearing and accept written comment on a revised proposal to amend the agency's Comprehensive Plan and Water Code to establish a Flexible Flow Management Program (FFMP) for the New York City Delaware Basin Reservoirs ("City Delaware Reservoirs") for multiple objectives, including, among others: (a) providing safe and reliable supplies of water; (b) managing discharges; (c) assisting in mitigating floods; (d) providing flows in the tailwaters to help sustain cold water fisheries; and (e) providing flows to help protect ecological health, support withdrawal and nonwithdrawal uses and repel salinity. The current reservoir releases program, established by Resolution No. 2004-3, and the current spill mitigation program, established by Resolution No. 2006-18, both were due to expire on May 31, 2007. By Resolution No. 2007-7 on May 10, 2007, the Commission extended these programs through September 30, 2007 in light of this ongoing rulemaking process. The Commission will also accept comment on alternative reservoir management strategies that may be adopted in the event that the decree parties do not unanimously consent to the proposed FFMP or the Commission does not promulgate regulations embodying the FFMP. The alternative reservoir releases options to be considered are: (1) extending the current reservoir releases program; or (2) reinstating a previous reservoir releases program. In evaluating these options, the Commission will also consider a seasonal spill mitigation program or an annual spill mitigation program for the three reservoirs and an amelioration program for the potential effects on the tailwaters fishery of the Lake Wallenpaupack drought operating plan adopted by Resolution No. 2002-33. The releases program adopted in the event that the proposed FFMP is not approved would continue in effect until any expiration date contained in the program adopted or unless and until replaced by another program that has been approved by the Commission. If approved by the Commission, the FFMP will supersede Docket D-77-20 CP (Revised) until the FFMP's expiration on May 31, 2010 or further renewal date, and all other versions of Docket D-77-20 CP shall be rescinded or expire. A comprehensive reassessment of safe yield and operations of selected basin reservoirs will be undertaken during the first three years that the FFMP is in effect.

Any alternative program addressing issues regarding which the public has not been provided notice through the present rulemaking may require a further notice and comment rulemaking process. In accordance with Section 3.3 of the Delaware River Basin Compact, any program affecting the diversions, compensating releases, rights, conditions, and obligations of the 1954 Supreme Court Decree in the matter of *New Jersey v. New York*, 347 U. S. 995, 74 S. Ct. 842 also requires the unanimous consent of

the decree parties, which include the states of Delaware, New Jersey and New York, the Commonwealth of Pennsylvania, and the City of New York.

#### *Dates*

Two public hearings on the revised FFMP proposal will be conducted at 2:30 p.m. and 6:30 p.m. respectively on Tuesday, August 14, 2007, at the office building of the Delaware River Basin Commission in West Trenton, NJ. Written comments will be accepted through Wednesday, August 15, 2007. To allow sufficient time for consideration of written comments, comments must be received, not merely postmarked, by that date. In addition, three informational meetings will be held on the revised proposal. The first informational meeting took place during a meeting of the Commission's Regulated Flow Advisory Committee, held at 10 a.m. on June 27, 2007 at the PPL Lake Wallenpaupack Environmental Learning Center in Hawley, PA. The second will take place during the morning conference session of the Commission's regularly scheduled meeting at 10:15 a.m. on Wednesday, July 18, 2007 at the DRBC office building in West Trenton, NJ. The third informational meeting will take place at 1 p.m. on Tuesday, August 14, 2007, immediately prior to the first public hearing on the proposal, scheduled for that date at the Delaware River Basin Commission office building in West Trenton, NJ. Directions to the Commission's office building, located at 25 State Police Drive in West Trenton, NJ, are available on the DRBC website at [www.drbc.net](http://www.drbc.net). Do not rely upon MapQuest or other Internet mapping services for driving directions, as they may not provide accurate directions to the DRBC. Written comments must include the name, address and affiliation of the commenter. Comments may be submitted by email to [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us); by U. S. Mail to: Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360; and by fax to Attn: Commission Secretary at (609) 883-9522. In all cases, the subject line should include the phrase, "FFMP Comment."

#### *Previously Submitted Comments*

Written comments submitted to the Commission during the prior comment period, or presented orally or in writing to the Commission at its prior scheduled public hearings, with regard to the form of the FFMP posted on the Commission's website in February, 2007, will be included in the administrative record for this rulemaking and need not be resubmitted.

#### *Supplementary Information*

The flow management objectives considered by the Supreme Court Decree of 1954 were narrower than the diverse objectives that have emerged in the decades since. Today, the finite waters of the Delaware and the limited storage available in the basin are being managed for multiple purposes, including among others water supply and drought mitigation, flood mitigation, habitat protection in the tailwaters fishery, the mainstem and the estuary and salinity repulsion. In accordance with the Delaware River Basin Compact, a statute concurrently enacted in 1961 by the United States and the four basin states—Delaware, New Jersey, New York and Pennsylvania—the Delaware River Basin Commission may modify diversions, releases, rights, conditions and obligations established by the decree, provided that the decree parties unanimously consent to such modifications. The Commission and decree parties have made use of this

authority to provide flexibility to respond to fluctuating hydrologic conditions and evolving priorities throughout the Commission's history.

Unlike the experimental programs instituted by the Commission in the past, the FFMP is intended to provide a comprehensive framework for addressing multiple flow management objectives, including, in addition to water supply, drought mitigation and protection of the tailwaters fishery, a diverse array of habitat protection needs in the mainstem, estuary and bay, assistance in mitigating the impacts of flooding, recreational goals and salinity repulsion. Some of the flow needs identified by the parties have not yet been defined sufficiently for the development of detailed plans. These include protection of the dwarf wedgemussel, a Federal and state-listed endangered species present in the mainstem, oyster production in Delaware Bay, and protection of warm-water and migratory fisheries in the lower basin. Incremental and periodic adjustments are expected to be made to the FFMP for these purposes, based upon ongoing monitoring, scientific investigation and periodic reevaluation of program elements.

A central feature of the reservoir release programs implemented to date for management of the tailwaters fishery has been the use of reservoir storage "banks" employed for narrowly defined purposes under specific hydrologic and temperature conditions and at specified times of the year. These are applied in conjunction with a set of fixed seasonal flow targets. The system requires complex daily flow and temperature modeling as a component of determining the releases, and as a result, the program is difficult and costly to administer. The current approach also lacks the seasonal fluctuations characteristic of a natural flow regime. The FFMP would largely eliminate the use of banks and would base releases instead on reservoir storage levels, resulting in larger releases when water is abundant and smaller releases when storage is at or below normal. The result would more closely approximate a natural flow regime. In addition, the FFMP would provide for more gradual transitions (or "ramping") from higher to lower releases and vice versa than the current regime. The FFMP would include a discharge (spill) mitigation component similar to but enhancing the temporary programs implemented in the past. The storage represented by snowpack water content would continue to be considered.

The decree parties have considered the broad range of public comments that were received on the FFMP that was published in February and have proposed several revisions in response to those comments. The discharge mitigation provisions of the release program would be enhanced by increasing the rate of releases and modifying the release triggering curves by extending the period during which releases are triggered at the 75% storage

level and expanding the period of time during the year covered by the program. These releases would also serve to provide more water than did the previous FFMP proposal for fisheries protection during the spring and early summer. A Temporary Release Quantity would be established for a 3-year period, supported by the Excess Release Quantity specified in the decree, and making release water available to meet Montague and Trenton flow objectives under certain conditions. The maximum New Jersey diversion authorized in the decree, which was reduced during drought operations by the Good Faith Agreement of the decree parties and the Commission's Water Code would be partially restored by the revised FFMP, resulting in continuation of New Jersey's 100 mgd diversion during normal and drought watch operations; and diversions of 85 mgd during drought warning and drought emergency operations. The Montague flow objective would be detached from the Good Faith Agreement's salt front vernier during drought emergency operations.

Hydrologic modeling and habitat assessments are being undertaken to evaluate the sustainable benefits of the FFMP for the tailwaters fishery and for discharge mitigation. In addition, an evaluation is being made of the potential benefits and costs of increasing storage in one or more of the City Delaware Reservoirs that may improve the capacity of the system to meet the full range of flow objectives.

If a decision of DRBC commissioners on details of the FFMP with the unanimous consent of the decree parties cannot be reached at the Commission meeting on September 26, 2007, the parties intend to continue to work at refining and improving the FFMP. Under such circumstances, for an interim period, the parties will consider extending the current fisheries management program or reinstating a previous regime. In either case, a discharge mitigation plan and an amelioration program for the potential effects of the Lake Wallenpaupack drought operating plan will also be considered.

#### *Further Information, Contacts*

The text of the proposed FFMP in its entirety and the proposed regulations embodying the FFMP will be posted on the website of the Delaware River Basin Commission, [www.drbc.net](http://www.drbc.net), on or before July 16, 2007 and will remain posted through September 26, 2007. Contact Pamela M. Bush, Esquire, Commission Secretary and Asst. General Counsel at (609) 883-9500, Ext. 203 with questions about the proposed rule change or the rulemaking process.

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 07-1186. Filed for public inspection July 6, 2007, 9:00 a.m.]



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, July 18, 2007. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:15 a.m. Topics include a presentation on a revised proposal for a Flexible Flow Management Program (FFMP) for the New York City Delaware Basin Reservoirs; a presentation on proposed amendments to the Commission's Special Protection Waters regulations and a presentation on proposed amendments to the Water Code relating to water accountability and source metering, recording and reporting.

The subjects of the public hearing to be held during the 2 p.m. business meeting include the dockets listed as follows:

1. *South Coatesville Borough D-74-39 CP-2*. An application for approval of the rerate of the existing South Coatesville Borough Wastewater Treatment Plant (WWTP). The permitted discharge from the applicant's WWTP will increase from an annual average daily flow of 0.365 million gallons per day (mgd) to 0.381 mgd and will continue to be discharged to the West Branch Brandywine Creek. The facility is located in South Coatesville Borough, Chester County, PA.

2. *Kent County Levy Court D-77-87 CP-2*. An application for approval of the expansion of the existing Kent County Levy Court WWTP. The permitted discharge from the applicant's WWTP will increase from a daily flow of 15.0 mgd to 16.3 mgd and will continue to be discharged to The Gut, a tributary to the Murderkill River. The facility is located in the City of Milford, Kent County, DE.

3. *Hackettstown Municipal Utilities Authority D-91-30 CP-2*. An application to expand a 3.3 mgd wastewater treatment plant to process 3.39 mgd. The plant is located in Washington Township, Morris County, NJ. The plant will continue to treat wastewater from the Town of Hackettstown, Mansfield, Independence and Allamuchy Townships, all in Warren County; and Washington and Mount Olive Townships in Morris County, NJ. The additional capacity is needed to serve the service area previously served by the former Diamond Hill Sewer Company. Treatment plant effluent will continue to be discharged to the Musconetcong River in the Musconetcong River Watershed by means of the existing outfall. The defunct Diamond Hill treatment facility and discharge to Hence's Brook will be abandoned.

4. *Aqua New Jersey, Inc. D-93-13 CP-3*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 198.5 mg/30 days to 237 mg/30 days to supply the applicant's Blackwood District public water supply distribution system from existing Wells Nos. 3, 6, 7, 13, 15, 17 and 20 located within the Delaware River Basin and eight wells located outside of the basin

in the Cohansey, Mt. Laurel and Potomac-Raritan-Magothy Formations. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Big Timber Creek Watershed in Gloucester Township, Camden County, NJ.

5. *Reading Area Water Authority D-2000-59 CP-2*. An application for approval to transfer up to 1.5 mgd and up to 45 mg/30 days of potable water from the Reading Area Water Authority (RAWA) system to the Pennsylvania American Water Company (PAWC) Glen Alsace District water distribution system. Some of the water supply is also needed to serve PAWC's customers in its Douglassville District by means of an existing interconnection. RAWA proposes no increase of existing allocation of 35 mgd (1,050 mg/30 days) of water from its Lake Ontelaunee Reservoir, which is located in Ontelaunee Township, Berks County, PA. The project also includes the revision of the RAWA Operating Plan to reflect the service area modification, conservation release improvements and fisheries protection measures. The reservoir is situated on Maiden Creek in the Schuylkill River Watershed.

6. *Borough of Portland D-2003-9 CP-2*. An application to modify the proposed WWTP that was approved by DRBC Docket No. D-2003-9 CP on January 19, 2005, but not constructed due to cost considerations. The WWTP design capacity will remain 0.105 mgd, but the modified design involves treatment processes that cost less to construct and maintain than those in the approved design. The proposed membrane ultra-filtration system will eliminate the need for clarifiers and a tertiary filter, while still meeting docket and NPDES permit limitations. The WWTP will provide tertiary treatment of flow from the proposed Portland Industrial Park and from local onlot septic systems located in Portland Borough, Northampton County, PA. The WWTP will be constructed in the southeast corner of Portland Borough and the project outfall diffuser will discharge to the Delaware River. The project is located within the drainage area to a section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

7. *Pennsylvania American Water Company D-2006-33 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 7.34 mg/30 days of water to the applicant's public supply distribution system from new Well PW3 and to increase the existing withdrawal from all wells from 15.12 mg/30 days to 18.57 mg/30 days. The increased allocation is requested to meet projected increases in service area demand. New Well PW3 is located in the Trimmers Rock Formation in the Brodhead Creek Watershed in Stroud Township, Monroe County, PA. The site is located within the drainage area to the section of nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

8. *Wissahickon Spring Water, Inc. D-2006-29-1*. An application for approval to discharge up to 0.1008 mgd to Kaercher Creek, a tributary of the Schuylkill River, from a bottled water filtration plant. The wastewater currently discharges into sanitary drains within the building. The applicant will install three reverse osmosis units and will discharge the rinse water through new Outfall No. 001. The facility is located in the Schuylkill River Watershed in Hamburg Borough, Berks County, PA.

9. *Pocono Manor Investors Pt. 1, L.P. D-2006-43-1*. An application for approval of a groundwater withdrawal

project to supply up to 30.24 mg/30 days of water to the applicant's resort from new Wells Nos. 1—3 and to limit the existing withdrawal from all wells to 30.24 mg/30 days. The project is located in the Catskill Formation in the Brodhead/Swiftwater Creek Watershed in Pocono Township, Monroe County, PA. This withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

10. *Royersford Borough D-2006-45 CP-1.* An application for approval to expand the existing Royersford Borough WWTP from a design flow of 0.54 mgd to 0.70 mgd. WWTP effluent will continue to be discharged to the Schuylkill River. The facility is located directly outside of Royersford Borough, in Upper Providence Township, Montgomery County, PA.

11. *Jackson Township Authority D-2007-4 CP-1.* An application for the approval of a new 0.5 mgd WWTP. The applicant's new WWTP will discharge to an unnamed tributary of the Tulpehocken Creek, a tributary to the Schuylkill River, at a point upstream of Blue Marsh Reservoir. The facility will be located in Jackson Township, Lebanon County, PA.

12. *Cott Beverages, Inc. D-2007-6-1.* An application for approval to expand the applicant's existing IWTP from 0.023 mgd to 0.070 mgd to serve its beverage (soft drinks and carbonated water) production facility. The IWTP will continue to discharge to the West Branch Chester Creek in the Chester Creek Watershed. The facility is located in Concord Township, Delaware County, PA.

13. *Bath Borough Authority D-2007-16 CP-1.* An application for approval of a groundwater withdrawal project to supply up to 15 mg/30 days of water to the applicant's public supply distribution system from new Wells Smith Street, Allen Street and Holiday Hill. The project is located in the Ontelaunee and Martinsburg formations in the Monacacy Creek and East Monacacy Creek watersheds in Bath Borough, Northampton County, PA. The project site is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

14. *Altivity Packaging LLC D-2007-20-1.* An application for approval of a surface water withdrawal project to supply up to 210 mg/30 days of water to the applicant's

industrial operations from existing Intake No. 1. The project is located in the Schuylkill River Watershed in the City of Philadelphia, PA.

In addition to the public hearing on the dockets listed, the Commission's 2 p.m. business meeting will include: a public hearing and consideration of a resolution for the minutes increasing the authorized value of a contract with Princeton Hydrologics, LLC for modifications to the site of the Commission's West Trenton office building to improve stormwater management; a resolution authorizing the Executive Director to enter into an agreement for analysis of emerging contaminants in ambient waters of the tidal Delaware River; a resolution authorizing the executive director to enter into an agreement with the Susquehanna River Basin Commission for the Commission to perform tasks in connection with water conservation aspects of Pennsylvania's State Water Planning Act; and a resolution for the minutes authorizing the executive director to enter into an agreement to provide support to the Commonwealth of Pennsylvania on water resources issues.

The meeting will also include: adoption of the minutes of the Commission's May 10, 2007, business meeting; announcements of upcoming advisory committee meetings and other events; a report by the Executive Director; a report by the Commission's General Counsel and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on July 18, 2007, will be posted on the Commission's website, [www.drbc.net](http://www.drbc.net), where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 07-1187. Filed for public inspection July 6, 2007, 9:00 a.m.]

## 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 26, 2007.

#### BANKING INSTITUTIONS

##### Holding Company Aquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-22-07	Northwest Bancorp, Inc., Warren to acquire 100% of Penn Laurel Financial Corporation, Curwensville	Warren	Effective

**Charter Applications**

<i>Date</i>	<i>Name of Trust Company</i>	<i>Location</i>	<i>Action</i>
6-21-07	Federated Investors Trust Company of PA Pittsburgh Allegheny County <i>Corresponding Agent</i> William Campbell Ries, Esq. Tucker Arensberg, PC 1500 One PPG Place Pittsburgh, PA 15222	Pittsburgh	Filed

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-22-07	Northwest Savings Bank, Warren, and CSB Bank, Curwensville Surviving Institution— Northwest Savings Bank, Warren  All branches of the former CSB Bank will be operated as branches of Northwest Savings Bank, including the former main office, located at: 434 State Street Curwensville Clearfield County	Warren	Effective
6-18-07	Somerset Trust Company Somerset Somerset County	<i>To:</i> 2028 North Center Avenue Somerset Somerset County  <i>From:</i> 316 Georgian Place Somerset Somerset County	Effective

**Branch Discontinuance**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-21-07	Community Bank Carmichaels Greene County	3730 Brownsville Road Pittsburgh Allegheny County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-20-07	Community Bank Carmichaels Greene County	Provides for amendment to Article V of the Articles of Incorporation to provide for trust powers.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-22-07	TruMark Financial Credit Union Trevose Bucks County	Plymouth Whitemarsh High School 201 East Germantown Pike Plymouth Meeting Montgomery County	Approved

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

VICTORIA A. REIDER,  
*Acting Secretary*

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Thursday, July 19, 2007, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to John Quigley at (717) 787-9632.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 787-9632 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-1189. Filed for public inspection July 6, 2007, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Ronald Roda for Reinstatement of Teaching Certificate; Doc. No. Re 07-01

#### Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Ronald Roda for reinstatement of his teaching certificate.

On or about February 26, 2007, Ronald Roda filed an application for reinstatement of his teaching certificate under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and the former 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education on June 19, 2007, recommended to the Com-

mission that the application be denied. In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties wishing to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Any person objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,  
*Secretary*

[Pa.B. Doc. No. 07-1190. Filed for public inspection July 6, 2007, 9:00 a.m.]

### Distinguished Educator Compensation

Under section 1195(j) of The Public School Code of 1949 (24 P. S. § 11-1195), the Department of Education will compensate individuals serving as Distinguished Educators during the 2007-08 school year consistent with the following formula:

$[\$400.00 \times \text{service days}] + \text{approved expenses} =$   
Distinguished Educator compensation

GERALD L. ZAHORCHAK, D. Ed.,  
*Secretary*

[Pa.B. Doc. No. 07-1191. Filed for public inspection July 6, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

## **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0028908	Department of Agriculture Region III P. O. Box C Tunkhannock, PA 18657-0318	Tunkhannock Township Wyoming County	North Branch Susquehanna River 4G	Y
PA0070491	Mahoning Valley Nursing and Rehabilitation Center 397 Hemlock Drive Lehighton, PA 18235	Mahoning Township Carbon County	Stewart Creek CWF 2B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0246905 (CAFO)	Lauden Farms CAFO—Karl Laudenslager 2366 Back Road Halifax, PA 17032	Dauphin County Wayne Township	Powell Creek 6-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209376 (Nonmunicipal)	Linda Geyer 2713 Carson Hill Road Dubois, PA 15801	Clearfield County Brady Township	UNT to Limestone Run 17D	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>
PA0221503	Crab Apple Ridge Golf Course STP 10234 Sharp Road Waterford, PA 16441	Waterford Township Erie County	UNT to LeBoeuf Creek 16-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, (484) 250-5980.*

**PA0057002**, Industrial Waste, **Township of Haverford**, 2325 Darby Road, Havertown, PA 19083. This application is for renewal of an NPDES permit to discharge treated landfill leachate wastewater from Haverford Township Landfill in Haverford Township, **Delaware County**. This is an existing discharge to Darby Creek.

The receiving stream is classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.010 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron, Dissolved			7.0
Iron, Total	Monitor and Report		
Manganese	Monitor and Report		
Benzidine	Monitor and Report		
Color (P <sub>t</sub> -CO Units)			100
Total Dissolved Solids	Monitor and Report		
Total Suspended Solids	30	60	75
Specific Conductance	Monitor and Report		
pH (Standard Units)	Within limits of 6.0 to 9.0 Standard Units at all times		

The EPA waiver is in effect.

**PA0026298**, Sewage, SIC 4952, **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444-1821. This existing facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the Whitemarsh STP.

The receiving stream, the Schuylkill River, is in the State Water Plan Watershed 3F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Water Department is located on the Schuylkill River and is approximately 6.6 miles below the point of discharge.

The proposed effluent limits for Outfall 002 are based on a design flow of 2.0 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Ammonia as N	20			40
Fecal Coliform (Col/100 ml)	200 (Geo. Mean)			1,000
Dissolved Oxygen	5.0 Instantaneous Minimum			
pH (Standard Units)	6.0 Instantaneous Minimum			9.0
Total Residual Chlorine	0.5			1.3

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

1. Notification of Designation of Responsible Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Change of Ownership.

7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. WETT at Renewal.
11. Instantaneous Maximum Limits.
12. Fecal Coliform Reporting.
13. Operator Training.
14. Laboratory Certification.
15. Operations and Maintenance Plan.

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

**PA0062570**, Sewage, **Covington Township Sewer Authority**, Box 266, Moscow, PA 18444. This proposed facility is located in Covington Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Roaring Brook, is in the State Water Plan Watershed No. 5A and is classified for: HQ-CWF. The nearest downstream public water supply intake for Danville Water Authority is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.200 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15.0	25.0	30.0
(11-1 to 4-30)	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Phosphorus as "P"	1.0		2.0
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.0
Ammonia Nitrogen	Monitor and Report		
Kjeldahl Nitrogen	Monitor and Report		
Nitrite-Nitrate as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		

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

1. Chesapeake Bay Nutrient Requirements.

**PA0063517**, Sewage, **Bonham's Nursing Center**, 477 Bonnieville Road, Stillwater, PA 17878. This proposed facility is located in Huntington Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, Pine Creek, is in the State Water Plan Watershed No. 5C and is classified for: CWF. The nearest downstream public water supply intake for Danville Borough Water Authority is located on Susquehanna River over 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01625 mgd.

<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>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8
Ammonia Nitrogen	Monitor and Report		
Kjeldahl Nitrogen	Monitor and Report		
Nitrite-Nitrate as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		

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

1. Chesapeake Bay Requirements

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

**PA0217620**, Sewage, **Consol Pennsylvania Coal Company**, P. O. Box J, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Baily Mine-Crabapple Portal STP in Richhill Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Crabapple 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 City of Sistersville, WV Water Company.

*Outfall 001: existing discharge, design flow of 0.025 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.4			1.0
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 6507401**, Sewerage, **City of Jeannette Municipal Authority**, 1000 Railroad Street, Penn, PA 15675. This proposed facility is located in the City of Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: Application for sanitary sewer rehabilitation and treatment plant improvements.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

**V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

**VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011507027	Kathleen Gendel 200 Pine Creek Road Chester Springs, PA 19425	Chester	Uwchlan Township	Pickering Creek HQ-TSF
PAI011507028	East Brandywine Township 1214 Horseshoe Pike Downingtown, PA 19335	Chester	East Brandywine Township	Culbertson Run HQ-TSF-MF Beaver Creek TSF-MF East Branch Brandywine Creek HQ-TSF-MF



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507029	Brian Forcine 2443 Yellow Springs Road Malvern, PA 19355	Chester	Charlestown Township	Pickering Creek HQ-TSF
PAI011507030	Andrew Jones 485 Willow Street Toughkenamon, PA 19374	Chester	Lower Oxford Township	West Branch Big Elk Creek HQ

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

*Luzerne County Conservation District: Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024007001	Aqua Pennsylvania, Inc. Attn: Thomas Roberts 700 West Sproul Road Springfield, PA 19064	Luzerne	Kingston Township	Toby Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807009	CMC Development Corp. 4511 Falmer Drive Bethlehem, PA 18020	Northampton	Bethlehem and Palmer Townships	Bushkill Creek HQ-CWF

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

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041807001	Department of Transportation Engineering District 2-0 1924 Daisy Street Ext. Clearfield, PA 16830	Clinton	Renovo Borough Chapman Township	West Branch Susquehanna River WWF Paddy Run EV

*Northumberland County Conservation District: R. R. 3, Box 238-C, Sunbury, PA 17801, (570) 286-7114, Ext. 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044907001	Roger Hoffman— FoodSwing, Inc. 50 Oak Street Northumberland, PA 17857	Northumberland	West Chillisquaque Township	Montandon Marsh EV Wetland

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

*Armstrong County Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0503050011	Worthington-West Franklin Jnt. Mun. Auth.	Armstrong	Worthington Borough West Franklin Township	Buffalo Creek HQ-TSF

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

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

## **PUBLIC WATER SUPPLY (PWS) PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER MINOR AMENDMENT

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

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

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

Applicant	<b>Utilities Inc.—Westgate</b> Hanover Township <b>Northampton County</b>
Responsible Official	Chuck Madison, Area Manager Utilities Inc.—Westgate 503 Hallet Road East Stroudsburg, PA
Type of Facility	Public Water System
Consulting Engineer	F.X. Browne, Inc. P. O. Box 401 Lanesdale, PA
Application Received Date	June 11, 2007
Description of Action	The construction of a second interconnection of the Westgate water system to Bethlehem City.

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

Applicant	<b>WJM Services, Inc.</b> Rice Township <b>Luzerne County</b>
Responsible Official	Robert J. Miller, Treasurer WJM Services, Inc. 52 Zerbe Street Cressona, PA 17929 (570) 385-5065
Type of Facility	Community Water System
Consulting Engineer	NA

Application Received Date	May 18, 2007
Description of Action	Application for transfer of the community water system serving Valley Stream Mobile Home Village from Ryon Reality Company to WJM Services, Inc.

### 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 alter-

native 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:

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

**Pennsylvania American Water Company former Yellow Breeches Treatment Plant, Fairview Township, York County.** Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837, on behalf of Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055-4475, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 heating oil from removed underground storage tanks. The property is a former water treatment plant and will be used as open space in the future. The applicant seeks to remediate to the Statewide Health Standard.

#### RESIDUAL WASTE GENERAL PERMITS

**Application Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application Number WMGR042. United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219-2702.** General Permit Number WMGR042 authorizes beneficial use of slag fines from the production of steel using the basic oxygen process (BOP) (SIC Code 3312) as construction material. The application for renewal of General Permit Number WMGR042 was accepted as administratively complete by Central Office on June 21, 2007.

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

### 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.*

**67-03142A: DCP Midstream, LP** (370 17th Street, Suite 2500, Denver, CO 80202) for construction of a new propane terminal located in West Manchester Township, York County.

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

**08-00002C: E. I. duPont de Nemours and Co., Inc.** (Patterson Boulevard, Towanda, PA 18848) for installation of an air cleaning device (a regenerative thermal oxidizer) on an existing film coater and for the modification of the respective coater, said modification being an increase in the allowable VOC emissions from 2.7 tpy to 24.4 tpy and an increase in the allowable HAP emissions from 1.0 tpy year of any single HAP and 2.5 tpy of all HAPs combined to 24.4 tpy of HAPs, single or combined, in North Towanda Township, Bradford County.

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

**11-00241A: Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001) on June 5, 2007, to install a wood fired boiler at the State Correctional Institution in Cresson Township, **Cambria County**.

---

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

---

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

**09-0196: Abington Reldan Refining & Recycling, LLC** (550 Old Bordentown Road, Fairless Hills, PA 19030) for construction of four thermal destructors at a new precious metal recovery facility in Falls Township, **Bucks County**. This facility is a non-Title V facility. An afterburner, dust collector and a scrubber will be installed on each thermal destructor, which will reduce VOC, hydrogen chloride and mercury emissions from the facility before discharge. The Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

**46-0662: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) to modify the existing plan approval 46-313-146 previously issued for installation of the solvent pigment dispersion process controlled by the regenerative thermal oxidizer at their Hatfield facility in Hatfield Township, **Montgomery County**. The facility is a non-Title V facility for any of the air pollutants. The Plan Approval will allow the oxidizer to burn No. 2 fuel oil along with previously approved natural gas. This modification will increase NOx emissions from the combustion process and also will introduce the new SO<sub>2</sub> emissions to the facility. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**01-03017A: Premier Chemicals, LLC** (300 Barr Harbor Drive, Suite 250, West Conshohocken, PA 19428) to increase mineral throughput in their Aspers, PA facility in Menallen Township, **Adams County**. Maximum expected emissions are 3 tpy of PM. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-03077A: ICM of Pennsylvania, Inc.** (638 Lancaster Avenue, Malvern, PA 19355) for replacement of existing baghouses with an upgraded wet suppression system at the Cedar Hill Quarry in Fulton Township, **Lancaster County**. This is a non-Title V (State-only) facility. 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.*

**20-106A: Greenleaf Corp.** (18695 Greenleaf Drive, Saegertown, PA 16433-4429) for installation of a thermal oxidizer on a graphite resistance furnace at their manufacturing facility in Hayfield Township, **Crawford County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection intends to issue a plan approval for installation of a thermal oxidizer on a graphite resistance furnace at their manufacturing facility in Hayfield Township, Crawford County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit at a later date.

#### OPERATING PERMITS

---

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

---

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

**46-00198: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) for renewal of their Title V Operating Permit in Upper Hanover Township, **Montgomery County**. The initial permit was issued on January 7, 2001. The facility processes cocoa beans and cocoa nibs to create cocoa powder, cocoa butter and chocolate liquor for utilization in the food industry. 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 adopt any new regulations and 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. This addition of regulatory requirements does not reflect any change in air emissions from this facility.

---

**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.*

**22-05046: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for operation of the asphalt plant at their Handwerk Materials in Lower Swatara Township, **Dauphin County**. This permit is a renewal of the 2002 State-only operating permit.

#### 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. 32851601 and NPDES Permit No. PA0095966, P & N Company**, (P. O. Box 332, Punxsutawney, PA 15767), to renew the permit for the Hillman Tipple in Banks Township, **Indiana County** and related NPDES permit. No additional discharges. Application received May 15, 2007.

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

**32070107 and NPDES No. PA0262455, Britt Energies, Inc.**, (2450 Philadelphia Street, Indiana, PA 15701), commencement, operation and restoration of a bituminous surface auger and blasting mine in Center Township, **Indiana County**, affecting 19.7 acres. Receiving streams: UNT to Yellow Creek and UNTs to Tearing Run both to Two Lick Creek to Blacklick Creek to Conemaugh River

classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 12, 2007.

**11050102 and NPDES No. PA0249831, Hoffman Mining, Inc.**, (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), transfer of an existing bituminous surface auger mine from Heritage Mining Company, P. O. Box 126, Cresson, PA 16630 located in Adams Township, **Cambria County**, affecting 90.6 acres. Receiving streams: Paint Creek and UNT to Paint Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 15, 2007.

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

**33850118 and NPDES Permit No. PA0106682, Alvin Gearhart** (307 Treasure Lake, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 220.0 acres. Receiving streams: three UNTs of Soldier Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received June 15, 2007.

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

**17050108 and NPDES No. PA0256277. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866), revision of an existing bituminous surface mine for an incidental boundary correction in Graham and Morris Townships, **Clearfield County**, affecting 84.3 acres. Receiving streams: UNT to Moravian Run, to Moravian Run (CWF); to West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received May 24, 2007.

**17910124 and NPDES No. PA0206725. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824), permit renewal for the continued operation and restoration of a bituminous surface mine in Brady Township, **Clearfield County**, affecting 393.0 acres. Receiving streams: UNT to Laurel Branch Run to Laurel Branch Run, UNT to Beech Run and Beech Run, Beech Run and Laurel Branch Run to East Branch Mahoning Creek, East Branch Mahoning Creek to Mahoning Creek, classified for the following use:

<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.

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

**3573SM8 and NPDES Permit No. PA0126438. Parker Sand & Gravel Co.** (P. O. Box O, Parker, PA 16049). Transfer application received to change ownership from sole proprietorship to PA Corporation for a noncoal large surface mine, located in Hovey and Allegheny Townships, **Armstrong and Butler Counties**, affecting 113 acres. Receiving streams: UNTs to Allegheny River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Parker Township Water Authority. Transfer application received May 25, 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

HQ-CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company intake on East Branch of Mahoning Creek in Big Run, PA. Application received June 6, 2007.

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

**35970201R2. APHC II, Inc.,** (148 Adams Avenue, Scranton, PA 18503), renewal of an existing anthracite coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** affecting 26.8 acres, receiving stream: none. Application received June 18, 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:

this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

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

**E28-330: James W. Hill, Patterson Hill Residential Subdivision,** 260 Topaz Drive, Chambersburg, PA 17201, Hamilton Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 125-foot long 24-inch HDPE pipe wetland crossing permanently impacting

0.020 acre of PEM wetland; an 8-inch sanitary sewer pipe wetland crossing and an 8-inch sanitary sewer pipe stream crossing all associated with a UNT to Back Creek (WWF). The project is located south of Crottletstown Road (T533) approximately 1 mile northwest of its intersection with Route 30 (Chambersburg, PA Quadrangle, North 12.0 inches; West 11.6 inches, Latitude: 39° 50' 46"; Longitude: 77° 42' 24") in Hamilton Township, Franklin County.

**E06-626: Arrowhead Industrial Park, Robert G. Ciccone**, P. O. Box 86 Bath, PA 18014-0086, Maxatawny Township, **Berks County**, ACOE Philadelphia District.

To operate and maintain the following existing impacts: (A) approximately 952.0-linear feet of fill in the existing stream channel; (B) a 423.0-foot long, 36.0-inch HDPE pipe stream enclosure; (C) a 672.0-foot long grass relocated channel connected to the above mentioned 36.0-inch HDPE pipe (B); and (D) a 128.0-foot long 38.0-inch by 60.0-inch elliptical RCP culvert located under Delaware Avenue all in a UNT to Mill Creek (TSF). The applicant also proposes the following impacts: (A) the construction and maintenance of a 163.0-foot long, 18.0-inch HDPE culvert pipe stream enclosure in a UNT to Mill Creek (TSF) at Delaware Avenue; and (B) the relocation and maintenance of 113.0 feet of a UNT to Mill Creek (TSF) for roadway widening, located along Long Lane (Topton, PA Quadrangle N: 9 inches, W: 15 inches; Latitude: 40° 32' 12.2", Longitude 75° 44' 8.4") in Maxatawny Township, Berks County.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E02-1558. Lock Wall, LLC, 1900 Allegheny Building**, 429 Forbes Avenue, Pittsburgh, PA 15219. To construct and maintain boat docks in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle: N: 14.4"; W: 15.2", Latitude: 40° 27' 15"; Longitude: 79° 59' 03"). The applicant proposes to construct and maintain an existing 400' by 70' bulkhead with boat ramp, which was created when the old Lock 1 chamber was filled to construct and maintain a 540' by 80' "H-shaped" recreational boat docking facility, in the Allegheny River (WWF), between 21st and 23rd Streets. The "H-shaped" dock will be attached to the existing bulkhead.

**E32-470 A1. Indiana County Airport Authority**, 801 Water Street, Indiana, PA 15701. To construct a stream enclosure and wetland fill in White Township, **Indiana County**, Pittsburgh ACOE District (Clymer, PA Quad-

range: N: 1.3 inches; W: 14.3 inches, Latitude: 40° 37' 59"; Longitude: 79° 6' 54"). The applicant proposes to construct and maintain a 1,010, 10 foot diameter extension of an existing stream enclosure, for a total length of 1,534' on Two Lick Creek (CWF); to construct and maintain a 361' 42" diameter extension to an existing stream enclosure, for a total length of 461', on a UNT to Ramey Run (CWF); to construct and maintain a 570' 36" diameter extension to an existing stream enclosure, for a total length of 797'; on a UNT to Ramsey Run; to place and maintain fill in 88' of a UNT to Two Lick Creek; to place and maintain fill in 141' of a UNT to Two Lick Creek; to relocate 923' of the channel of a UNT to Two Lick Creek; to place and maintain fill in 4.128 acres of wetlands in the Two Lick Creek Watershed for the purpose of extending and widening the existing runway and constructing a new taxi way and runway at the Jimmy Stewart Airport. To mitigate these impacts, the applicant proposes to construct 3.57 acres of replacement wetlands and improve 3,992.19' of stream channel at four sites within the Watersheds and on the airport site. The site is located southeast of the intersection of Airport Road and US Route 119.

**E56-345. Roger B. Harmon**, 1358 Lambertsville Road, Stoystown, PA 15563. To operate and maintain two existing stream crossings in Stonycreek Township, **Somerset County**, Pittsburgh ACOE District (Stoystown, PA Quadrangle: N: 8.5"; W: 5", Latitude 40° 2' 47"; Longitude 78° 54' 36"). The applicant proposes to operate and maintain two existing stream crossings, one consisting of two 15" culverts and two 27" culverts, and the other consisting of two 60" culverts, both on Grove Run (CWF), to main fill in approximately 0.1 acre of wetland at the site of the first crossing, to construct and maintain a fence, for the purpose of creating a game preserve. The crossings are located approximately 1,500' and 10' east of Lambertsville Road approximately 1 mile north of Buckstown Road.

**E65-906. Municipality of Murrysville**, 4100 Sardis Road, Murrysville, PA 15568. To operate and maintain relocated steam channel in Murrysville, **Westmoreland County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle: N: 7.2"; W: 2.3", Latitude 40° 24' 50"; Longitude 79° 38' 29.1"). The applicant proposes to operate and maintain approximately 154 feet of relocated stream channel and to operate and maintain fill along the right bank floodway for approximately 250 feet; on a UNT to Turtle Creek (TSF), for the purpose of repairing erosion of a road embankment and for the disposal of fill material from SR 22 reconstruction. The project is located approximately 300 feet south of SR 22.

---

## ACTIONS

---

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

### **I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062791	Just Born, Inc. 1300 Stefko Boulevard Bethlehem, PA 18017-6672	Northampton County Bethlehem City	Lehigh River CWF 2C	Y
PA0062588	Pennsylvania American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701-1347	Luzerne County Jackson Township	Pikes Creek HQ-CWF 5E	Y
PA0062715	Sunoco Partners Marketing & Terminals, LP Kingston Terminal 60 South Wyoming Avenue Edwardsville, PA 18704-3102	Luzerne County Edwardsville Borough	UNT to Toby Creek WWF 5B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0098981 Sewage	Dean E. Molter 187 Becks Run Road Moon Township, PA 15108	Allegheny County Moon Township	UNT of Flaugherty Run	Y
PA0204994 Sewage	Central Indiana County Joint Sanitary Authority P. O. Box 7 603 South Main Street Extension Homer City, PA 15748	Indiana County Center Township	Two Lick Creek	Y



---

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


---

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

**NPDES Permit No. PA0020788**, Sewage, **PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541. This proposed facility is located in Shade Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance.

---

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


---

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

**WQM Permit No. WQG01670702**, Sewage, **George Simpson**, 321 Imperial Drive, York, PA 17403. This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of a small flow sewage treatment system to serve their single-family residence and proposed bed and breakfast.

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

**WQM Permit No. 5504701**, Sewerage 4952, **Eastern Snyder County Regional Authority**, P. O. Box 330, 870 South Front Street, Selinsgrove, PA 17870. This facility is located in Monroe Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant is approved to replace approximately 950 feet of its main interceptor sewer line to correct problems within their wastewater conveyance system.

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

**WQM Permit No. WQG018532**, Sewage, **Robert D. and Sherron P. Brinker**, 9113 Old Waterford Road, Erie, PA 16509-5653. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

**WQM Permit No. WQG018533**, Sewage, **Michael Noonan**, 6586 Station Road, Erie, PA 16510-4737. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

---

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


---



---

**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


---



---

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


---

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506062	Bently by Design P. O. Box 1906 1595 Paoli Pike West Chester, PA 19380	Chester	Tredyffrin Township	Valley Creek EV
PAI015106002	Division of Aviation City of Philadelphia Philadelphia International Airport Terminal E Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Mingo Creek 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>
PAI024806021	Smith Brothers, LLC 353 Swan Way Langhorne, PA 19047	Northampton	Lower Saucon Township	Cooks Creek EV

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

*Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, Ext. 102.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2001907007	John C. Klingerman—TCBA 1388 SR 487 Bloomsburg, PA 17815	Columbia	Catawissa Township	Corn Run CWF

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

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056306005	Shiloh Industrial Contractors, Inc. 204 Commerce Boulevard Lawrence, PA 15055	Washington	North Strabane Township	Little Chartiers Creek HQ-WWF

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

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

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### *General Permit Type—PAG-02*

<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 Makefield Township Bucks County	PAG2000907017	Thomas Bock 1280 Grenoble Road Ivyland, PA 18974	UNT Delaware River—Houghs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000906204	Frank A. Greek & Son, Inc. 33 Cotters Lane East Brunswick, NJ 08816	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000906105	Five Star Construction 513 Denise Drive Philadelphia, PA 19116	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Phoenixville Borough Chester County	PAG2001506069	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19460-1525	French Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Nottingham Township Chester County	PAG2001507032	Laverne Harnish 241 Brick Road Oxford, PA 19363	UNT Octoraro Creek TSF, MF	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>
Phoenixville Borough Chester County	PAG2001507033	Phoenixville Hospital 104 Nutt Road Phoenixville, PA 19460	French Creek—Schuylkill River TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Oxford and Little Britain Townships Chester County	PAG2001507035	Chester Water Authority 415 Welsh Street P. O. Box 467 Chester, PA 19016-0467	Oxtoraro Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Highland Township Chester County	PAG2001507039	Colin and Linda Franks 11 Brick Mill Circle Middletown, DE 19709	Buck Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Parkesburg Borough Chester County	PAG2001505036	David Mattione 202 West Uwchlan Drive Downingtown, PA 19335	Buck Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Chester Delaware County	PAG2002307015	Penrose Development, LLC One Liberty Place Suite 3810 Philadelphia, PA 19103	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Jackson Township Luzerne County	PAG2004006036	John E. Halbing Memorial Highway Dallas, PA 18612	Toby Creek CWF	Luzerne County Cons. Dist. (570) 674-7991
Lehigh Township Northampton County	PAG2004806009	Walnutport Self Storage, Inc. Attn: Larry Anthony P. O. Box 592 Nazareth, PA 18064	Lehigh Canal TSF Lehigh River TSF	Northampton County Cons. Dist. (610) 746-1971
Lower Saucon Township Northampton County	PAG2004807014	Heritage Building Group, Inc. Attn: Jason Lang 2500 York Road Jamison, PA 18929	Black River CWF	Northampton County Cons. Dist. (610) 746-1971
Archbald Borough Lackawanna County	PAG2003507010	Kenneth Powell 1305 Justus Boulevard Clarks Summit, PA 18411	Tributary to Wildcat Creek CWF	Lackawanna County Cons. Dist. (570) 281-9495
City of Scranton Lackawanna County	PAG2003507012	George Parker City of Scranton 340 North Washington Avenue Scranton, PA 18503	Stafford Meadow Brook WWF	Lackawanna County Cons. Dist. (570) 281-9495
York Township York County	PAG2006707038	Dennis Fitzkee Living Word Community Church 2530 Cape Horn Road Red Lion, PA 17356	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Borough York County	PAG2006706116	Dr. Dennis Baughman Northeastern School District 41 Harding Street Manchester, PA 17345	Hartman Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Silver Spring Township Cumberland County	PAG2002107005	Traditions of America Steven Dell One Saucan View Drive Bethlehem, PA 18015	Trindle Spring Run CWF	Cumberland County Conservation District 310 Allen Road 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>
Hampden Township Cumberland County	PAG2002107006	Hampden Township Sewer Authority William Greene 230 Sporting Hill Road Mechanicsburg, PA 17055	Sears Run and Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
West Pennsboro Township Cumberland County	PAG2002107016	Hidden Pines Eric Diffenbaugh 25 Broad Street Newville, PA 17241	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Clearfield County Greenwood Township	PAG2001707004	Department of Transportation, District 2-0 1924-30 Daisy Street Ext. P. O. Box 342 Clearfield, PA 16830-0342	Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Fayette County Luzerne Township	PAG2002607013	Donald Croftcheck P. O. Box 433 Allison, PA 15413	Dunlap Creek WWF	Fayette County CD (724) 438-4497
Somerset County Berlin Borough	PAG2005607005	Berlin Brothersvalley School District 1025 Main Street Berlin, PA 15530	Stoneycreek River CWF	Somerset County CD (814) 445-4652
Butler County Cranberry Township	PAG2001007007	Robert Weilhaus Weilhaus Construction, Inc. 299 Douglas Road Beaver Falls, PA 15010	UNT to Brush Creek WWF	Butler Conservation District (724) 284-5270
Minersville Borough Schuylkill County	PAR802233	Con-Way Freight XPA (Minersville) 110 Parkland Plaza Ann Arbor, MI 48103	UNT to Little Schuylkill River CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*General Permit Type—PAG-3*

<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>
Plains Township Luzerne County	PAR802234	Con-Way Freight XWB (Wilkes-Barre) 110 Parkland Plaza Ann Arbor, MI 48103	Mill Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*General Permit Type—PAG-4*

<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>
York County York Township	PAG043865	George Simpson 321 Imperial Drive York, PA 17403	UNT South Branch Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Westfield Township Tioga County	PAG045243	Jemison Valley Brethren in Christ Church 6083 Route 49 Knoxville, PA 16928	UNT to Jemison Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

<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>
Waterford Township Erie County	PAG048423	John W. and Constance M. Lavery 12885 McGahan Hill Road Waterford, PA 16441-9020	UNT to French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG049329	Robert D. and Sherron P. Brinker 9113 Old Waterford Road Erie, PA 16509-5653	UNT to Walnut Creek 15WC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG049330	Michael Noonan 6586 Station Road Erie, PA 16510-4737	A drainage swale to Six Mile Creek 15-6M	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<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>
North Coventry Township Chester County	PAG050041	Bruce Wagner Wagner Service Station 262 South Hanover Street Pottstown, PA 19465	Schuylkill River	Southeast Regional Office Department of Environmental Protection 2 East Main Street Norristown, PA 19401
German Township Fayette County	PAG056176	Arnold's Service P. O. Box 91 1633 McClellandtown Road McClellandtown, PA 15458	Browns Run Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 2520061, Operations Permit** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> (Tafton Wilsonville) HCR 6, Box 6040 Hawley, PA Palmyra Township
County	<b>Pike</b>
Type of Facility	Public Water System

Consulting Engineer Entech Engineering, Inc.  
P. O. Box 32  
Reading, PA

Permit to Operate 5/24/07  
Issued

**Permit No. 2359001, Operations Permit Public Water Supply.**

Applicant **Pennsylvania American Water Co.**  
800 West Hersheypark Drive  
Hershey, PA  
Fell Township

County **Lackawanna**

Type of Facility Public Water System (Forest City/Brownell)

Consulting Engineer William Malos, P. E.  
PA American Water Co.

Permit to Operate 5/29/07  
Issued

**Permit No. 3396420, Operations Permit Public Water Supply.**

Applicant **Nestle Waters North America, Inc.**  
405 Nestle Way  
Breinigsville, PA  
Upper Macungie Township

County **Lehigh**

Type of Facility Bottling Plant (NPL)

Consulting Engineer Forino Company, LP  
555 Mountain Home Road  
Sinking Spring, PA

Permit to Operate 5/30/07  
Issued

**Permit No. 4506506, Public Water Supply.**

Applicant **Pennsylvania American Water**  
800 West Hersheypark Drive  
Hershey, PA 17033  
Coolbaugh Township

County **Monroe**

Type of Facility PWS

Consulting Engineer William Malos, P. E.  
Pennsylvania American Water  
100 North Pennsylvania Avenue  
Wilkes-Barre, PA 18701

Permit to Construct 5/10/07  
Issued

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

**Permit No. 0606513, Public Water Supply.**

Applicant **Birdsboro Municipal Authority**

Municipality Birdsboro Borough  
County **Berks**

Type of Facility Addition of sodium permanganate for iron and manganese removal. This will formalize facilities permitted under Public Water Supply Permit No. 0606512E.

Consulting Engineer Russell M. Smith, P. E.  
Spotts Stevens and McCoy, Inc.  
345 North Wyomissing Boulevard  
Reading, PA 19610-0307

Permit to Construct 6/13/2007  
Issued:

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

**Permit No. M.A.—1405502—Operation Public Water Supply.**

Applicant **Penn Township Supervisors**

Township or Borough Penn Township

County **Centre**

Responsible Official Warren Sasseraman  
Penn Township Supervisors  
P. O. Box 125  
Coburn, PA 16832-0125

Type of Facility Public Water Supply—Operation

Consulting Engineer Eric S. Lundy, P. E.  
Nittany Engineering & Assoc., LLC  
P. O. Box 700  
136 West Main Street  
Millheim, PA 16854-0700

Permit Issued Date June 21, 2007

Description of Action Operation of the corrosion control chemicals for Well Nos. 1 and 2.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
The Centre Region Planning Agency	2643 Gateway Drive Suite No. 4 State College, PA 16801	Centre

*Plan Description:* The approved plan provides for the expansion of the regional growth boundary and defined sewer service area under a multimunicipal implementation agreement with Benner, College, Harrison, Patton, Halfmoon, Ferguson Townships and State College Borough. The plan identifies collection system structural improvements to be completed within the next 5 years to abate existing hydraulic overloads and improvements to be completed over the next 20 years to address projected overloads. The plan also establishes a sewage management program in College, Harrison, Patton, Halfmoon, Ferguson Townships and State College Borough.

## 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:

*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 Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dellingers I-80 MM 32Truck Accident.** Graham Township, Clearfield County, CP Environmental Group, Inc., 1092 Fifth Avenue, New Kensington, PA 15068 on behalf of John Dillinger Trucking, 265 Vandale Drive, Spartanburg, SC 29303 has submitted a Final Report concerning remediation of site soil and surface water contaminated with diesel fuel. The report was submitted

within 90-days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Nello Tire**, Springettsbury Township, **York County**. Environmental Resources Management, 200 Harry S. Truman Parkway, Suite 400, Annapolis, MD 21401, on behalf of 2618, Inc., 474 West Market Street, York, PA 17401, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with gasoline and used motor oil. The Final Report demonstrated attainment of both the Site-Specific and Statewide Health Standards, and was approved by the Department of Environmental Protection on June 18, 2007.

**Shirley Shelley Residence**, Hellam Township, **York County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Shirley Shelley, 421 Ginger Circle, Hallam, PA 17402, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on June 19, 2007.

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

**Grace Service Station**, Troy Borough, **Bradford County**. Teeter Environmental Services, Inc., R. R. 1, Box 124B, Sayre, PA 18840 on behalf of Lynn and Joan Grace, P. O. Box 207, Troy, PA 16947 has submitted a Final Report concerning remediation of site groundwater contaminated with benzene, ethyl benzene, MTBE and naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard for groundwater only. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 18, 2007.

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

**CDR Pigments**, Ridgway Borough, **Elk County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of CDR Pigments, 71-75 Front Street, Ridgway, PA 15853 has submitted a Final Report concerning the remediation of site soil contaminated with lead and site groundwater contaminated with arsenic, benzene, ethyl benzene, lead, toluene and xylenes (total). The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on June 19, 2007.

## AIR QUALITY

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

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

**35-310-046GP3: NEV, Inc.** (239 Golf Hill Road, P. O. Box A, Honesdale, PA 18431) on June 18, 2007, to construct and operate a portable crushing operation with watersprays at their site in Jessup Borough, **Lackawanna County**.

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

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

**15-0068A: Spring City Electrical Manufacturing Co.** (1 South Main Street, Spring City, PA 19475) on June 22, 2007, to operate a baghouse for the blast shed in Spring City Borough, **Chester County**.

**09-0039A: BMCA Quakertown Inc., d/b/a GAF Materials** (60 Pacific Drive, Quakertown, PA 18951) on June 22, 2007, to operate a three process vessels in Richland Township, **Bucks County**.

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

**06-05079D: United Corrstack, LLC** (720 Laurel Street, Reading, PA 19602-2718) on June 19, 2007, to construct a 482 mmBtu/hr circulating fluidized bed boiler and a 30 MW steam turbine adjacent to the company's existing plant in the City of Reading, **Berks County**.

**67-05005F: PPL Brunner Island, LLC** (2 North 9th Street, Allentown, PA 18101-1139) on June 18, 2007, to replace two existing electrostatic precipitators (ESPs) with a new ESP that will enhance the collection efficiency of PM from the Unit No. 2 coal-fired boiler at the Brunner Island Stream Electric Station in East Manchester Township, **York County**.

**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.**

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

**06-03134: Dietrich's Specialty Processing, LLC** (61 Vanguard Drive, Reading, PA 19606) on June 20, 2007, to install new food processing dryers at their plant in Exeter Township, **Berks County**. This plan approval was extended.

**22-05007B: The Harrisburg Authority** (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on June 24, 2007, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility, 1670 South 19th Street in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

**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 Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00008: Coopers Creek Chemical Corp.** (884 River Road, West Conshohocken, PA 19428) on June 22, 2007, for a Natural Minor Permit for operation of a crude coal tar distillation facility in Upper Merion Township, **Mont-**



**gomery County.** The sources of emissions include boilers, crude coal tar distillate process tanks, road tar storage tanks, creosote tanks and other road tar product storage vessels. The facility has a potential to emit less than 25 tpy of VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**S05-019: Dietz & Watson, Inc.** (5701 Tacony Street, Philadelphia, PA 19135) on June 21, 2007, to process lunch meat, hot dogs, hams, roast beef, sausage and turkey products in the City of Philadelphia, **Philadelphia County.** The facility's air emission sources include three 8.37 mmBtu/hr natural gas, No. 2 oil, or propane-fired boilers, a 11.82 mmBtu/hr natural gas, No. 2 oil, or propane-fired boiler, a 9.00 mmBtu/hr natural gas fired hot water heater, 11 1.65 mmBtu/hr or less natural gas or propane-fired food processing ovens, three used oil and/or No. 2 oil-fired heaters, each rated less than 1 mmBtu/hr, one diesel-fired emergency generator and gasoline loading station.

**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.*

**46-0158A: Colorcon—Division of BPSI** (415 Moyer Boulevard, West Point, PA 19486-0024) on June 22, 2007, for a non-Title V, Natural Minor Facility in Upper Gwynedd Township, **Montgomery County.** The State-only Operating Permit was revised to incorporate the conditions of plan approval PA-46-0158A for the relocation of two processes within an existing facility with changes in the equipment used in these sources and the addition of two new dust collectors. Two small boilers were also added to the facility. The site level PM limit has been changed to 21 tons per 12-month rolling period, and the site level VOCs limit has been changed to 14.6 tons per 12-month rolling period. The revisions to the State-only Operating Permit were made in accordance with 25 Pa. Code § 127.450(a)(5).

**15-00068: Spring City Electrical Manufacturing Co.** (Hall and Main Street, Spring City, PA 19475) on June 22, 2007, a non-Title V, Synthetic Minor in Spring City Borough, **Chester County.** The State-only Operating Permit for this facility was revised to correct the tax identification number and ownership information in the permit. The facility's main emissions are PM and VOCs from the casting, finishing and painting of metal lamp-posts and other electrical fixtures. The Administrative Amendment of the State-only Operating Permit was issued under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code § 127.450. The conditions of the amended State-only Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 16, 2005.

**15-00084: Jane Latta, VMD** (725 East Washington Street, West Chester, PA 19380) on June 22, 2007, to issue an Administrative Amendment to their State-only

(Natural Minor) Operating Permit No. NMOP-15-00084 in West Goshen Township, **Chester County.** The Administrative Amendment modifies a work practice requirement for the animal crematorium such that the crematorium is permitted to be charged prior to being turned on. The following changes have been addressed in the amended State-only Operating Permit (SOOP):

1. The owner and plant name has been changed from "Latta Veterinary Clinic" to "Jane Latta, VMD."
2. The source name for Source ID 101 has been changed from "pet incinerator" to "animal crematorium."
3. The term "animal carcasses" has been added as the material corresponding to the charging capacity for Source ID 101.
4. A fuel throughput listing of "1.2 mcf/hr natural gas" has been added for Source ID 101.
5. The source name for Source ID S01 has been changed from "crematory stack" to "animal crematorium stack."
6. The numbering format for Condition No. 002, Section C, of the SOOP, has been changed to be consistent with the rest of the SOOP.
7. An additional authority citation to 25 Pa. Code § 127.443 has been added to each condition that is based on a condition found in a previously issued document.
8. The language of Condition No. 009(b), Section C, of the SOOP, has been revised to specify that any fugitive particulate emissions that originate onsite are required to comply with Condition No. 009(b)(1)–(3), Section C, of the SOOP, not only those that originate onsite and cross the property line.
9. The references to "compliance certifications" and "semi-annual monitoring reports" in Condition No. 009(e), Section C, of the original SOOP, have been removed.
10. Condition No. 010, Section C, of the original SOOP, has been moved to Condition No. 010(b), Section C, of the amended SOOP.
11. The language of Condition No. 011, Section C, of the original SOOP (Condition No. 010, Section C, of the amended SOOP), has been revised to specify that the sources where any deviations are observed is required to be recorded and that all monitoring required in Condition No. 009, Section C, of the SOOP, is required to be recorded, not only when deviations are observed.
12. The Department telephone number at which to report any malfunctions, as specified in Condition No. 014(a), Section C, of the original SOOP (Condition No. 013(a), Section C, of the amended SOOP), has been changed from (610) 832-6242 to (484) 250-5920.
13. A requirement to develop and implement an accidental release program and Risk Management Plan, as applicable, has been added as Condition No. 015, Section C, of the SOOP.
14. Condition No. 019(b), Section C, of the original SOOP, has been removed.
15. The term "crematorium" has replaced the term "crematory" for all conditions in Section D, of the SOOP.
16. A PM concentration restriction of 0.1 gr/dscf, corrected to 12% CO<sub>2</sub>, as required by 25 Pa. Code § 123.12, has been added as Condition No. 003, Section D, of the SOOP, and to Section F (Emission Restriction Summary), of the SOOP. (The PM concentration restriction of 0.08 gr/dscf, corrected to 7% O<sub>2</sub>, was considered to be more

stringent in the original SOOP but, depending on the exhaust parameters, this may or may not be the case.)

17. A requirement to ensure that the incineration rate does not exceed 75 lbs/hr, the rated capacity of the crematorium, has been added as Condition No. 006, Section D, of the SOOP.

18. Requirements to monitor/maintain records of the starting and ending times, duration, and incineration rate of each cremation cycle, as well as the hours of operation for the crematorium on a monthly basis, have been added as Condition Nos. 008/9(d)—(f) and (i), Section D, of the SOOP.

19. The language of Condition Nos. 010 and 013, Section D, of the original SOOP (Condition Nos. 012 and 010, Section D, of the amended SOOP, respectively) has been changed to permit the charging of waste in the crematorium prior to the secondary combustion chamber maintaining a minimum temperature of 1,800° F, provided there is an interlock to preclude the primary combustion chamber burner from firing prior to then.

20. A requirement to ensure that the charge door of the crematorium is not opened until any previous combustion cycle is complete has been added as Condition No. 013, Section D, of the SOOP.

21. The phrase “including animal carcasses that were exposed to zoonotic pathogens” has been added to Condition No. 014, Section D, of the original SOOP (Condition No. 017, Section D, of the amended SOOP).

22. Condition No. 016, Section D, of the original SOOP, has been moved from the Subsection VI (Work Practice Requirements) to Subsection VII (Additional Requirements), Section D, of the SOOP.

Administrative Amendment of State-only Operating Permit No. NMOP-15-00084 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permits Actions

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

**Permit Number 03851303 and NPDES Permit No. PA0213462, McVile Mining Company** (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Clementine Mine No. 1 in North Buffalo and

South Buffalo Townships, **Armstrong County** to add underground and subsidence control plan area acres to the underground mine permit. Underground acres proposed 3,091.0, subsidence control plan acres proposed 3,091.0. No additional discharges. Application received July 10, 2006. Permit issued June 19, 2007.

**Permit Number 11841603 and GP-12 Permit 11841603-R8, AMFIRE Mining Company** (One Energy Place, Latrobe, PA 15650), to revise the permit for the Portage Plant in Portage Township, **Cambria County** to establish an emission inventory for coal processing plant expansion to peak production of 3 million tons of raw coal per year. Application received April 18, 2006. Permit issued: June 19, 2007.

**Permit Number 56001301 and NPDES Permit No. PA0235393, Genesis, Inc., dba Meadow Run Genesis, Inc.** (P. O. Box 552, Somerset, PA 15501), to renew the permit and related NPDES permit for reclamation only and to revise the permit for the Genesis No. 17 Mine in Lincoln Township, **Somerset County** to change the post-mining land use for 1.7 acres to agricultural. No additional discharges. Application received May 1, 2006. Permit issued June 19, 2007.

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

**26060104 and NPDES Permit No. PA0250929, Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Luzerne and German Townships, **Fayette County**, affecting 90.0 acres. Receiving streams Antram Run and the Monongahela River. Application received June 13, 2006. Permit issued June 15, 2007.

**26040105 and NPDES Permit No. PA0250635, Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for the addition of 18.1 acres to mine the Lower Kittaning coal seam to an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 382.7 acres. Receiving streams Gist Run and UNTs to Laurel Run and Ferguson Run. Revision application received April 6, 2007. Permit issued June 21, 2007.

**63860110 and NPDES Permit No. PA0589136, Raccoon Coal Company** (200 Neville Road, Neville Island, PA 15225). Renewal permit for reclamation only to an existing bituminous surface mine, located in Robinson Township, **Washington County**, affecting 187.9 acres. Receiving stream: UNT to Little Raccoon Run. Renewal permit received May 9, 2007. Renewal permit issued June 21, 2007.

### Noncoal Permits Actions

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

**43072801, White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125) Commencement, operation and restoration of a small noncoal sandstone operation in Hempfield Township, **Mercer County** affecting 10.0 acres. Receiving streams: UNT to Shenango River. Application received January 8, 2007. Permit Issued June 18, 2007.

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

**17070801, Leslie A. Munn** (P. O. Box 206, Penfield, PA 15849), commencement, operation and restoration of a

sand-gravel operation in Huston Township, **Clearfield County**, affecting 5.0 acres. Receiving stream: Bennett's Branch, tributary to West Branch Sinnemahoning. Application received May 2, 2005. Permit issued June 8, 2007.

**08970814. Carl E. and Timothy T. Nagle** (4257 Highland Parkway, Blasdel, NY 14219). Transfer of an existing small noncoal-bluestone operation from Herbert E. Nagle in Sheshequin Township, **Bradford County**, affecting 3.0 acres. Receiving streams: Hornbrook, tributary to Susquehanna River. Application received May 17, 2006. Permit issued May 31, 2007.

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

**66070803. Meshoppen Stone Incorporated** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Washington Township, **Wyoming County** affecting 4.0 acres, receiving stream: none. Application received April 13, 2007. Permit issued June 20, 2007.

**58070817. John Spencer** (R. R. 3, Box 3262, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 1, 2007. Permit issued June 21, 2007.

*Noncoal Permits Actions Final Bond Release*

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

**17052802. Gordon L. Delozier, Inc.** (One Montgomery Street, Hollidaysburg, PA 16648), noncoal mining operation in Bigler Township, **Clearfield County**. Restoration of 2.5 acres completed. Application received February 21, 2007. Final bond release June 15, 2007

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**21074145. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241-9424), blasting activity permit issued for residential development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is June 30, 2008. Permit issued June 13, 2007.

**28074134. 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 December 7, 2008. Permit issued June 13, 2007.

**01074111. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033), blasting activity permit issued for single dwelling development in Liberty Township, **Adams County**. Blasting activity permit end date is December 30, 2007. Permit issued: June 15, 2007.

**50074101. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), blasting activity permit issued for agriculture development in Jackson Township, **Perry County**. Blasting activity permit end date is July 30, 2007. Permit issued June 15, 2007.

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

**02074007. Imperial Landfill** (Allied Waste Systems of Pennsylvania, LLC, 11 Boggs Road, Imperial, PA 15126). Blasting activity permit for construction of a new landfill cell, located in Findlay Township, **Allegheny County**, with an expected duration of 1 year. Permit issued June 19, 2007.

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

**27074001. Pennsylvania General Energy Co., LLC** (208 Liberty Street, Warren, PA 16365). Blasting activity permit for gas and oil exploration in Jenks, Kingsley and Howe Townships, **Forest County**. This blasting activity permit will expire on June 21, 2008. Application received June 12, 2007. Application issued June 21, 2007.

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

**14074101. DYN0 Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Dominion Dove Point Expansion Centre County—pipeline located in Boggs and Spring Townships, **Centre County**. Permit issued June 19, 2007. Permit expires June 30, 2008.

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

**39074116. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for the Whitehall WaWa in Whitehall Township, **Lehigh County** with an expiration date of July 31, 2008. Permit issued June 18, 2007.

**48074111. Silver Valley Drilling & Blasting, Inc.** (R. R. 4 Box 4196, Saylorsburg, PA 18353), construction blasting for Jacobs Farm II in Forks Township, **Northampton County** with an expiration date of June 13, 2008. Permit issued June 18, 2007.

**52074122. Silver Valley Drilling & Blasting, Inc.** (R. R. 4 Box 4196, Saylorsburg, PA 18353), construction blasting for Milford Highlands in Milford Township, **Pike County** with an expiration date of June 12, 2008. Permit issued June 18, 2007.

**52074124. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Palmyra Township, **Pike County** with an expiration date of September 30, 2007. Permit issued June 18, 2007.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317)

and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

---

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

---

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

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

**E14-501. Daniel E. Shawley**, 226 Shawley Lane, Boalsburg, PA 16823. Shawley's Garage Riprap, in Harris Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 4.88 inches; W: 5.08 inches).

To construct and maintain a 100 foot long by a maximum of 12 foot high by a maximum of 12 foot wide R-8 riprapped area on the elevated right 100-year floodway streambank to protect a business parking lot from erosive floodwaters located 50 feet east of Business SR 322 and SR 45 east intersection (State College, PA Quadrangle N: 4.88 inches; W: 5.08 inches) in Harris Township, Centre County. This permit was issued under Section 105.13(e) "Small Projects."

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E65-878. Conemaugh Valley Conservancy**, 1334 Franklin Street, Johnstown, PA 15905. To construct a bridge in Derry Township, **Westmoreland County** and Burrell Township, **Indiana County**, Pittsburgh ACOE District (Blairsville, PA Quadrangle N: 13.4 inches;

W: 7.2 inches, Latitude: 40° 27' 02", Longitude: 79° 18' 07"). To construct and maintain a 12.0-foot wide four span pedestrian bridge on existing piers in the Conemaugh River (WWF) having normal spans of 133.8 feet, 136.0 feet, 136.0 feet and 134.3 feet and minimum underclearances of 29.7 feet, 52.2 feet, 52.7 feet and 34.5 feet respectively as part of the West Penn Trail Project.

**E65-905. Harry and Joyce Adams**, 296 Grouse Drive, Elizabeth, PA 15037. To construct a residential culvert in South Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District. (Smithton, PA Quadrangle N: 4.59 inches; W: 7.14 inches, Latitude: 40° 09' 01" Longitude: 79° 40' 34"). To construct and maintain a stream crossing consisting of three parallel sections of 36" a 12 pipe, each approximately 20' in length, with compacted stone fill cover and approaches, across a UNT to Barren Run (WWF), for the purpose of providing access to a proposed residence. The project is located approximately 0.15 mile northeast of the intersection of SR 981 and Commer Road.

[Pa.B. Doc. No. 07-1192. Filed for public inspection July 6, 2007, 9:00 a.m.]

---

**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

*Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

*Interim Final Technical Guidance*

DEP ID: 560-5000-001. Title: Mine Drainage Treatment Trust Real Property Disposition Guidelines. Description: This guidance document describes the process to be followed when real property held in a mine drainage treatment trust is to be liquidated, including guidelines for the trustee and the Department to follow in the management and liquidation of real property assets in a treatment trust. The guidance applies to all existing and future mine drainage treatment trusts established to fund

the long-term treatment of postmining discharges. Written comments: The Department is seeking comments on interim final technical guidance #560-5000-001. Interested persons may submit written comments on this interim final technical guidance document by August 6, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Joseph G. Pizarchik, Esq., Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105, jpizarchik@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Joseph Pizarchik, Esq. at (717) 787-5015, jpizarchik@state.pa.us. Interim Final Effective Date: July 7, 2007.

#### *Draft Technical Guidance*

DEP ID: 270-0810-005. Title: Guidance Document for the Pennsylvania Clean Vehicles (PCV) Program. Description: The PCV Program, 25 Pa. Code Chapter 126, Subchapter D (relating to Pennsylvania clean vehicles program), and requires that all new automobiles and light duty trucks (8,500 lbs GVWR or less)(collectively referred to herein as light-duty vehicles) for model year 2008, and subsequent model years, are those certified by the California Air Resources Board (CARB). The PCV program also requires automakers, for each model year, to comply with average fleet emissions of nonmethane organic gases from all of their subject vehicles offered for sale within this Commonwealth for that model year. Additionally, the PCV program requires certain vehicle recall and warranty provisions consistent with the California Low Emissions Vehicle program. This document will provide implementation and operation guidance to automobile manufacturers, dealers, title issuing agents and the general public entities affected by the PCV program. Written comments: The Department is seeking comments on draft technical guidance #270-0810-005. Interested persons may submit written comments on the draft technical guidance document by August 7, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Brian Trowbridge, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, brtrowbrid@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Brian Trowbridge at (717) 783-9270 or btrowbrid@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1193. Filed for public inspection July 6, 2007, 9:00 a.m.]

#### **State Board for Certification of Sewage Enforcement Officers Revised 2007 Examination Announcement**

The State Board for Certification of Sewage Enforcement Officers (Board) and the Pennsylvania State Association of Township Supervisors (PSATS) have cancelled a training academy and examination for sewage enforcement officers due to lack of registrants. The academy was

scheduled for August 21 through August 30, 2007, and the exam was scheduled for August 31, 2007 at PSATS in Enola.

The rescheduled academy dates are October 16 through October 25, 2007, and the rescheduled exam date is October 26, 2007. The academy and examination will be administered at PSATS in Enola.

Applications must be received, not postmarked, by the close of business on September 28, 2007. Applications received after this date will not be considered for the October 26, 2007, examination. Applications that do not contain all the necessary required information will be returned and not considered eligible for the examination.

To receive an application/information package, contact the Department of Environmental Protection, Certification and Licensing Section, P. O. Box 8454, 400 Market Street, Harrisburg, PA 17105-8454, (717) 787-6045. Certification information is available on the Department of Environmental Protection's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Sewage).

Information on the training courses are available for PSATS, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930 or visit the website at [www.seotraining.org](http://www.seotraining.org).

Persons with a disability who require accommodation to take the sewage enforcement officers certification examination should contact the Board at (717) 787-6045 or through Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs. This request must be submitted with an application.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1194. Filed for public inspection July 6, 2007, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Application for Request 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):

Aliquippa Community Hospital  
Somerset Hospital  
Pottstown Memorial Medical Center  
Nason Hospital  
UPMC St. Margaret  
Altoona Regional Health System

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facilities are 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. 07-1195. Filed for public inspection July 6, 2007, 9:00 a.m.]

**Application for Request for Exception to 28 Pa. Code § 569.35**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

The Surgery Center of the Main Line  
UPMC St. Margaret Harmar Outpatient Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are 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. 07-1196. Filed for public inspection July 6, 2007, 9:00 a.m.]

**Decisions on Requests for Exceptions to Health Care Facility Regulations**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from January, 2007 through May, 2007. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Susan Legros, Acting Director, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, William Bordner, Director, P. O. Room 526, Health and Welfare Building, Harrisburg, PA 17120. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

**Hospitals**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Ohio Valley General Hospital	28 Pa. Code § 51.23	PET scanner	02/17/07	granted
Hazleton General Hospital	28 Pa. Code § 101.31(7)	hospital requirements	03/10/07	granted
Main Line Hospital—Paoli	28 Pa. Code § 101.31(7)	hospital requirements	04/14/07	granted
Alle Kiski Medical Center	28 Pa. Code § 101.31(7)	hospital requirements	04/14/07	granted
Mercy Jeannette Hospital	28 Pa. Code § 107.2	medical staff membership—podiatrists	02/17/07	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 107.2	medical staff membership—podiatrists	03/17/07	withdrawn
Uniontown Hospital	28 Pa. Code § 107.26(b)(2)	tissue committee meetings	02/03/07	granted
Butler Memorial Hospital	28 Pa. Code § 107.61	written orders	05/19/07	denied
Select Specialty Hospital—Erie	28 Pa. Code § 107.62(b)	oral orders—dietitian	05/19/07	granted
Butler Memorial Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazard	03/10/07	granted
Saint Vincent Health Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/10/07	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Conemaugh Valley Memorial Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/10/07	granted
Sewickley Valley Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/17/07	granted
Medical Center Beaver, The	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/17/07	granted
Jameson Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/17/07	granted
UPMC Bedford Memorial	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/17/07	granted
UPMC South Side Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/17/07	granted
Carlisle Regional Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/31/07	granted
Children's Hospital of Pittsburgh	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/31/07	granted
Magee-Womens Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/31/07	granted
UPMC Northwest	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/31/07	granted
DuBois Regional Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	03/31/07	granted
Uniontown Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
UPMC Braddock	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Wayne Memorial Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Ellwood City Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	04/21/07	granted
Brookville Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
UPMC Bedford Memorial	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	04/21/07	granted
Grove City Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	04/14/07	granted
Lehigh Valley Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	04/14/07	granted
Gettysburg Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	04/21/07	granted
UPMC McKeesport	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	04/21/07	granted
Jennersville Regional Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Riddle Memorial Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Good Samaritan Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Holy Redeemer Hospital and Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Mercy Fitzgerald Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Ephrata Community Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted

## NOTICES

3131

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Jeanes Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Holy Spirit Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Fulton County Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Pennsylvania Hospital, UPHS	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Frankford Hospital of the City of Philadelphia	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Community Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Penn Presbyterian Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Easton Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Western Pennsylvania Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Western Pennsylvania Hospital Forbes Regional Campus	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/05/07	granted
Highlands Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/12/07	granted
Meyersdale Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/12/07	granted
Pocono Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Hamot Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Wyoming Valley Health Care System	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Memorial Hospital—York	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/19/07	granted
Central Montgomery Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/19/07	granted
Temple University Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/19/07	granted
Pinnacle Health Hospitals	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/19/07	granted
Nazareth Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Evangelical Community Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Frick Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/19/07	granted
Latrobe Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/19/07	granted
Westmoreland Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/19/07	granted
St. Clair Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Hanover Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Mid-Valley Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted



<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Temple University Children's Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	05/26/07	granted
Robert Packer Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/02/07	granted
Roxborough Memorial Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/09/07	granted
Clarion Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Mount Nittany Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Crozer Chester Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Delaware County Memorial Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Meadville Medical Center	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Punxsutawney Area Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Pottsville Hospital and Warne Clinic	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Sharon Regional Health System	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Monongahela Valley Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Allegheny General Hospital	28 Pa. Code § 123.25(2)	control of anesthetic explosion hazards	06/23/07	granted
Jefferson Regional Medical Center	28 Pa. Code § 127.32	diagnostic radiology orders	04/14/07	denied
Tyrone Hospital	28 Pa. Code § 135.5	surgical emergency care	03/17/07	denied
Somerset Hospital Center for Health administration	28 Pa. Code § 137.21(5)	policies/procedures for oxytocin	04/14/07	granted
Butler Memorial Hospital	28 Pa. Code § 137.21(b)(9)	clean gynecology patients	05/19/07	granted
Chambersburg Hospital	28 Pa. Code § 138.2	cardiac catheterization services definitions	08/19/06	granted
Chambersburg Hospital	28 Pa. Code § 138.15	high risk cardiac cath.	08/19/06	granted
Chambersburg Hospital	28 Pa. Code § 138.17	PTCA	08/19/06	granted
UPMC Horizon	28 Pa. Code § 139.12(b)	isolation room	05/19/07	denied
Children's Hospital of Pittsburgh of UPMC	28 Pa. Code § 139.17(6)	air within the NICU	05/05/07	denied
Mercy Jeannette Hospital	28 Pa. Code § 153.1	7.2.B1, 7.2.B11, 7.2.B12	06/17/06	withdrawn
Chestnut Hill Hospital	28 Pa. Code § 153.1	7.2.C4	12/16/06	withdrawn
Armstrong County Memorial Hospital	28 Pa. Code § 153.1	7.10.H1	01/20/07	granted
Clearfield Hospital	28 Pa. Code § 153.1	9.2.B1, 9.2.Ha, 9.2.Hd	01/20/07	granted
Pinnacle Health Hospitals—Harrisburg	28 Pa. Code § 153.1	7.9.C2	01/20/07	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	7.3.A3; 7.3.A4; 7.3.A5; 7.3.A6; 7.3.A10; 7.3.A14	01/20/07	denied
Brookville Hospital	28 Pa. Code § 153.1	7.10E	02/03/07	granted
Southwest Regional Medical Center	28 Pa. Code § 153.1	3.1.3.2	02/03/07	granted
Ohio Valley General Hospital	28 Pa. Code § 153.1	7.3.A3 ICU	02/17/07	granted
Clearfield Hospital	28 Pa. Code § 153.1	9.2.B3	02/17/07	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Abington Memorial Hospital	28 Pa. Code § 153.1	7.10.H6	03/10/07	granted
UPMC St. Margaret	28 Pa. Code § 153.1	construction guidelines 2.3.5	03/31/07	granted
Main Line Bryn Mawr	28 Pa. Code § 153.1 (c)	life safety code	03/17/07	granted
Altoona Regional Health System	28 Pa. Code § 153.1	5.3.1.2(4)c; 5.3.2.1(2); 5.3.2.1.(d); 5.3.5.4; 5.3.5.8; 5.3.5.15; 5.3.6.2	03/31/07	denied
St. Clair Memorial Hospital	28 Pa. Code § 153.1	5.1.3.7(1)(d)(i); 5.1.3.7(1)(d)(ii); 5.1.7.7(1)(e); 5.1.3.7(1)(b); 5.1.3.7(b); 5.1.3.7(1)(a); 5.1.3.7(1)(c)	04/14/07	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	2.1.3.1 exam/treatment room	03/31/07	granted
UMPC Passavant	28 Pa. Code § 153.1	5.3.3.3(4); 5.3.3.3(1); 5.3.3.3(4)(b)(i); 5.3.3.3(4)(b)(ii), table 2.1-5	04/14/07	granted
Children's Hospital of Pittsburgh of UPMC	28 Pa. Code § 153.1	2.3.10.1; 2.3.4.1(1) & (2); 2.3.7; 2.3.8; 2.3.8; 2.3.8.1(1); 2.3.8.1(2); 2.3.5.1	05/05/07	denied
ACMH Hospital	28 Pa. Code § 153.1	5.2.1.1(1)	05/05/07	denied
DuBois Regional Medical Center	28 Pa. Code § 153.1	2.1.3.1	05/12/07	granted
Butler Memorial Hospital	28 Pa. Code § 153.1	2.3.4.1; 2.3.1; 2.3.5.1; 2.3.6.1; 2.3.8.1; 2.3.7.1; 2.3.10.1	05/19/07	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	3.4.2.1(1)(a); 3.4.2.1(3); 3.4.2.2(1)	05/19/07	granted
<b>Ambulatory Surgical Facilities</b>				
Endoscopy Center of Delaware County	28 Pa. Code § 551.3	PS3 patients	12/09/06	granted
Philadelphia Gastroenterology Endoscopy Center (PGC)	28 Pa. Code § 551.3	PS3 patients	01/20/07	denied
Northeast Regional Surgery Center	28 Pa. Code § 551.3	PS3 patients	01/20/07	granted
Regional Gastroenterology Associates of Lancaster, LTD	28 Pa. Code § 551.3	PS3 patients	01/20/07	granted
Endoscopy Center at Gateway	28 Pa. Code § 551.3	PS3 patients	02/03/07	granted
PRISM Center for Spine & Pain Care	28 Pa. Code § 551.3	PS3 patients	02/17/07	withdrawn
Center for Spine Care at Lancaster Neuroscience & Spine Assoc.	28 Pa. Code § 551.3	PS3 patients	03/10/07	denied
Endoscopy Center at St. Mary	28 Pa. Code § 551.3	PS3 patients	03/10/07	denied
Guthrie Clinic	28 Pa. Code § 551.3	PS3 patients	03/17/07	granted
Valley Surgical Center	28 Pa. Code § 551.3	PS3 patients	04/21/07	granted
Central Penn GI Endoscopy Center, LLC	28 Pa. Code § 551.3	PS3 patients	05/05/07	granted
Kingston Ophthalmology ASC	28 Pa. Code § 551.3	PS3 patients	05/05/07	granted
Butler Ambulatory Surgery Center	28 Pa. Code § 551.21(d)(2)	criteria for surgery—laparoscopic cholecystectomy	11/11/06	granted
Laurel Surgical Center	28 Pa. Code § 551.21(d)(2)	criteria for surgery—laparoscopic cholecystectomy	02/03/07	granted
Summit Surgery Center	28 Pa. Code § 551.21(d)(2)	criteria for surgery—laparoscopic cholecystectomy	04/21/07	granted
Surgery Center of Pottsville	28 Pa. Code § 551.21(d)(2)	criteria for surgery—laparoscopic cholecystectomy	05/05/07	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Ambulatory Surgery Center at Bucks County	28 Pa. Code § 553.31(a)	administrative responsibilities	06/02/07	not necessary
Endoscopy Center at St. Mary	28 Pa. Code § 553.31(a)	administrative responsibilities	01/20/07	granted
Grand View Hospital Endoscopy Center @ Harleysville Regional Ambulatory Surgical Center	28 Pa. Code § 553.31	administrative responsibilities	01/20/07	denied
PGC Endoscopy Center	28 Pa. Code § 553.31(a)	administrative responsibilities	02/03/07	granted
Surgery Center of Central PA	28 Pa. Code § 553.31(a)	administrative responsibilities	02/03/07	denied
Betz Ophthalmology Associates, ASC	28 Pa. Code § 553.31(a)	administrative responsibilities	02/17/07	granted
UPMC St. Margaret Harmar Outpatient Center	28 Pa. Code § 553.31(a)	administrative responsibilities	02/17/07	granted
Carlisle Regional Surgery Center	28 Pa. Code § 553.31(a)	administrative responsibilities	05/05/07	granted
Dermatology and Cosmetic Surgery Center	28 Pa. Code § 555.22(b)	preoperative care—informed consent	02/03/07	granted
Valley Surgical Center	28 Pa. Code § 555.31(a)	anesthesia services—propofol	08/19/06	granted
Endoscopy Center at Gateway	28 Pa. Code § 555.31(a)	anesthesia services—propofol	02/03/07	granted
Berkshire Eye Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services—propofol	03/17/07	granted
Mountain Laurel Surgery Center, LLC	28 Pa. Code § 555.31(a)	anesthesia services—propofol	03/31/07	granted
Three Rivers Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services—propofol	03/31/07	granted
Valley Surgical Center	28 Pa. Code § 555.31(a)	anesthesia services—propofol	04/21/07	granted
Ambulatory Surgery Center at Bucks County	28 Pa. Code § 559.2	director of nursing	08/25/06	granted
Grand View Hospital Endoscopy Center @ Harleysville	28 Pa. Code § 559.2	director of nursing	01/20/07	granted
Altoona Specialty Center	28 Pa. Code § 559.2	director of nursing	02/17/07	withdrawn
Laurel Laser & Surgery Center	28 Pa. Code § 565.11	radiology services	05/05/07	not necessary
Pennsylvania Eye Surgery Center, Inc.	28 Pa. Code § 569.2	fire and safety standards	09/30/06	granted/ denied
Lee Ambulatory Surgery Center	28 Pa. Code § 569.35(7)	general safety precautions	03/10/07	granted
Heritage Valley Surgery Center	28 Pa. Code § 569.35(7)	general safety precautions	03/17/07	granted
Carlisle Regional Surgery Center	28 Pa. Code § 569.35(7)	general safety precautions	03/31/07	granted
CHP North Surgery Center	28 Pa. Code § 569.35(7)	general safety precautions	03/31/07	granted
CHP South Surgery Center	28 Pa. Code § 569.35(7)	general safety precautions	03/31/07	granted
Doylestown Surgery Center	28 Pa. Code § 569.35(7)	general safety precautions	05/05/07	granted
Surgical Institute of Reading	28 Pa. Code § 569.35(7)	general safety precautions	05/05/07	granted
Lebanon Outpatient Surgical Center, LP	28 Pa. Code § 569.35(7)	general safety precautions	05/05/07	granted
Leo R. McCafferty, M. D., Plastic Surgery Center	28 Pa. Code § 569.35(7)	general safety precautions	05/26/07	granted
The Center for Specialized Surgery	28 Pa. Code § 569.35(7)	general safety precautions	05/26/07	granted
Surgery Center of Allentown	28 Pa. Code § 569.35(7)	general safety precautions	05/26/07	granted
Surgery Center of Pottsville	28 Pa. Code § 569.35(7)	general safety precautions	05/26/07	granted
Physicians Surgical Center	28 Pa. Code § 569.35(7)	general safety precautions	05/26/07	granted
Village SurgiCenter	28 Pa. Code § 569.35(7)	general safety precautions	06/02/07	granted
Riverview Ambulatory Surgical Center, LLC	28 Pa. Code § 569.35(7)	general safety precautions	06/09/07	granted
UPMC Horizon	28 Pa. Code § 571.1	3.2.2.2 isolation room	05/19/07	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
<b>Nursing Care facilities</b>				
Moravian Springs Health Center	28 Pa. Code § 201.3	definitions	12/16/06	granted
Dock Terrace	28 Pa. Code § 201.3	definitions	01/13/07	denied
Berks County Home—Berks Heim	28 Pa. Code § 201.3	definitions	01/20/07	granted
Guardian Elder Care Center	28 Pa. Code § 201.3	definitions	02/17/07	granted
Westminster Village	28 Pa. Code § 201.3	definitions	02/24/07	granted
Trinity Living Center	28 Pa. Code § 201.3	definitions	03/10/07	granted
Kindred Hospital Pittsburgh—North Shore	28 Pa. Code § 201.17	location	12/30/06	granted
John Heinz Institute of Rehab (SNF)	28 Pa. Code § 201.17	location	01/20/07	granted
Chestnut Hill Rehabilitation Hospital Skilled Nursing Unit	28 Pa. Code § 201.17	location	03/10/07	granted
Skilled Care Center at Utz Terrace	28 Pa. Code § 201.17	location	03/31/07	granted
Pine Run Health Center	28 Pa. Code § 201.17	location	04/07/07	granted
Renaissance Gardens at Ann's Choice, Inc.	28 Pa. Code § 201.18(e)	management	12/30/06	granted
The Health Center at The Hill at Whitemarsh	28 Pa. Code § 201.18(e)	management	02/17/07	granted
New Eastwood Care and Rehab Center	28 Pa. Code § 201.18(e)	management	02/17/07	granted
Spang Crest Manor	28 Pa. Code § 205.6(a)	function of building	12/16/06	granted
Laurel View Village	28 Pa. Code § 205.6(a)	function of building	02/03/07	granted
Menno Haven, Inc.	28 Pa. Code § 205.6(a)	function of building	02/17/07	granted
Spang Crest Manor	28 Pa. Code § 205.6(a)	function of building	02/24/07	granted
Chestnut Hill Rehabilitation Hospital Skilled Nursing Unit	28 Pa. Code § 205.6(a)	function of building	03/10/07	granted
Little Sisters of the Poor	28 Pa. Code § 205.6(a)	function of building	03/10/07	granted
Renaissance Gardens at Ann's Choice, Inc.	28 Pa. Code § 205.6(a)	function of building	05/05/07	granted
Canterbury Place	28 Pa. Code § 205.6(a)	function of building	05/05/07	granted
Skilled Care Center at Utz Terrace	28 Pa. Code § 205.6(a)	function of building	03/31/07	granted
Pine Run Health Center	28 Pa. Code § 205.6(a)	function of building	04/07/07	granted
John Heinz Senior Rehab Care	28 Pa. Code § 205.10(a)(b)	doors	06/02/07	granted
Skilled Care Center at Utz Terrace	28 Pa. Code § 205.25		03/31/07	granted
Skilled Care Center at Utz Terrace	28 Pa. Code § 205.26(a)		03/31/07	granted
Millcreek Community Hospital Transitional Care Unit	28 Pa. Code § 205.26(e)	laundry	12/30/06	granted
Chestnut Hill Rehabilitation Hospital Skilled Nursing Unit	28 Pa. Code § 205.26(e)	laundry	03/10/07	granted
The Springs at the Watermark	28 Pa. Code § 205.28(b)	nurses' station	05/05/07	granted
Chestnut Hill Rehabilitation Hospital Skilled Nursing Unit	28 Pa. Code § 205.31	storage	03/10/07	granted
Golden LivingCenter—West Shore	28 Pa. Code § 205.36(g)(h)	bathing facilities	01/13/07	granted
Garden Spring Center	28 Pa. Code § 205.36(g)(h)	bathing facilities	01/13/07	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Chestnut Hill Rehabilitation Hospital Skilled Nursing Unit	28 Pa. Code § 205.36(h)	bathing facilities	03/10/07	granted
John Heinz Senior Rehab Care	28 Pa. Code § 205.38(f)	toilet facilities	06/02/07	granted
Mercy Jeannette Hospital Skilled Nursing Center	28 Pa. Code § 211.12(b)	nursing services	02/03/07	granted

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1197. Filed for public inspection July 6, 2007, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Robert A. Passero, individually, and doing business as Avoca Building Company	1008 Good Shepherd Road Montoursville, PA 17754	7/22/2007

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 07-1198. Filed for public inspection July 6, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Lady 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:

- Name:* The name of the game is Pennsylvania Lady Bucks.
- Price:* The price of a Pennsylvania Lady Bucks instant lottery game ticket is \$1.
- Play Symbols:* Each Pennsylvania Lady Bucks instant lottery game ticket will contain one play area containing nine prize play symbols and a separate "QUICK \$10 AREA" containing one play 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), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,000 (TWO THO). The play symbols located in the "QUICK \$10 AREA" are: Sun symbol (SUN), Frog symbol (FROG), Flower symbol (FLOWER), Lizard symbol (LIZARD), Butterfly (BUTTERFLY) and Lady Bug symbol (LADY BUG). The "QUICK \$10 AREA" is played separately from the rest of the game.

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$30, \$50, \$100, \$500 and \$2,000. The prize that can be won in the "QUICK \$10 AREA" is \$10.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Lady Bucks instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$2,000 (TWO THO) in the play area, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(d) 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.

(e) Holders of tickets with three matching prize play symbols of \$30\$ (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(f) 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.

(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 Lady Bug symbol (LADY BUG) in the "QUICK \$10 AREA," 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 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.

(k) 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.

(l) 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 Lady Bucks instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *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 3 Like Amounts, Win That Prize. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
3-FREE's	FREE \$1 TICKET	12	900,000
3-\$1's	\$1	60	180,000
3-\$2's	\$2	15	720,000
3-\$5's	\$5	42.86	252,000
3-\$10's	\$10	300	36,000
QUICK \$10 (LADY BUG)	\$10	150	72,000
3-\$20's	\$20	600	18,000
3-\$10's + QUICK \$10 (LADY BUG)	\$20	600	18,000
3-\$30's	\$30	1,200	9,000
3-\$20's + QUICK \$10 (LADY BUG)	\$30	1,200	9,000
3-\$50's	\$50	2,400	4,500
3-\$100's	\$100	4,800	2,250
3-\$500's	\$500	120,000	90
3-\$2,000's	\$2,000	720,000	15

QUICK \$10 (LADY BUG) = Win \$10 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lady Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lady Bucks, prize money from winning Pennsylvania Lady 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 Lady 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.

10. *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.

11. *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 Lady Bucks or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 07-1199. Filed for public inspection July 6, 2007, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Texas Eastern Transmission, LP v. DEP; EHB Doc.  
No. 2007-132-R**

Texas Eastern Transmission, LP has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Texas Eastern Transmission, LP for a facility in Richhill Township, Greene County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary of the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 07-1200. Filed for public inspection July 6, 2007, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Environmental Quality Board Meeting Cancellation

The July 17, 2007, meeting of the Environmental Quality Board (Board) is cancelled. The next meeting of the Board is scheduled for Tuesday, August 21, 2007, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the August 21, 2007, meeting will be available on the Department of Environmental Protection's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Michele Tate at (717) 783-8727 or [mtate@state.pa.us](mailto:mtate@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1201. Filed for public inspection July 6, 2007, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council have been scheduled: Wednesday, July 11, 2007, Data Systems Committee Meeting—10 a.m.; Thursday, July 12, 2007, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARK P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 07-1202. Filed for public inspection July 6, 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 21, 2007, and announced the following:

#### *Regulations Approved:*

Department of Labor and Industry #12-67: General Provisions (amends 34 Pa. Code Chapter 121)

Pennsylvania Gaming Control Board #125-49: Accounting and Internal Controls; Slot Computer Systems; Com-

mencement of Slot Operations (adds 58 Pa. Code Chapters 465a, 466a and 467a and amends Chapter 461a)

Department of Revenue #15-436: Pennsylvania Gaming Cash Flow Management (adds 61 Pa. Code Chapter 1001)

### Approval Order

Public Meeting held  
June 21, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Labor and Industry—General Provisions;  
Regulation No. 12-67 (#2484)*

On June 27, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 121. The proposed regulation was published in the July 9, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 21, 2007.

This final-form rulemaking updates and clarifies administrative procedures followed by employees, employers and insurers in their transactions with the Bureau of Workers' Compensation.

We have determined this regulation is consistent with the statutory authority of the Department (77 P. S. §§ 710 and 991(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 21, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—Accounting and Internal Controls; Slot Computer Systems; Commencement of Slot Operations; Regulation No. 125-49 (#2581)*

On October 25, 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 465a, 466a and 467a and amends Chapter 461a. The proposed regulation was published in the December 2, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 17, 2007.

This final-form regulation establishes three chapters of the Board's regulations. The chapters relate to accounting controls and audits, slot machine computer systems and the commencement of slot operations. The rulemaking also adds definitions to an existing chapter of the Board's regulations.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S.A. §§ 1202(b)(30), 1207, 1322 and 1520) 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 21, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson; David M. Barasch, Esq. (Abstaining); David J. DeVries, Esq.; John F. Mizner, Esq.

Department of Revenue—Pennsylvania Gaming Cash Flow Management; Regulation No. 15-436 (#2596)

On February 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue. This rulemaking adds 61 Pa. Code Chapter 1001. The proposed regulation was published in the March 3, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 25, 2007.

This final-form rulemaking establishes the procedures for the administration and distribution of all net slot machine revenue, collection of tax and collection of other assessments under the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. §§ 1101—1904).

We have determined this regulation is consistent with the statutory authority of the Department (4 Pa.C.S.A § 1501(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.

ARTHUR COCCODRILLI,  
Chairman

[Pa.B. Doc. No. 07-1203. Filed for public inspection July 6, 2007, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Reg No.	Agency/Title	Close of the Public Comment Period	IRRC Comments Issued
7-408	Environmental Quality Board Permit Streamlining	5/25/07	6/25/07
	37 Pa.B. 1317 (March 24, 2007)		

**Environmental Quality Board Regulation #7-408 (IRRC #2598)**

**Permit Streamlining**

**June 25, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the March 24, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

**1. Adequate Public Notice—Reasonableness; Need.**

The Preamble states that the Department of Environmental Protection (Department), as part of an effort to streamline the permitting process, investigated ways to “reduce the plan approval application time, reduce unnecessary costs to industry *and continue to ensure that citizens receive adequate notice of potential plan approval/permitting actions to enable timely comment on issues of public concern.*” (Emphasis added.) We received two public comments in support of the amendments. However, a joint comment from eight organizations, dated May 25, 2007, was sent to the EQB urging rejection of the amendments. Specifically, the joint commentators cite concerns with the amendments in Sections 127.44, 127.44(b)(6) and 127.45(5), as they relate to public notice in the *Pennsylvania Bulletin*.

We recognize that, as amended, Section 127.45(5) would require “a brief description of the conditions being placed in the plan approval with reference to applicable State and Federal requirements.” We also note that proposed Section 127.44(b)(5) is essentially the same as the existing requirement under Section 127.44(a)(6). Nonetheless, the EQB should explain further why these amendments are needed and how the amended regulation will provide adequate notice to the public.

**2. Section 127.12d. Completeness Determination—Consistency with statute; Reasonableness; Clarity.**

*Adequate, Streamlined and Reasonable Procedures*

In its Preamble, the EQB cites 35 P. S. § 4006.1(b.3) which states:

The board shall by regulation establish *adequate, streamlined and reasonable procedures for expeditiously determining when applications are complete* and for expeditious review of application. . . . (Emphasis added.)



The procedures in Subsections (a) and (c) of the regulation require the Department to evaluate applications for completeness, but do not address when the Department must take action. To be consistent with 35 P. S. § 4006.1(b.3), the EQB should consider adding time limits for Department action to Subsections (a) and (c).

*Administratively Incomplete Applications*

Under Subsection (c), if the Department finds that an application is incomplete, the Department will “return the application and fees to the applicant, along with a written statement of the specific information . . . required to make the application administratively complete.” We agree with a commentator that the procedure would be less burdensome by allowing the opportunity to rectify the deficiency rather than essentially restarting the process by returning the application and fees. Why is it necessary to return the application and fees?

*Vague Language*

Subsection (b) includes vague requirements for “necessary information” and “other documents.” These subjective phrases do not give the regulated community the specific information needed to file a complete application. For clarity, we recommend that the phrases “necessary information” and “other documents” be replaced with the specific information needed to file an administratively complete application.

**3. Section 127.44. Public Notice—Reasonableness; Need; Clarity.**

*Subsection (b)*

There are three concerns. First, the EQB should explain why it needs to delete existing Paragraph (5) which requires notice for “other sources required to obtain plan approval.” What sources would this amendment affect?

Second, as amended, new Paragraph (5) discusses “other sources, including synthetic minor permit applications.” In conjunction with the deletion of the requirement for notice of “other sources required to obtain plan approval,” the EQB should provide more detail on the “other sources” that would be included.

Finally, it is not clear what the phrase “including synthetic minor permit applications” encompasses. The EQB should define this phrase.

**4. Section 127.45. Contents of Notice—Reasonableness; Need.**

As amended, Paragraph (5) would no longer require a “description of the reasons” for including conditions. Why is the description of the reasons no longer needed?

**5. Miscellaneous; Clarity.**

- There is inconsistent language in the regulation. Paragraph 127.44(a)(2) refers to the plant or facility “at which the construction, modification, reactivation or installation is proposed” but, Paragraph (a)(3) only mentions equipment “to be installed or modified.” In addition, Paragraph 127.45(2) only refers to the plant or facility at which “construction, modification or installation is proposed.” Why do the words “reactivation” and “construction” appear in some provisions, but not others?

- Paragraph 127.44(a)(4) requires “a person” to contact for additional information. This provision should specify whether the person to contact would be a representative of the applicant or would be someone from the Department’s regional office.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1204. Filed for public inspection July 6, 2007, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted as follows. 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>Resubmitted</i>	<i>Public Meeting</i>
125-57	Pennsylvania Gaming Control Board Persons Required to be Excluded; Underage Gaming	6/21/07		8/2/07
18-402	Department of Transportation School Bus Drivers	6/21/07	6/25/07	8/2/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1205. Filed for public inspection July 6, 2007, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Application for Approval to Acquire Control; Extension of Public Comment Period

The Pennsylvania Insurance Department (Department) published notice of receipt of the filings for the Pennsylvania domiciled insurance subsidiaries of Highmark, Inc. and Independence Blue Cross at 37 Pa.B. 2273 (May 12, 2007). The notice afforded persons the opportunity to provide written comments on the filings to the Department on the grounds of public or private interest for a period to expire no earlier than July 11, 2007. The purpose of this notice is to announce the extension of the public comment period for an indefinite period of time to afford persons ample opportunity to provide written comments. A subsequent announcement will appear in the *Pennsylvania Bulletin* to provide notice of closing of the public comment period.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1206. Filed for public inspection July 6, 2007, 9:00 a.m.]

### Eligible Surplus Lines Insurer List

Under section 1605(b) of The Insurance Company Law of 1921 (40 P.S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 19, 2007, published at 37 Pa.B. 646 (February 3, 2007).

Persons who have any questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

#### As of Thursday, June 21, 2007

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, GREAT BRITAIN EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
67489	AIX SPECIALTY INSURANCE COMPANY	103 FOULK ROAD SUITE 202 WILMINGTON, DE 19803
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY AG	GROBER BURSTAH 3 HAMBURG, GERMANY D-20457
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	2350 EMPIRE AVENUE BURBANK, CA 91504-3350
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
10521	AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	1400 WEST BENSON BOULEVARD SUITE 315 ANCHORAGE, AK 99503
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	7000 MIDLAND BLVD AMELIA, OH 45102-2607
18146	AMERICAN SAFETY INDEMNITY COMPANY	100 GALLERIA PARKWAY, S.E. SUITE 700 ATLANTA, GA 30339
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVENUE JOHNSTON, RI 02919-0500
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10306 REGENCY PARKWAY DRIVE OMAHA, NE 68113
10587	ARCH SPECIALTY INSURANCE COMPANY	300 FIRST STAMFORD PLACE STAMFORD, CT 06902
51442	ASPEN INSURANCE UK LIMITED	100 LEADENHALL STREET 1ST FLOOR LONDON, ENGLAND, GREAT BRITAIN EC3A3DD
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
22348	ASSICURAZIONI GENERALI S.P.A.	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, ITALY 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	THE MAXWELL ROBERTS BUILDING 4TH FLOOR HAMILTON, BERMUDA HM11
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
10526	AUDUBON INDEMNITY COMPANY	C/O CORPORATION SERVICE COMPANY 506 SOUTH PRESIDENT STREET JACKSON, MS 39201
22371	AVIVA INTERNATIONAL INSURANCE LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, GREAT BRITAIN EC3P3DQ
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, FRANCE 75009
59554	AXIS SPECIALTY EUROPE LIMITED	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, IRELAND
10536	AXIS SPECIALTY INSURANCE COMPANY	ONE STATE STREET SUITE 1700 HARTFORD, CT 06103
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	BIRCHIN COURT FOURTH FLOOR LONDON, GREAT BRITAIN EC3V 9DU
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, GREAT BRITAIN EC3ABEQ
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
64641	CATLIN INSURANCE COMPANY (UK) LIMITED	3 MINSTER COURT MINCING LANE LONDON, UNITED KINGDOM EC3R 7DD
63239	CATLIN SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10531	CENTURY SURETY COMPANY	465 CLEVELAND AVENUE WESTERVILLE, OH 43082
10532	CHUBB CUSTOM INSURANCE COMPANY	C/O CORPORATE SERVICE COMPANY 2711 CENTERVILLE ROAD WILMINGTON, DE 19808-1645
18617	CLARENDON AMERICA INSURANCE COMPANY	601 EWING STREET SUITE C-8 PRINCETON, NJ 09650
10533	COLONY INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10582	COLONY NATIONAL INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10534	COLUMBIA CASUALTY COMPANY	CNA PLAZA CHICAGO, IL 60685
22388	COMMONWEALTH INSURANCE COMPANY	595 BURRARD STREET, SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, V7X 1G4
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677
10600	DARWIN SELECT INSURANCE COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 72201-3525
37001	DISCOVER SPECIALTY INSURANCE COMPANY	200 NORTH LASALLE STREET CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	630 NE 63RD STREET OKLAHOMA CITY, OK 73105
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	767 THIRD AVENUE FIFTH FLOOR NEW YORK, NY 10017
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 06070-7683
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	312 WALNUT STREET SUITE 1100 CINCINNATI, OH 45202
10548	FIRST FINANCIAL INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 2740 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10553	GENERAL AGENTS INSURANCE COMPANY OF AMERICA, INC.	115 SOUTHWEST 89TH STREET OKLAHOMA CITY, OK 73139
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 W. ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 06904-2354
22411	GENERALI ASSURANCES IARD	7 BOULEVARD HAUSSMAN PARIS, FRANCE 75009
10555	GENESIS INDEMNITY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58501
58119	GEOVERA SPECIALTY INSURANCE COMPANY	201 NORTH CHARLES STREET SUITE 900 BALTIMORE, MD 21201
44715	GLENCOE INSURANCE LIMITED	RENAISSANCE HOUSE 8 EAST BROADWAY P. O. BOX HM 2527 HAMILTON, BERMUDA HM GX
10556	GOTHAM INSURANCE COMPANY	919 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10022
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45204
22412	GREAT LAKES REINSURANCE (UK) PLC	1 UPPER GROUND FLOOR, MINSTER COURT MINCING LANE LONDON, GREAT BRITAIN EC3R7AA
36489	GUILFORD INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
66133	HCC SPECIALTY INSURANCE COMPANY	201 ROBERT S. HERR AVENUE OKLAHOMA, OK 73102
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	201 NORTH SERVICE ROAD MELVILLE, NY 11747
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
37373	HUDSON SPECIALTY INSURANCE COMPANY	17 STATE STREET 29TH FLOOR NEW YORK, NY 10004
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
10562	INDIAN HARBOR INSURANCE COMPANY	CT CORPORATION SYSTEM 314 EAST THAYER AVENUE BISMARCK, ND 58501
10563	INEX INSURANCE EXCHANGE	1 SOUTH WACKER DRIVE SUITE 2720 CHICAGO, IL 60606-4617

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
45736	INTEGON SPECIALTY INSURANCE COMPANY	500 WEST FIFTH STREET WINSTON-SALEM, NC 27152
28076	INTERNATIONAL INSURANCE CO OF HANNOVER, LTD	L'AVENIR OPLADEN WAY, BRACKNELL BERKSHIRE, GREAT BRITAIN UK RG12 OPH
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE CHICAGO, IL 60603
10566	ITT PACIFIC INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
8967	LANDMARK AMERICAN INSURANCE COMPANY	115 S.W. 89TH STREET OKLAHOMA CITY, OK 73139-8501
10567	LANDMARK INSURANCE COMPANY	2730 GATEWAY OAKS DRIVE SUITE 100 SACRAMENTO, CA 95833
45576	LANTANA INSURANCE LTD.	RENAISSANCE HOUSE 8-12 EAST BROADWAY HAMILTON, BERMUDA HM 19
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE COURT LIMITED	3TH FLOOR, TWO MINSTER COURT MINCING LANE LONDON, GREAT BRITAIN EC3R 7YE
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	ONE LIME STREET LONDON, GREAT BRITAIN EC3M7HA
22417	LONDON AND EDINBURGH INSURANCE COMPANY LIMITED	8 SURREY STREET NORWICH NR1 3NG ENGLAND, GREAT BRITAIN EC3M5BT
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, GREAT BRITAIN RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, GREAT BRITAIN EC3A2EA
10570	MAX SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 68131-3580
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 55TH FLOOR NEW YORK, NY 10119-0002
10537	NOETIC SPECIALTY INSURANCE COMPANY	111 S. WACKER DRIVE CHICAGO, IL 60606-4410
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10584	NORTH POINT CASUALTY INSURANCE COMPANY	10199 SOUTHSIDE BLVD BUILDING 1 JACKSONVILLE, FL 32256
10577	NORTHFIELD INSURANCE COMPANY	1270 OFFICE PLAZA DRIVE WEST DES MOINES, IA 50266
10578	NUTMEG INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, GREAT BRITAIN EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
40659	PRAETORIAN SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	136 EAST SOUTH TEMPLE, SUITE 2100 SALT LAKE CITY, UT 84111
22449	QBE INSURANCE (EUROPE) LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, GREAT BRITAIN EC3M 3BD
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
53074	QUANTA SPECIALTY LINES INSURANCE COMPANY	3500 DEPAUW BOULEVARD SUITE 3050 INDIANAPOLIS, IN 46268
44436	RED MOUNTAIN CASUALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
10603	ROCKHILL INSURANCE COMPANY	2999 NORTH 44TH STREET, SUITE 250 PHOENIX, AZ 85018
10588	ROYAL SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA SEATTLE, WA 98185
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, SWEDEN SE 113 96
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
22453	SR INTERNATIONAL BUSINESS INSURANCE COMPANY LIMITED	30 ST. MARY AXE LONDON, GREAT BRITAIN EC3A8EP
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
38980	STARR EXCESS LIABILITY INSURANCE COMPANY, LTD.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19904
54486	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION (EURASIA) LIMITED	INTERNATIONAL HOUSE CREECHURCH LANE LONDON, GREAT BRITAIN EC3A 5BA
10596	TIG SPECIALTY INSURANCE COMPANY	C/O RIVERSTONE RESOURCES, LLC 8880 RIO SAN DIEGO DRIVE SAN DIEGO, CA 92108
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
10598	TUDOR INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	5253 HOHMAN AVENUE P. O. BOX 1150 HAMMOND, IN 46320
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
52712	VICTORIA INSURANCE COMPANY	2301 E.LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	500 COLONIAL CENTER PARKWAY SUITE 200 ROSWELL, GA 30076
10608	WESTERN HERITAGE INSURANCE COMPANY	6263 N. SCOTTSDALE ROAD SUITE 240 SCOTTSDALE, AZ 85250
10610	WESTERN WORLD INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
52746	WIND RIVER INSURANCE COMPANY, LTD.	CANON'S COURT 22 VICTORIA STREET HAMILTON, BERMUDA HM 12
10604	XL SELECT INSURANCE COMPANY	735 FIRST NATIONAL BUILDING OKLAHOMA CITY, OK 73102
10611	ZC SPECIALTY INSURANCE COMPANY	400 WEST 15TH STREET SUITE 710 AUSTIN, TX 78701

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1207. Filed for public inspection July 6, 2007, 9:00 a.m.]



### Travelers Personal Insurance Company; Private Passenger Automobile; Rate Revisions

On June 15, 2007, the Insurance Department (Department) received from Travelers Personal Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 3.5% increase amounting to \$3.511 million annually, to be effective September 1, 2007.

Unless formal administrative action is taken prior to August 14, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1208. Filed for public inspection July 6, 2007, 9:00 a.m.]

*Proposals due:* July 27, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Henry Blocker, Jr., (215) 482-9671

PATRICK J. STAPELTON, III,  
*Chairperson*

[Pa.B. Doc. No. 07-1209. Filed for public inspection July 6, 2007, 9:00 a.m.]

## OFFICE OF THE ATTORNEY GENERAL

### Public Meeting

The 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, July 12, 2007, at 9 a.m. in Hearing Room 1, 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. 07-1210. Filed for public inspection July 6, 2007, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Shoppe #1502, 317 West Bridge Street, Phoenixville, PA 19460.

*Lease Expiration Date:* May 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,500 net useable square feet of new or existing retail commercial space within a 2.5 mile radius of West Bridge Street, Phoenixville.

*Proposals due:* July 27, 2007, 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5188, 7333 Elmwood Avenue, Philadelphia, PA 19142.

*Lease Expiration Date:* May 31, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a .50 mile radius from the intersection of Island Avenue and Lindbergh Boulevard, Philadelphia.

## 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 2007-2008 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 Veronica Kasi at (717) 772-4053.

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. 07-1211. Filed for public inspection July 6, 2007, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Extension of the Fuel Cost Recovery Surcharge Special Permission 28209

Public Meeting held  
June 21, 2007

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzigrilli; Terrance J. Fitzpatrick

### Order

*By the Commission:*

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28209, ratified June 1, 2006, authorized call or demand, paratransit, and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset significant increases in the cost of fuel. The fuel surcharge became effective on July 1, 2006, and is scheduled to terminate on June 30, 2007.

In a letter dated May 29, 2007, the Pennsylvania Taxicab and Paratransit Association (PTPA), on behalf of its members, has requested that this Commission extend the fuel cost recovery surcharge for a period of one year. PTPA cites the ongoing instability of retail gasoline prices as the reason for this request.

Initially, all call or demand, paratransit, and airport transfer carriers were authorized to collect the surcharge found on the Fuel Surcharge page of the Commission's website. The average price of fuel was posted on the third Friday of each month, with the effective date of the surcharge being the first day of the subsequent month. The Commission determined the average cost of unleaded regular gasoline based upon gasoline prices in the index of the Energy Information Administration of the U.S. Department of Energy. The amount of the fuel surcharge was determined by locating the average price of gasoline

on a chart, also displayed on that page, and selecting the corresponding fuel surcharge in the column for the respective type of transportation.

Determination of the amounts to be charged was based on the cost of gasoline per trip. The constants used for calculations were those based upon statistics from the Taxicab, Limousine and Paratransit Association: The average trip length of 6.8 miles for call or demand carriers and 13.61 miles for paratransit and airport transfer carriers; the average miles per gallon per vehicle of 15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers; and \$1.35 per gallon of unleaded regular gasoline (the average cost in 2002 according to Energy Information Administration of the Department of Energy). The cost per trip was calculated by multiplying the price of gasoline by the ratio of miles per trip to miles per gallon. The cost per trip at \$1.35 per gallon would serve as the base line. The results are tabulated in the chart below.

### Passenger Carrier Fuel Surcharge Chart

<i>Fuel (\$/Gal)</i>	<i>Taxicabs*</i>	<i>Paratransit/ Airport Transfer**</i>
\$2.00—\$2.09	\$ .25	\$ .70
\$2.10—\$2.19	\$ .30	\$ .80
\$2.20—\$2.29	\$ .35	\$ .90
\$2.30—\$2.39	\$ .40	\$ 1.00
\$2.40—\$2.49	\$ .45	\$ 1.10
\$2.50—\$2.59	\$ .50	\$ 1.20
\$2.60—\$2.69	\$ .55	\$ 1.30
\$2.70—\$2.79	\$ .60	\$ 1.40
\$2.80—\$2.89	\$ .65	\$ 1.50
\$2.90—\$2.99	\$ .70	\$ 1.60
\$3.00—\$3.09	\$ .75	\$ 1.70
\$3.10—\$3.19	\$ .80	\$ 1.80
\$3.20—\$3.29	\$ .85	\$ 1.95
\$3.30—\$3.39	\$ .90	\$ 2.05
\$3.40—\$3.49	\$ .95	\$ 2.15
\$3.50—\$3.59	\$ 1.00	\$ 2.25
\$3.60—\$3.69	\$ 1.05	\$ 2.35
\$3.70—\$3.79	\$ 1.10	\$ 2.45
\$3.80—\$3.89	\$ 1.15	\$ 2.55
\$3.90—\$3.99	\$ 1.20	\$ 2.65
\$4.00—\$4.09	\$ 1.25	\$ 2.75

\* The amount is per trip.

\*\* The amount is per paying passenger per trip.

The Commission's intention was to create flexibility for both the carriers and the Commission. By establishing gasoline prices which would "trigger" a change in the surcharge, it would no longer be necessary to monitor the surcharge at different intervals. This flexibility would also aid in eliminating the need for emergency petitions, as was the case following Hurricane Katrina in 2005.

In the process of considering this request, the Commission has analyzed current information available from the Energy Information Administration of the U.S. Department of Energy, the American Automobile Association,

and OPIS Energy Group. Data from these groups indicate that the retail price of gasoline will continue to increase throughout the summer months and even beyond, due to increased demand and the uncertainty of supply.

Many refineries have failed to return from unplanned outages and maintenance. Should more unplanned outages occur, there will be a significant impact on the future path of prices. Several analysts expect to see refinery maintenance remain relatively high even into June. High import volumes also play a part in keeping supplies adequate. Additionally, there remain many trouble spots across the globe that could affect the crude oil supply, prices, and gasoline prices (e.g., Venezuela, Nigeria, Iran, etc.). Projections such as this indicate that the cost of gasoline will remain a problem for the transportation industry.

Based on our review, it appears that an extension of the Fuel Cost Recovery is an appropriate way to address the high costs and instability of gasoline prices at the present time. However, the industry should not continue to rely on this measure as a means of relief. Members of the industry will have the responsibility of taking appropriate measures.

After due consideration, we have determined that fuel costs are not likely to decrease. Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the Fuel Cost Recovery Surcharge to permit the recovery of fuel expenditures; *Therefore,*

*It Is Ordered That:*

1. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be and is hereby extended until June 30, 2008, unless changed, cancelled, or extended by the Commission.

2. Effective Wednesday, June 27, 2007, and thereafter on the third Friday of every month, the Commission shall post on its website at [www.puc.state.pa.us/transport/motor/fuel\\_surcharge.aspx](http://www.puc.state.pa.us/transport/motor/fuel_surcharge.aspx) the average cost of unleaded regular gasoline upon which the surcharge will be determined.

3. Call or demand, paratransit, and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28209. The surcharge has been extended and shall terminate on June 30, 2008. The current surcharge is (insert current charge here) per trip for each paying passenger"

4. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be continued until midnight, June 30, 2008, at which time it will expire.

5. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1212. Filed for public inspection July 6, 2007, 9:00 a.m.]

**Order**

Public Meeting held  
June 21, 2007

*Commissioners Present:* Wendell F. Holland, Chairperson;  
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;  
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission v.  
Access Point, Inc.; Doc. No. R-00072358*

**Order**

*By the Commission:*

On May 1, 2007, Access Point, Inc. (API or the Company) filed the proposed tariff Supplement No. 7, to the Company's Tariff Telephone-Pa. P.U.C. No. 2, issued May 2, 2007, to become effective, June 2, 2007<sup>1</sup>, for the purposes of establishing the Term Liability/Termination Charges, Account Maintenance Fee, Reconnection Charge, Carrier Cost Recovery Fee, and Credit Card Convenience Fee. Subsequently, the review period for this filing was extended for an additional thirty (30) days, or July 2, 2007.

On May 22, 2007, API was issued a data request seeking supporting information and cost justification, as required by our rules and regulations for this filing at 52 Pa. Code § 53.59, for the proposed Account Maintenance Fee and Carrier Cost Recovery Fee. API's proposed supplement contains the following descriptions and rates for these services:

Account Maintenance Fee

All Business Customers will be charged a monthly account maintenance fee on each monthly detailed invoice of \$3.95. If the customer has multiple invoices delivered to different service locations, a fee of \$1.95 will be charged for each detailed invoice. If the Customer elects to receive their monthly invoice electronically, the fee will be \$1.95 for both Single and Multi location Business Customers Invoiced. The fee for Residential Customers is \$0.95.

Carrier Cost Recovery Fee

Carrier Cost Recovery Fee will be assessed on Local Lines to Residential and Business Customers. This assessment will help recover increased network access costs due to regulatory changes.

Monthly Fee

Business, per line	\$1.00
Residential, per line	\$1.00

The Company failed to meet the data request deadline of June 6, 2007. API was advised to withdraw the filing while the Company contemplated its responses or revise the filing to avoid suspension. To date, the Company has done neither.

In other proceedings, the Commission determined that an Access Recovery Charge, a charge similar to the instant Carrier Cost Recovery Fee, imposed as a separate line item was not acceptable and thus has instructed the filing company that such cost recovery is more appropriately built into the explicit rate structure.<sup>2</sup> In addition, we find API's Reconnection Charge of \$25 should be further scrutinized as a protected service under 66 Pa.C.S. § 3012.

<sup>1</sup> Access Point, Inc. Tariff Telephone-Pa. P.U.C. No. 2, Section 7, pages 24 and 25.  
<sup>2</sup> See Pennsylvania Public Utility v. XO Communications Services, Inc., Docket No. R-00050342, Order entered January 27, 2006.

Therefore, we shall suspend the Company's filing, consistent with § 1308 and other applicable provisions of 66 Pa.C.S. We believe it is appropriate to initially refer this matter to the Office of Administrative Law Judge (OALJ) for timely mediation in accordance with our regulations at 52 Pa. Code § 69.392(e). The OALJ Mediator should provide the Commission with a final report on the outcome of the mediation as soon as possible.

In the event that such mediation fails, this matter should be expeditiously referred to an ALJ for a full evidentiary adjudication and the issuance of a recommended decision. In view of the Commission's Office of Trial Staff (OTS) duties under 66 Pa.C.S. § 306(b)(1), a copy of the related Commission Order should be formally served on OTS. In the alternative, we will allow the Company to withdraw its filing; *Therefore*,

*It Is Ordered That:*

1. The proposed tariff Supplement No. 7 to Access Point, Inc. Tariff Telephone-Pa. PUC No. 2 is suspended for a period not to exceed six (6) months, or until January 2, 2008, pursuant to § 1308 and other applicable provisions of 66 Pa.C.S.

2. Access Point, Inc. shall file, or cause to be filed, the appropriate tariff suspension supplement.

3. The Company be, and hereby is given, within fifteen (15) days after the date of entry of this Order, the alternative to withdraw the proposed tariff Supplement No. 7 above.

4. If the Company files to withdraw Supplement No. 7, then it is further ordered that the suspension shall be terminated and the case marked closed.

5. If the Company does not file, or cause to be filed, the withdrawal in accordance with the above ordering paragraphs, then it is further ordered:

- That the related tariff modifications be referred to the Office of Administrative Law Judge for a timely mediated resolution in accordance with our regulations at 52 Pa. Code § 69.392(e), and
- That the Office of Administrative Law Judge Mediator shall file a report with the Commission on the outcome of the mediation as soon as possible, and
- That in the event that mediation fails, this matter will be expeditiously referred to an Administrative Law Judge for formal evidentiary adjudication addressing the outstanding material issued, and for the issuance of a recommended decision.

6. A copy of this Order be published in the *Pennsylvania Bulletin*.

7. The Secretary of the Commission formally serve a copy of this Order to the Commission's Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Administrative Law Judge.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1213. Filed for public inspection July 6, 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 30, 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.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Steen/Raso Transport, Inc., Doc. No. A-00122162C0701*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of Steen/Raso Transport, Inc., respondent, is P. O. Box 67, Albrightsville, PA 18210.

2. That respondent was issued a certificate of public convenience by this Commission on 12/1/2005, at Docket No. A-00122162.

3. That, on August 21, 2006, respondent was sent an initial assessment of \$17. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$17.

4. That respondent has an outstanding assessment of \$17.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience issued to respondent; (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations; (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked; (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked; and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Stanley A.  
Heintzelman  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1214. Filed for public inspection July 6, 2007, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Schedule of Meetings for 2008

The regular meetings of the State Board of Education (Board), Councils of Basic and Higher Education and the State Board for Vocational Education will be held on the following dates:

January 16—17, 2008  
March 19—20, 2008  
May 21—22, 2008  
June 25—26, 2008  
September 17—18, 2008  
November 19—20, 2008

Unless due and timely notice to the contrary is given, these meetings will be held in the Conference Rooms on the Lobby Level and First Floor of the Education Building, 333 Market Street, Harrisburg, PA.

Persons with disabilities needing special accommodations to attend the meetings should contact the Board at (717) 787-3787 at least 24 hours in advance so that arrangements can be made.

This schedule of meetings as well as future notices of special meetings, hearings and roundtables of the Board, councils and committees will be posted on the Board's web pages on the Department of Education website: [www.pde.state.pa.us](http://www.pde.state.pa.us).

JIM BUCKHEIT,  
*Executive Director*

[Pa.B. Doc. No. 07-1215. Filed for public inspection July 6, 2007, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Rhonda Kegley Hopkins, LPN; Doc. No. 1137-51- 2006

On February 28, 2007, Rhonda Kegley Hopkins, LPN, of Meadville, Crawford County, had her license to practice practical nursing indefinitely suspended for no less than 3 years, retroactive to June 14, 2006, based on her violation of probationary terms set forth in her VRP Agreement.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

MARY E. BOWEN, R. N., CRNP,  
*Chairperson*

[Pa.B. Doc. No. 07-1216. Filed for public inspection July 6, 2007, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Bid Opportunity; Clarion University

Clarion University of PA will accept bids for Project CL-636, West End Pond Renovation at Venango Campus of Clarion University, Oil City, PA until 2 p.m. on July 30, 2007, at Thorn II Building (beside Public Safety), Clarion University, 840 Wood Street, Clarion, PA 16214.

The bid documents are available for a nonrefundable fee of \$80. Please send check payable to Herbert Rowland & Grubic to the following address: Accu-Copy Reprographics, Inc., 108 Marshall Drive, Warrendale, PA 15086, (724) 935-7055.

A prebid meeting will be held at 10 a.m., July 16, 2007, at Frame Hall, Venango Campus, Oil City, PA. Directions to campus are available on the following University website [www.clarion.edu/admiss/find\\_us.shtml](http://www.clarion.edu/admiss/find_us.shtml). The prebid meeting will be the only site visit conducted by the University and the only review of plans and specifications. Contractors are urged to attend. Estimated cost is \$ 750,000.

Work will be done during a period when the surrounding structures are occupied. All work will be done under Pennsylvania Prevailing Wage Laws.

DR. JOSEPH P. GRUNENWALD,  
*President*

[Pa.B. Doc. No. 07-1217. Filed for public inspection July 6, 2007, 9:00 a.m.]

### Bid Opportunity; Clarion University

Clarion University of PA will accept bids for Project CL-643, New Dining Hall Construction, until 2 p.m. on Friday, August 10, 2007, at Thorn II Building, (beside Public Safety), Clarion University, 840 Wood Street, Clarion, PA 16254. The bid documents are available for a nonrefundable fee of \$525. Send check payable to STV Architects, 205 West Welsh Drive, Douglassville, PA 19518, Attn: Karen Mauger (610) 385-8481.

A prebid conference will be held on Friday, July 20, 2007, at 10 a.m. in Gemmell Student Center, Room 250/252, Clarion, PA. Directions to campus are available on the following University website [www.clarion.edu/admiss/find\\_us.shtml](http://www.clarion.edu/admiss/find_us.shtml). The prebid conference will be followed by a site visit (walking tour) of the project site and will be the only site visit conducted by the University and the only review of plans and specifications. While not mandatory for bidding purposes, contractors are urged to attend.

Brief Description: The project consists of the construction: General, HVAC, Plumbing/fire protection and Electrical, of a 31,000 sq. ft. 2-story dining facility. The building will be constructed with steel framing and a masonry exterior. Site work and identified utilities are included as identified. The project includes all food service equipment. Estimated cost is \$7.5 million.

Work will be done during a period when the surrounding structures are occupied. All work will be done under Pennsylvania Prevailing Wage Laws.

DR. JOSEPH P. GRUNENWALD,  
*President*

[Pa.B. Doc. No. 07-1218. Filed for public inspection July 6, 2007, 9:00 a.m.]







