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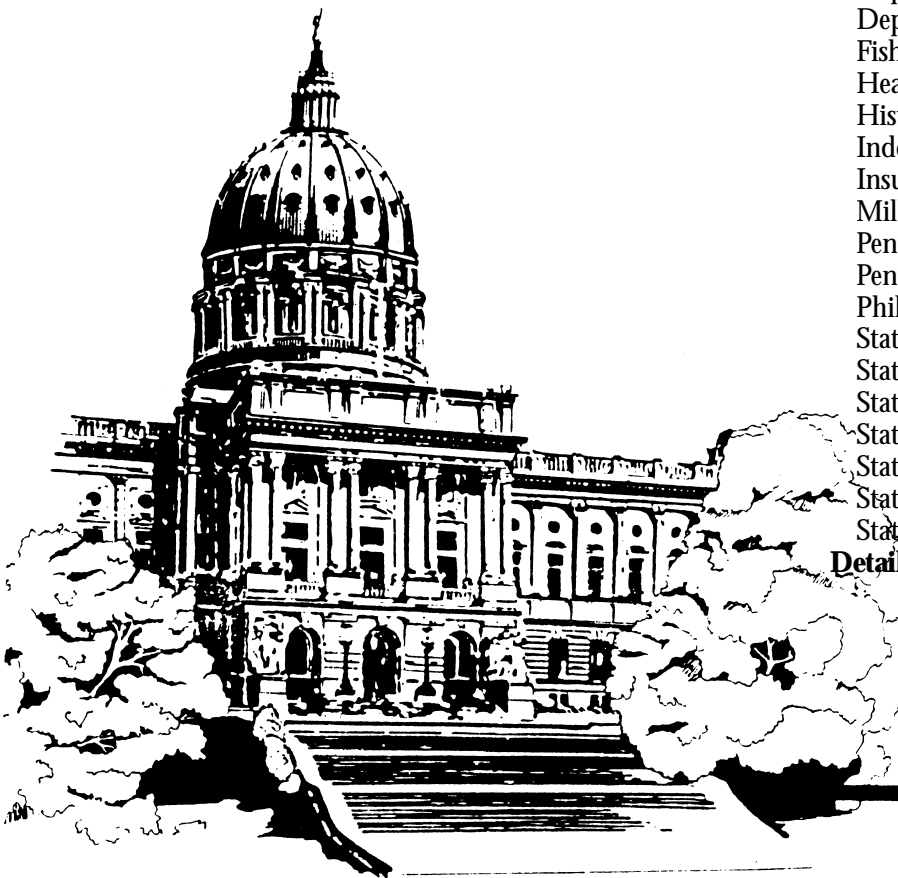
# PENNSYLVANIA BULLETIN

Volume 37  
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State Board of Funeral Directors  
State Board of Medicine  
State Board of Nursing  
State Board of Pharmacy

**Detailed list of contents appears inside.**



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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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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, 3227, 3228,  
3229, 4430, 4517, 4617, 4618

# THE COURTS

## Title 255—LOCAL COURT RULES

### CLINTON COUNTY

#### Magisterial Judicial District Coverage; No. 1071-07 ADM Order

##### Order

Now, this 14th day of August, 2007, pursuant to Pa.R.Crim.P. 117, *it is hereby ordered* that the following procedures shall be utilized to ensure coverage to provide those services required by the Rules of Criminal and Civil Procedure and the Protection From Abuse Act. This Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The District Court Administrator shall send seven (7) certified copies of this Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy to the Criminal Procedural Rules Committee, the Civil Procedural Rules Committee, and the Minor Court Rules Committee.

##### 1. Normal Business Hours:

a. Normal business hours shall be construed as Monday, Tuesday, Thursday, and Friday from 8:00 a.m. until 5:00 p.m. and Wednesday from 8:00 a.m. until 12:30 p.m. except when a Court holiday has been declared.

b. All Court proceedings normally conducted before a Magisterial District Judge during normal business hours shall be conducted at the established office of the appropriate Magisterial District Judge as determined by the Rules relating to venue. When, during regular business hours, the Magisterial District Judge who has venue over a particular matter is unavailable, any other Magisterial District Judge is hereby temporarily assigned to serve the Magisterial District or in accordance with special Orders issued from time to time by the Court.

##### 2. On Call Magisterial District Judge:

a. The Court Administrator shall establish a rotating schedule assigning a Magisterial District Judge to be on call outside of normal business hours of the Court to perform all duties of an issuing authority as required by the Rules of Criminal or Civil Procedure and the Protection From Abuse Act.

##### 3. Bail, Search and Arrest Warrants, and Protection From Abuse Petitions:

a. The on-call Magisterial District Judge shall be available without unreasonable delay at all times at his or her established office for the purpose of accepting the posting of a defendant's bail. Monetary bail may also be posted outside of regularly scheduled hours at the Clinton County Correctional Facility. The Warden of the Correctional Facility, or his designee, is authorized to accept bail bonds and deposits as provided in Pa.R.Crim.P. 117 by having the defendant sign the bail bond, releasing the defendant, and delivering the bail deposit and/or bail bond and the surety information page to the issuing authority or the Clerk of Courts by the close of the next business day.

b. The on-call Magisterial District Judge shall be available without unreasonable delay at his or her established office for the issuance of search warrants pursuant to Rule 203, arrest warrants pursuant to Rule 513, and Emergency Protection From Abuse Orders. Advanced communication technology may be utilized to submit the warrant application and affidavits and to issue the warrant in accordance with the requirements of the Criminal Rules.

##### 4. Arraignments on Weekdays:

When an individual is placed under arrest and requires arraignment or processing under Rule 441:

a. The individual shall be taken to the Clinton County Correctional Facility for booking.

b. Between the hours of 5:00 p.m. and 11:00 p.m., the on-call Magisterial District Judge shall be available without unreasonable delay at his or her established office or, at the discretion of the Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

c. Between the hours of 11:00 p.m. and 8:00 a.m. the following day, individuals placed under arrest and requiring arraignment shall be temporarily detained at the Clinton County Correctional Facility. The Magisterial District Judge shall be advised at 8:00 a.m. that the individual has been detained. Personnel of the Correctional Facility shall make such individuals available at the video conferencing site by 8:30 a.m., at which time the Magisterial District Judge shall conduct the preliminary arraignment through the use of advanced communication technology. In the event of technological failure, the individual shall be transported by officials of the Correctional Facility or the Sheriff to the office of the Magisterial District Judge.

##### 5. Arraignments on Saturdays, Sundays and Holidays:

When an individual is placed under arrest and requires arraignment or processing under Rule 441:

a. The individual shall be taken to the Clinton County Correctional Facility for booking and shall thereafter be temporarily detained pending arraignment.

b. Between the hours of 8:00 a.m. and 11:00 p.m., the on-call Magisterial District Judge shall be available without unreasonable delay at his or her established office, or, at the discretion of the Magisterial District Judge, advanced communication technology may be utilized for the arraignment. The on-call Magisterial District Judge shall be contacted by the Correctional Facility staff at 8:00 a.m., 2:00 p.m., and 10:00 p.m. each day and advised if any individual has been temporarily detained. Individuals so detained shall be promptly arraigned through the use of advanced communication technology.

c. Between the hours of 11:00 p.m. and 8:00 a.m. the following day, individuals placed under arrest and requiring arraignment shall be temporarily detained at the Clinton County Correctional Facility. Individuals so detained shall be made available at the video conferencing site by 8:30 a.m. the following morning. In the event of technological failure, the individual shall be transported by officials of the Correctional Facility or the Sheriff to the office of the Magisterial District Judge.

6. *Bench Warrants in Court Cases.*

a. Any individual executing a court case bench warrant shall proceed in accordance with Rule 150 and shall notify the Court Administrator no later than 8:30 a.m. the next business day that the subject of the warrant is in custody.

b. When the subject of a warrant has been delivered to the Clinton County Correctional Facility or has voluntarily surrendered pursuant to the issuance of a warrant, the Warden of the Clinton County Correctional Facility shall immediately notify the Court Administrator that the subject of the warrant is in custody or, if the warrant has been executed after the close of the business day, no later than 8:30 a.m. on the next business day.

c. Upon receiving notice that a bench warrant has been executed or that the subject has surrendered, the Court Administrator shall immediately notify the issuing Judge, the issuing Magisterial District Judge, the District Attorney, any counsel of record, and the Public Defender that the subject is in custody. After consultation with the Judge, the Court Administrator shall schedule a hearing as soon as possible but not later than seventy-two (72) hours after the subject has been lodged in the Correctional Facility. The Court Administrator may give oral notice of this hearing, along with written notice, and shall maintain a record of that notice.

7. *Summary Offense Arrest Warrants and Bench Warrants:*

a. An individual executing an arrest warrant or a bench warrant in a summary offense shall proceed in accordance with Rules 430 and 431 except as set forth hereafter.

b. In the event the warrant is executed between 8:00 a.m. and 11:00 p.m. Saturdays, Sundays, and holidays, the individual executing the warrant shall proceed in accordance with Paragraph 5.b. above.

c. In the event the warrant is executed between the hours of 11:00 p.m. and 8:00 a.m. the following day, the individual executing the warrant shall proceed in accordance with Paragraph 5.c. above.

*By the Court*

RICHARD N. SAXTON, Jr.,  
*President Judge*

[Pa.B. Doc. No. 07-1537. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DAUPHIN COUNTY

## Promulgation of Local Rules; No. AO-29 CR 2007 (1793-1989) and No. 4-22 MD 2007

## Order

*And Now*, this 8th day of August, 2007, Dauphin County Local Rule 573 is amended as follows:

**Rule 573. [Discovery in Child Abuse/Assault Cases] Discovery of Children and Youth Records in Non-Dependency Cases**

Pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, and the Child Protective Services Law, 23 Pa.C.S. § 6840, any party to litigation seeking discovery of confidential reports and records of Dauphin County Services for Children and Youth (Child Protective

Service Agency) shall file a petition for a Show Cause Order stating with particularity the scope, necessity, and authority for the discovery sought.

The petition and rule shall be served on any adverse party, on the Dauphin County Children and Youth Agency, and on the guardian ad litem (if any) for the child.

Any objection must identify that portion of the reports of records sought to be withheld and state with particularity any privilege asserted thereto.

Thereafter, the court shall either a) schedule a hearing on the motion; or b) schedule an in-camera conference; or c) issue an order based on the averments in the motion and in any response filed thereto.

*Comments*

Nothing in this rule shall preclude a party from filing a motion for a protective order.

Certain privileges are absolute and are not overcome by a defendant's Sixth Amendment right to cross-examine a witness or to due process of law. Examples of the foregoing are:

- Domestic Violence Advocate/Counselor  
23 Pa.C.S. § 6116; *V.B.T. v. Family Services of Western PA*,  
705 A.2d 1325 (Pa. Super. 1998)
- Sexual Assault Counselor Privilege  
42 Pa.C.S. § 5945; *Commonwealth v. Wilson*,  
602 A.2d 1290 (Pa. 1992)
- Psychotherapist Privilege  
42 Pa.C.S. § 5944; *Commonwealth v. Counterman*,  
719 A.2d 284 (Pa. 1998)

*Comment*

This rule was rescinded effective February 1, 2007, by passage of the amendments to the Pa. R.J.C.P.

This rule is readopted effective February 1, 2007.

**This rule is intended to apply not only in criminal cases. This procedure should be used when such records are requested in custody cases or in any other civil case.**

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 07-1538. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DAUPHIN COUNTY

## Promulgation of Local Rules; No. 1793 S 1989

## Order

*And Now*, this 8th day of August, 2007, Dauphin County Local Rule of Civil Procedure 1308 is amended as follows:

**Rule 1308—Appeal. Notice. Compensation**

(a)(2) When an appeal is filed to a decision of the Board of Arbitrators, any party appealing shall repay to the County the fees of the members of the Board of Arbitration, which shall not thereafter be refundable

to or recoverable by the said party under any circumstances, under the following schedule:

(a) If the amount in controversy is less than \$5,000.00—\$400.00.

(b) If the amount in controversy is \$5,000.00 or more, but less than \$10,000.00—\$500.00.

(c) If the amount in controversy is \$10,000.00 or more, but less than \$20,000.00—\$600.00.

(d) If the amount in controversy is \$20,000.00 or more, but less than \$35,000.00—\$700.00.

(e) If the amount in controversy is \$35,000.00—\$50,000.00—\$800.00

For purposes of determining the appeal fee, “amount in controversy” shall be defined as the amount of the award rendered by the Board of Arbitration [ , or, in cases of no award, the amount demanded in the complaint ].

These amendments shall be effective November 27, 2007.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 07-1539. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Lynne A. Wallenstein, a/k/a Lynne Ann Soldano Wallenstein, a/k/a Patricia Jean Fletcher, having been disbarred from the practice of law

in the Commonwealth of Massachusetts by Order of the Supreme Judicial Court for Suffolk County entered June 5, 2000, the Supreme Court of Pennsylvania issued an Order on August 7, 2007, disbaring Lynne A. Wallenstein, a/k/a Lynne Ann Soldano Wallenstein, a/k/a Patricia Jean Fletcher, from the Bar of this Commonwealth, effective September 6, 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. 07-1540. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Notice of Transfer to Inactive Status

Notice is hereby given that Peter E. Hess having been transferred to disability inactive status in the State of Delaware by Order of the Supreme Court of the State of Delaware dated May 15, 2007, the Supreme Court of Pennsylvania issued an Order on August 8, 2007, transferring Peter E. Hess to inactive status, effective immediately, under Rule 301(c) Pa.R.D.E. (relating to disabled attorneys) for an indefinite period and until further Order of the Supreme Court. 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. 07-1541. Filed for public inspection August 24, 2007, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

#### Temporary Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Extend Designation of the Lower Delaware River as a Special Protection Water

At its public meeting on September 27, 2006, the Delaware River Basin Commission (Commission) amended its Water Quality Regulations, Water Code and Comprehensive Plan by extending through September 2007 its temporary classification of the nontidal Lower Delaware River as Significant Resource Waters (SRW). The effect of temporary classification has been to make this portion of the main stem Delaware River and its drainage area subject to all applicable provisions of the Commission's Special Protection Waters regulations except those that depend for implementation upon the use of numeric values for existing water quality.

#### Dates

This final-form rulemaking is effective immediately and, unless extended by amendment, expires on September 30, 2007. An accompanying proposed rulemaking at 37 Pa.B. 4624 (August 25, 2007) proposes to extend this final-form rulemaking through May 15, 2008, pending a separate notice and comment rulemaking to permanently classify the Lower Delaware.

#### Supplementary Information

The Lower Delaware extends from the southern boundary of the Delaware Water Gap National Recreation Area at River Mile (RM) 209.4 to the head of tide at Trenton, New Jersey, RM 144.4. The effect of temporary classification of the Lower Delaware as SRW has been to make this portion of the main stem Delaware River and its drainage area subject to all applicable provisions of the Commission's Special Protection Waters regulations, Section 3.10.3 A.2 of the Commission's Water Quality Regulations and its Water Code, except those that depend for implementation upon the use of numeric values for existing water quality.

Key provisions of the Special Protection Waters Regulations that continue to apply within the drainage area to the Lower Delaware River as a result of the Commission's extension of the SRW classification include the following: Section 3.10.3 A.2.c.1—3, in part requiring that no new or expanded wastewater discharges may be permitted in waters classified as Special Protection Waters until all nondischarge-load reduction alternatives have been fully evaluated and rejected because of technical or financial infeasibility; Section 3.10.3 A.2.d.1—7, setting forth requirements for wastewater treatment facilities; and Section 3.10.3 A.2.e.1 and 2, conditioning project approval on the existence of an approved Non-Point Source Pollution Control Plan for the project area and requiring that approval of a new or expanded withdrawal and/or wastewater discharge project be subject to the condition that new connections to the project system be limited to service areas regulated by a nonpoint source pollution control plan approved by the Commission.

Previous register notices concerning designation of the Lower Delaware River as Special Protection Waters include notices published in the *Federal Register* at 69 FR 57008 (September 23, 2004) (proposed Special Protection Waters designation), 70 FR 48923 (August 22, 2005) (proposed extension through September 30, 2006) and 71 FR 48497 (August 21, 2006) (proposed extension through September 30, 2007); and in the *Pennsylvania Bulletin* at 34 Pa.B. 5557 (October 9, 2004) (proposed designation), 35 Pa.B. 5005 and 5013 (September 10, 2005) (temporary amendment and proposed extension) and 36 Pa.B. 4726 (August 26, 2006) (proposed extension). The proposed and final versions of the initial temporary designation, approved by Resolution No. 2005-2, and the subsequent extensions approved by Resolutions Nos. 2005-15 (extension through September 30, 2006) and 2006-22 (extension through September 30, 2007) were also published on the Commission's website, [www.drbc.net](http://www.drbc.net). The final rules have been filed in accordance with Section 14.2(a) of the Delaware River Basin Compact, Pa. Acts of 1961, Act No. 268.

#### Further Information, Contacts:

Resolution No. 2005-2, temporarily amending the Water Quality Regulations, Water Code and Comprehensive Plan of the Commission by designating the Lower Delaware River a Special Protection Water, and Resolutions Nos. 2005-15 and 2006-22, extending the temporary amendment approved by Resolution No. 2005-2, are available on the Commission's website at [www.drbc.net](http://www.drbc.net) or upon request from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360. Maps depicting the designated area are also available on the website. For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, (609) 883-9500, Ext. 203.

The final-form rulemaking temporarily amends the Section 3.10.3.A.2.g.6) of the Water Quality Regulations and Water Code by replacing the last paragraph of that section with the following:

Sections 3.10.3.A.2.g.2).b) and 3.10.3.A.2.g.6) shall expire on September 30, 2007, unless extended by amendment to this rule.

PAMELA M. BUSH,  
*Secretary*

**Fiscal Note:** Fiscal Note 68-48 remains valid for the final adoption of the subject regulation.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART V. DELAWARE RIVER BASIN COMMISSION

#### CHAPTER 901. GENERAL PROVISIONS

#### § 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2007) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2007) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 07-1542. Filed for public inspection August 24, 2007, 9:00 a.m.]

# Title 58—RECREATION

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 63]

#### Fishing; Tautog

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the final-form rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The final-form rulemaking adding § 63.50 (relating to importation of tautog) is published under the statutory authority of section 2102(c) of the code (relating to rules and regulations).

#### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of change.

#### E. Summary of Change

It has been brought to the attention of the Commission that tautog (*Tautoga onitis*), a marine fish common on hard bottom from Cape Cod to Delaware, are being harvested illegally on the Atlantic coast and being sold in the live fish markets in Philadelphia. The Commission encountered a similar situation in 1993 regarding the sale of sublegal size weakfish in this Commonwealth's fish markets that was subsequently addressed with a minimum size limit on weakfish being imported into this Commonwealth.

The New Jersey Division of Fish and Wildlife Marine Conservation Officers asked the Commission to implement a 14-inch minimum size limit on tautog that are imported into this Commonwealth. This restriction will minimize this Commonwealth's black market for sublegal size tautog. Accordingly, the Commission proposed a 14-inch minimum size limit on tautog that are imported into this Commonwealth. The Commission adds § 63.50 to read as set forth in the proposed rulemaking.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Involvement

Notice of proposed rulemaking was published at 37 Pa.B. 2694 (June 16, 2007). The Commission received one public comment from the Atlantic States Marine Fisheries Commission's Tautog Management Board supporting the proposed rulemaking.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and the comments that were received were considered.

(3) The adoption of the regulation of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by adding § 63.50 to read as set forth at 37 Pa.B. 2694.

(b) The Executive Director will submit this order and 37 Pa.B. 2694 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 37 Pa.B. 2694 and deposit them with the Legislative Reference Bureau as required by law.

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

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-194 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1543. Filed for public inspection August 24, 2007, 9:00 a.m.]

# Title 67—TRANSPORTATION

## DEPARTMENT OF TRANSPORTATION

### [67 PA. CODE CH. 71]

#### School Bus Drivers

The Department of Transportation (Department), under the authority in 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement), amends §§ 71.2 and 71.3 (relating to definitions; and physical examination) to read as set forth in Annex A.

#### Purpose of Chapter

The purpose of Chapter 71 (relating to school bus drivers) is to define more fully the requirements of 75 Pa.C.S. § 1509 by listing minimum medical requirements for school bus drivers.



*Purpose of the Final-Form Rulemaking*

The purpose of this final-form rulemaking is to allow chiropractors to administer the physical examination required for school bus drivers. Pennsylvania law requires a school bus driver to have a physical examination every year. According to Department regulations, the only health care providers who can perform physicals are licensed physicians, certified registered nurse practitioners or physician's assistants. The Pennsylvania Chiropractic Association requested chiropractors also be allowed to conduct physicals as part of the process of obtaining a driver's license.

Chiropractors are currently considered by health insurance companies to be portal of care practitioners. This means they are regarded as primary care physicians, permitted to furnish necessary patient care for health maintenance. They are also allowed, by Federal regulation, to conduct the medical examinations for commercial drivers required every 2 years by the Federal Highway Administration under Motor Carrier Safety regulations. Since the exclusion of chiropractors from the Department's list of health care providers is inconsistent with current health care practices and Federal regulations, chiropractors should be added to Chapter 71 as one of the providers who can give the school bus driver's physical examination.

*Summary of Comments and Changes to the Final-Form Rulemaking*

Public comment was received from the Pennsylvania Medical Society (PMS), the Pennsylvania Academy of Family Physicians Foundation, the American Osteopathic Association and the Pennsylvania Osteopathic Medical Association objecting to the inclusion of chiropractors as medical professionals authorized to conduct examinations required for the school bus driver endorsement. These organizations argue that chiropractors are not medically qualified to conduct the basic medical examination required under 75 Pa.C.S. (relating to Vehicle Code) (Vehicle Code). They argue that chiropractors lack the training and experience of physicians and doctors of osteopathy to make sophisticated diagnoses.

The objections overstate the sophistication of the basic medical examination required under the Vehicle Code. Moreover, this final-form rulemaking merely conforms the regulation to include the authorization of chiropractors to conduct the required examinations which has already been authorized in the 2004 amendments to the Vehicle Code enacted by the General Assembly and signed by the Governor.

Section 1509(b) of 75 Pa.C.S. does not set up a separate physical examination for school bus drivers; rather, that section requires that school bus drivers carry proof that they have passed the physical examination required of all drivers under 75 Pa.C.S. § 1508.1 (relating to physical examinations). The General Assembly amended 75 Pa.C.S. § 1508.1 to include chiropractors in the list of medical professional authorized to conduct the examination.

The comments of PMS suggest that additional disclaimer language be added to note that there are some symptoms and conditions that may be beyond the training and experience of chiropractors to diagnose. It should be noted that there may also be symptoms or conditions which are beyond the training and experience of physician assistants and nurse practitioners. And although the professional may typically work in some collaboration with physicians, the General Assembly has placed no

restriction on those professionals that the required examination must be given in collaboration with a physician. The Department declines to implicitly restrict the authority of chiropractors under 75 Pa.C.S. § 1508.1 by adopting the PMS suggested disclaimer.

The Independent Regulatory Review Commission (IRRC) commented that the new definition of "doctor of chiropractic medicine" differed from the definition of "chiropractor" in the Vehicle Code. It was recommended that the rulemaking be revised to conform verbatim to the definition of "chiropractor" in the Vehicle Code or be replaced by a reference to the statutory definition. The recommended change to reference the statutory definition of "chiropractor" has been made. This change should also resolve the concerns raised by the Chiropractic Fellowship of Pennsylvania that the definition in the proposed rulemaking unreasonably restricted the authority to conduct the examination to a subset of chiropractors. In response to this concern, the reference to "doctor of chiropractic medicine" in § 71.3 has also been changed to "chiropractor."

In addition, IRRC questioned the continued use of the term "school transportation physician" and suggested that it could be deleted. The Department believes that the authority of school districts to designate a specific medical practitioner to conduct the physical examination of school bus drivers should be retained. To address the concerns raised by IRRC, and to provide further clarification in the regulation, the Department included a definition of "physician" in the final-form rulemaking and amended the definition of "school transportation physician" to "school transportation medical practitioner" and included physicians, chiropractors, certified nurse practitioners and physician assistants as the medical professionals who could be so designated by a school district.

IRRC comments also noted that § 71.3(c) needed to be amended to include chiropractors in the list of practitioners in that section. That change has also been made.

Finally, Rosemary Chiavetta, Esquire, on behalf of the Pennsylvania Chiropractic Association, submitted comments supporting the rulemaking.

*Persons and Entities Affected*

This final-form rulemaking affects licensed school bus drivers or persons interested in becoming a school bus drivers and chiropractors.

*Fiscal Impact*

Implementation of this final-form rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. This final-form rulemaking will not impose additional costs on the medical community and may reduce costs by allowing applicants for a learner's permit to get their physical examination from their primary care physician.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 13, 2005, the Department submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 3145 (May 28, 2005), to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing

the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 1, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 2, 2007, and approved the final-form rulemaking.

*Sunset Provisions*

This final-form rulemaking is effective upon publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under the Vehicle Code. The Department, however, will continue to closely monitor these regulations for their effectiveness.

*Contact Person*

The contact person for technical questions about this final-form rulemaking is Chris A. Miller, Manager, Special Driver Programs, Department of Transportation, Bureau of Driver Licensing, 1101 S. Front Street, 3rd floor, Harrisburg, PA 17106, (717) 787-6453.

*Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 71, are amended by amending §§ 71.2 and 71.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

ALLEN D. BIEHLER, P. E.,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 4599 (August 18, 2007).)*

**Fiscal Note:** Fiscal Note 18-402 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE IV. LICENSING**

**CHAPTER 71. SCHOOL BUS DRIVERS**

**§ 71.2. Definitions.**

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

*CRNP—Certified registered nurse practitioner*—A registered nurse licensed in this Commonwealth who is certified, by both the State Board of Nursing and the State Board of Medicine, in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

*Chiropractor*—A practitioner of chiropractic as defined in 75 Pa.C.S. § 1508.1(b) (relating to physical examinations).

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

*Driver's examination*—An examination to establish the ability of a person to drive, maneuver and control a school bus with safety and knowledge of the laws and regulations relating to the operation of school buses.

*Physical examination*—An examination, including an eye examination, given to determine the physical and mental fitness of a person to drive a school bus safely.

*Physician*—A licensed physician as defined in § 83.2 (relating to definitions).

*Physician assistant*—A person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

*Pupil Transportation Section*—The Pupil Transportation Section of the Bureau of Driver Licensing of the Department.

*S endorsement*—An endorsement which is added to a commercial driver's license and which authorizes the driver to operate a school bus.

*School bus driver*—A person who drives a school bus as defined in 75 Pa.C.S. § 102 (relating to definitions) or Chapter 171 (relating to school buses and school vehicles) except an owner or employee of an official inspection station driving the vehicle for the purpose of inspection.

*School transportation medical practitioner*—A licensed physician, physician assistant, certified registered nurse practitioner or chiropractor appointed or approved by a school board, or by the authorities responsible for operation of a private or parochial school. The same person may be appointed or approved as both school transportation medical practitioner and school medical practitioner.

**§ 71.3. Physical examination.**

(a) *General rule.* A physical examination shall be given by a school transportation medical practitioner, a physician, a chiropractor, a CRNP or a physician assistant:

\* \* \* \* \*

(c) *Physical examination certificate.* The examining school transportation medical practitioner, physician, chiropractor, CRNP or physician assistant shall issue a certificate, valid for the ensuing year, to every driver who passes a physical examination.

\* \* \* \* \*

[Pa.B. Doc. No. 07-1544. Filed for public inspection August 24, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

### Proposed Temporary Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Extend the Designation of the Lower Delaware River as a Special Protection Water

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on a proposed amendment to the Commission's Water Quality Regulations, Water Code, and Comprehensive Plan to extend through May 15, 2008, the temporary classification of the Lower Delaware River as Significant Resource Waters (SRW). Permanent classification is anticipated following an additional notice and comment rulemaking that is expected to begin by September. Extending the temporary classification will help to protect the exceptional scenic, recreational and water quality values of the Lower Delaware from degradation pending completion of that process.

#### *Dates*

The public hearing will take place at 1:30 p.m. on Wednesday, September 26, 2007, during the Commission's regular business meeting, which will be held at the Commission's office building, 25 State Police Drive, West Trenton, NJ. Driving directions are available on the Commission's website, [www.drbc.net](http://www.drbc.net). Persons wishing to testify are asked to register in advance with the Commission Secretary, (609) 883-9500, Ext. 203. Written comments will be accepted through the close of the public hearing; however earlier submittals would be appreciated.

#### *Supplementary Information*

The Lower Delaware extends from the southern boundary of the Delaware Water Gap National Recreation Area at River Mile (RM) 209.4 to the head of tide at Trenton, NJ, RM 144.4. The effect of temporary classification of the Lower Delaware as SRW has been to make this portion of the main stem Delaware River and its drainage area subject to all applicable provisions of the Commission's Special Protection Waters regulations, Section 3.10.3 A.2 of the Commission's Water Quality Regulations, except those that depend for implementation upon the use of numeric values for existing water quality.

Key provisions of the Special Protection Waters Regulations that will continue to apply within the drainage area to the Lower Delaware River if the proposed extension of the SRW classification is approved include the following: Section 3.10.3 A.2.c.1—3, in part requiring that no new or expanded wastewater discharges may be permitted in waters classified as Special Protection Waters until all nondischarge-load reduction alternatives have been fully evaluated and rejected because of technical or financial infeasibility; Section 3.10.3 A.2.d.1—7, setting forth requirements for wastewater treatment facilities; and Section 3.10.3 A.2.e.1 and 2, conditioning project approval on the existence of an approved Non-Point Source Pollution Control Plan for the project area and requiring that

approval of a new or expanded withdrawal and/or wastewater discharge project be subject to the condition that new connections to the project system be limited to service areas regulated by a non-point source pollution control plan approved by the Commission.

Temporary SRW classification of the Lower Delaware was enacted by Commission Resolution No. 2005-2 on January 19, 2005, and initially was due to expire on September 30, 2005. By Resolution No. 2005-15 approved on September 26, 2005, the temporary classification was extended through September 30, 2006, to allow time for the Commission to evaluate implementation options and establish numeric values for existing water quality. By Resolution No. 2006-22 on September 27, 2006, the Commission extended temporary designation a second time, through September 30, 2007, because it had not completely resolved implementation issues. The Commission has nearly resolved the remaining issues with respect to implementation, but to allow time to complete this process and conduct notice and comment rulemaking on permanent designation of the Lower Delaware as Special Protection Waters, the Commission is proposing to extend the temporary classification for 6 months more. If approved, the classification would expire on May 15, 2008, unless the Commission should either permanently classify the Lower Delaware River or once again extend the temporary classification by rule amendment prior to that date.

Previous register notices concerning designation of the Lower Delaware River as Special Protection Waters include notices published in the *Federal Register* at 69 FR 57008 (September 23, 2004) (proposed Special Protection Waters designation), 70 FR 48923 (August 22, 2005) (proposed extension through September 30, 2006) and 71 FR 48497 (August 21, 2006) (proposed extension through September 30, 2007); and in the *Pennsylvania Bulletin* at 34 Pa.B. 5557 (October 9, 2004) (proposed designation), 35 Pa.B. 5005 and 5013 (September 10, 2005) (temporary amendment and proposed extension) and 36 Pa.B. 4726 (August 26, 2006) (proposed extension). The proposed and final versions of the initial designation, approved by Resolution No. 2005-2, and the subsequent extensions approved by Resolutions Nos. 2005-15 (extension through September 30, 2006) and 2006-22 (extension through September 30, 2007) were also published on the Commission's website, [www.drbc.net](http://www.drbc.net). The final rules have been filed in accordance with Section 14.2(a) of the *Delaware River Basin Compact*, Pa. Acts of 1961, Act No. 268.

#### *Further Information, Contacts:*

Resolution No. 2005-2, temporarily amending the Water Quality Regulations, Water Code and Comprehensive Plan of the Commission by designating the Lower Delaware River a Special Protection Water, and Resolutions Nos. 2005-15 and 2006-22, extending the temporary amendment approved by Resolution No. 2005-2, are available on the Commission's website at [www.drbc.net](http://www.drbc.net) or upon request from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360. Maps depicting the designated area are also available on the website. For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, (609) 883-9500, Ext. 203.

It is proposed to amend Section 3.10.3.A.2.g.6. of the *Water Quality Regulations* and *Water Code* by replacing the last paragraph of that section with the following:

Sections 3.10.3.A.2.g.2). (b) and 3.10.3.A.2.g.6). shall expire on May 15, 2008, unless extended by amendment to this rule.

PAMELA M. BUSH,  
*Secretary*

(*Editor's Note:* For a final-form rulemaking relating to this document, see 37 Pa.B. 4620 (August 25, 2007).)

**Fiscal Note:** 68-49. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 25. ENVIRONMENTAL PROTECTION

### PART V. DELAWARE RIVER BASIN COMMISSION

#### CHAPTER 901. GENERAL PROVISIONS

#### § 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2007) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2007) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 07-1545. Filed for public inspection August 24, 2007, 9:00 a.m.]

# STATE ARCHITECTS LICENSURE BOARD

## [49 PA. CODE CH. 9]

### Requirements for Examination Eligibility

The State Architects Licensure Board (Board) proposes to amend §§ 9.27, 9.41a, 9.46, 9.50 and 9.52 to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The proposed rulemaking is authorized under section 6(a) and (d) of the Architects Licensure Law (63 P. S. § 34.6(a) and (d)).

#### C. *Background and Need For Amendments*

Currently, § 9.46(b) (relating to requirements for examination eligibility) states that “[a]n architectural degree candidate applying for first time licensure is required to pass the entire professional licensure examination of the Board within 5 years of the date of eligibility to take the examination.” Passing the entire examination requires that each candidate must pass all nine divisions of the examination within 5 years of the date of eligibility to take the examination. Under this provision, if a candidate passes eight divisions within the 5-year period, but still has one more division to complete and the eligibility period ends, that candidate would lose all eight divisions of the examination that had been passed and would be required to take the entire examination all over again.

However, on January 1, 2006, the National Council of Architecture Registration Boards (NCARB) implemented a National “rolling clock” standard for examination eligibility. Prior to this time, NCARB had no standard time limit for completion of the exam, instead leaving that determination to individual State boards. NCARB’s Committee on Procedures and Documents, in a statement of support prior to NCARB’s 2004 annual meeting, explained that “[r]equiring that all divisions be passed within a reasonable period will better assure that the ARE [Architecture Registration Exam] remains a valid measure of the level of competency necessary to independently practice architecture. While some changes may occur within any 5 year period, there is a lower likelihood that applicants will be tested under different forms of administration and methodologies than is the case currently with applicants having unlimited time in which to pass all divisions.”

According to NCARB’s rolling clock guidelines, exam candidates who have passed all divisions of the Architecture Registration Exam (ARE) by January 1, 2006, regardless of the time taken, will have passed the ARE. Exam candidates who have passed one or more but not all divisions of the ARE by January 1, 2006, will have 5 years to pass all remaining divisions. A passing grade for a remaining division will be valid for 5 years, after which time the division must be retaken if the remaining divisions have not been passed. NCARB’s guidelines further specify that divisions taken before January 1, 2006, will not have to be retaken.

The Board proposes to adopt NCARB’s guidelines with respect to the “rolling clock” with one exception. The Board’s proposed rulemaking differs from NCARB’s guidelines in that candidates who had passed at least one division of the ARE by January 1, 2006, and are, therefore, already in the system, will have a total of 5 years to complete the entire examination. If the candidate does not complete the entire examination within 5 years, a division that the candidate has passed that is older than 5 years will drop off and the candidate will be required to retake the “stale” division of the examination. Thus, the candidate will not lose the entire examination, as the current regulation requires, only those divisions that are older than 5 years.

#### D. *Description of Amendments*

The Board proposes to amend § 9.27 (relating to inactive records) by deleting language pertaining to an examination candidate completing the entire examination within 5 years.

The Board further proposes to amend § 9.41a(b) (relating to adoption of National Board Examinations) by adding language specifying that examination candidates shall comply with NCARB’s examination procedures, conduct standards and standards pertaining to eligibility and passing of the ARE, unless otherwise stated in the Board’s regulations.

In § 9.46(b), the Board proposes to delete the requirement that examination candidates complete the entire examination within 5 years of the date of eligibility to take the examination. Instead, the Board proposes new language that specifies that the Board will consider only divisions of the examination passed within the 5-year period since the first passed division was administered. If a division is more than 5 years old, the candidate will be required to retake that division of the examination and will automatically be given a new 5-year period beginning from the date of the administration of the next oldest

passed division without the need to reapply. This would implement the new “rolling clock” standard for the Board.

The Board proposes to amend § 9.50 (relating to reapplications) to delete the cross-reference to § 9.46(3) because reapplication will no longer be necessary under the rolling clock requirement. The Board also proposes to add a cross reference to § 9.41a(b). The Board further proposes to amend § 9.52 (relating to grading compilation) to add cross-references to §§ 9.41a(b) and 9.46(b) with regard to the opportunity to retake portions of the examination which were failed or which expired under the 5-year rolling clock.

#### E. *Fiscal Impact*

The proposed rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions. Likewise, the proposed rulemaking should not necessitate legal, accounting, reporting or other paperwork requirements.

#### F. *Paperwork Requirements*

The proposed rulemaking will not create additional paperwork for the Board.

#### G. *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### I. *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Penny Walker, Administrator, State Architects Licensure Board, 2601 North Third Street, P. O. Box 2649, Harrisburg, PA 17105-2649, pewalker@state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-419 (Licensure By Examination) when submitting comments.

DENNIS R. CONNELL, RA,  
*President*

**Fiscal Note:** 16A-419. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 9. STATE ARCHITECTS LICENSURE BOARD

#### FUNCTIONS OF THE BOARD

##### § 9.27. Inactive records.

Records of candidates for licensure that are inactive for 5 years will be destroyed. A record will be considered inactive if a candidate does not correct a deficiency in an application [ , or pass the entire examination ] within 5 years of notice from the Board of the deficiency [ or eligibility to take the examination ].

#### LICENSURE BY EXAMINATION

##### § 9.41a. Adoption of National Board Examinations.

\* \* \* \* \*

(b) Candidates shall comply with examination procedures [ and ], conduct standards, and standards pertaining to eligibility and passing of the ARE as established by the NCARB, unless otherwise stated in this chapter.

##### § 9.46. Requirements for examination eligibility.

(a) **General requirements.** A candidate for the examination shall have:

\* \* \* \* \*

(b) [ An architectural degree candidate applying for first time licensure is required to pass the entire professional licensure examination of the Board within 5 years of the date of eligibility to take the examination. ] **“Rolling clock” requirement.** An applicant for licensure shall have 5 years from the date that the first passed division of the examination was administered to pass all remaining divisions. If an applicant for licensure fails to pass all remaining divisions within the 5-year period, the applicant will automatically be given a new 5-year period measured from the date of administration of the next oldest passed division (“rolling clock”) to pass all divisions of the examination and this rolling clock period will continue to automatically renew until all divisions of the examination are passed, without the need to reapply to the Board. Applicants will have the benefit of the rolling clock but the Board will only consider the divisions of the examination passed within the 5-year time period immediately preceding the date of the latest administered division passed by the applicant. The Board may waive this requirement upon proof of medical hardship or other extraordinary circumstances.

##### § 9.50. Reapplications.

Candidates required to file new applications under §§ 9.27 and [ 9.46(3) ] 9.41a(b) (relating to inactive records; and [ requirements for examination eligibility ] adoption of National Board Examinations) shall meet the requirements of the act and regulations in effect at the time the new application is filed.

## GRADING AND REVIEW

## § 9.52. Grading compilation.

To qualify for licensure, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have opportunities, subject to [§ 9.46(3)] §§ 9.41a(b) and 9.46(b) (relating to adoption of National Board Examinations; and requirements for examination eligibility), to retake those portions of the examination which were failed and those portions which expire under the 5-year rolling clock requirement.

[Pa.B. Doc. No. 07-1546. Filed for public inspection August 24, 2007, 9:00 a.m.]

## STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

### Reactivation of Lapsed License

The State Board of Chiropractic (Board) proposes to amend § 5.17 (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record) to read as set forth in Annex A.

#### *Effective date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 302(3) and 501(b) of the Chiropractic Practice Act (act) (63 P. S. §§ 625.302(3) and 625.501(b)).

#### *Background and Need for the Proposed Rulemaking*

Under section 501(b) of the act, a chiropractor's license must be renewed biennially and a licensee "who has failed to renew his license for a period of longer than five years shall be required to apply for a license in accordance with subsection (a) if he desires to resume practicing chiropractic." Currently, § 5.17(m) requires a licensee whose license has been inactive for more than 5 years to apply for licensure in accordance with § 5.12 or § 5.13 (relating to licensure by examination; and licensure by reciprocity). However, each of these two bases for reactivation has significant administrative limitations or drawbacks that make it inadequate.

Since 1997, the Board has required applicants for licensure by examination to successfully complete all four parts of the National board examination of the National Board of Chiropractic Examiners (NBCE). An inactive licensee who had not previously taken all parts of the exam was required to take the missing parts to reactivate the licensee's license. However, as it has now been more than 5 years since the end of the first renewal period during which applicants were first required to successfully complete all parts of the examination, some applicants who have been inactive for more than 5 years have already completed all four parts of the examination. Thus, there are no "missing parts" of the examination for those inactive licensees to take to demonstrate current competence.

Additionally, a common reason for a licensee to have been inactive for more than 5 years is that the licensee has been practicing in another state. However, reciprocity under § 5.13 is not available to licensees from every state. The Board has attempted to make reactivation administratively simple in this proposed rulemaking, while assuring that a licensee is competent to practice chiropractic after a period of inactivity.

#### *Description of the Proposed Rulemaking*

The proposed rulemaking would replace § 5.17(m). A licensee whose license has been inactive for more than 5 years would be permitted to demonstrate competence to resume practice on any of four bases. First, as it is the standard for licensure by examination, a licensee who has successfully completed all parts of the required examination within the year prior to applying for reactivation would be permitted to reactivate. Second, the Board would continue permitting reactivation by qualifying for licensure by reciprocity in accordance with § 5.13. Third, because a licensee who left this Commonwealth and has practiced in another jurisdiction should be as qualified to practice chiropractic today as a licensee who has remained in this Commonwealth, the Board would permit reactivation upon a showing of at least 5 years of continuous licensed practice of chiropractic in another jurisdiction immediately preceding application for reactivation. Finally, successful completion, within 6 months prior to applying for reactivation, of the special purpose examination in chiropractic, which is also offered by the NBCE and often used to demonstrate competence to practice, would be a basis to qualify for reactivation.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Deborah L. Smith, Administrator, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA

17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4314 (Reactivation of Lapsed License) when submitting comments.

JONATHAN W. MCCULLOUGH, D.C.,  
*Chairperson*

**Fiscal Note:** 16A-4314. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 5. STATE BOARD OF CHIROPRACTIC

#### Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS

§ 5.17. Biennial registration; unregistered status and inactive status; failure to renew; address of record.

\* \* \* \* \*

(m) [If a licensee's license has been placed on inactive status for longer than 5 years, in addition to the statutory requirements of section 501(a) of the act (63 P. S. § 625.501(a)), the Board will require that a personal interview be conducted to ascertain the licensee's ability to practice with reasonable skill and safety to patients and the licensee's knowledge of the requirements of the act, this chapter and other pertinent health laws of this Commonwealth. If the licensee's license has been placed on inactive status for more than 5 years, the licensee shall apply for licensure in accordance with § 5.12 or § 5.13 (relating to licensure by examination; and licensure by reciprocity).] To reactivate a license that has been inactive for more than 5 years, the licensee shall establish current competence to practice by at least one of the following:

(1) Successful completion of the examinations required by § 5.15(a) (relating to licensure examinations) within 1 year prior to application for reactivation.

(2) Compliance with § 5.13 (relating to licensure by reciprocity).

(3) Proof of continuous licensed practice of chiropractic in one or more other jurisdictions of the United States or Canada for at least 5 years immediately preceding application for reactivation.

(4) Successful completion of the following examinations within 6 months prior to application for reactivation:

(i) The examination required by § 5.15(a)(2).

(ii) The Special Purpose Examination in Chiropractic administered by the National Board of Chiropractic Examiners.

[Pa.B. Doc. No. 07-1547. Filed for public inspection August 24, 2007, 9:00 a.m.]

# STATE BOARD OF COSMETOLOGY

[49 PA. CODE CH. 7]

General Revisions

The State Board of Cosmetology (Board) proposes to amend Chapter 7 (relating to State Board of Cosmetology) to read as set forth in Annex A. The proposed rulemaking would implement changes made to the act of May 3, 1933 (P. L. 242, No. 86) (Act 86) by the act of July 7, 2006 (P. L. 704, No. 99) (Act 99), as well as to generally update the regulations to strengthen safety and sanitation requirements and to reflect current processes and practices utilized by the Board.

#### A. Effective Date

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

#### B. Statutory Authority

Section 11 of Act 86 (63 P. S. § 517) authorizes the Board to promulgate regulations generally for the conduct of persons, copartnerships, associations or corporations affected by Act 86. Section 16 of Act 99 (63 P. S. § 522) requires the Board to promulgate regulations to implement Act 99 within 18 months of its effective date. The effective date of Act 99 was September 5, 2006.

#### C. Background and Need for Proposed Rulemaking

Act 99 made substantial changes to Act 86 by adding a limited license classification—the natural hair braider license; by making changes to terminology in Act 86; by making other changes within Act 86 to implement the new natural hair braider license; and by extending to all limited license classes: (1) the ability to practice outside of a licensed salon in a client's residence under specified circumstances; (2) the ability to practice on a temporary license; and (3) the prohibition on booth rental within a licensed salon. These changes require corresponding changes and additions to Chapter 7. Act 99 requires the Board to promulgate regulations to make those changes within 18 months of its effective date.

Because the Board needed to make wholesale changes to Chapter 7 to implement Act 99, the Board also took the opportunity to propose a number of other changes to the regulations. Although piecemeal changes have been made to the regulations over the years, generally in response to legislative changes to Act 86, the Board had not undertaken an overall review and update since 1975. In the intervening period, some of the Board's regulatory provisions have become obsolete, terms of art have changed, standards of sanitation have evolved, some of the Board's licensing and examination processes have changed and deficiencies or errors in the regulations have become apparent. Accordingly, in this proposed rulemaking the Board is making changes, in addition to those required by Act 99, that the Board finds necessary to update the regulations and to address the way the profession and the Board have changed since 1975.

#### D. Description of Proposed Amendments

##### *Terminology and Definitions in General*

Act 99 replaced a number of terms in Act 86 with updated terminology. This proposed rulemaking would

replace the following old terms and their definitions throughout the regulations to reflect the updated terminology:

<i>Old Term</i>	<i>New Term</i>
Cosmetician	Esthetician
Manicuring	Nail technology
Manicurist	Nail technician
Shop	Salon

Additionally, this proposed rulemaking would add the following new terms and their definitions to the regulations where applicable, based on Act 99's addition of them to the cosmetology lexicon: "braiding," "esthetics," "limited license," "natural hair braider" and "natural hair braiding."

Because Act 99 added a definition of "limited license" that encompasses the nail technician, esthetician and natural hair braider licenses, the term "limited license" has been substituted throughout the regulations, when appropriate, to reduce the number of times that all three limited license classifications are enumerated.

Finally, throughout the existing regulations, the possessive nouns "cosmetologist's," "teacher's," "barber's," "student's" and "school's" were used to modify another term such as "license," "examination" or "uniform." However, Act 99's additions to Act 86 refer to the "esthetician license," the "nail technician license" and the "natural hair braider license," using the terms as adjectives to modify another term instead of using the possessive forms. Therefore, to remain consistent throughout Act 86 and the regulations, this proposed rulemaking would replace the possessive nouns with the unit modifier.

*§ 7.1. Definitions.*

Section 7.1 is amended by amending the existing definitions of "Board," "booth space" and "Bureau" to comport with the definitions in Act 86. The proposed rulemaking would delete the obsolete definition of "manicuring" and add the statutory definitions of "braiding," "cosmetologist," "cosmetology," "Department," "esthetics," "esthetician," "limited license," "nail technician," "nail technology," "natural hair braider," "natural hair braiding," "school of cosmetology" and "tanning units."

In addition, the Board proposes adding definitions in § 7.1 of "limited practice salon" and "limited practice teacher" and to use the defined terms throughout the proposed rulemaking to refer to salons licensed by the Board for the provision of esthetician services, nail technology services or natural hair braiding services only, and to those teachers licensed by the Board to provide instruction in the area of esthetics, nail technology or natural hair braiding only. Finally, because the Board recently had several salon applications and variance requests in which questions arose as to the definition of "lavatory," which is used elsewhere in the regulations, but which is not defined, the Board added a definition of "lavatory."

*§ 7.2. Fees.*

In § 7.2, the proposed rulemaking would add the natural hair braider license to the list of fees charged by the Board related to individual licenses, making the charges for initial licensure (\$10) and for biennial renewal (\$35) the same as current fees for the other individual license classes. Similarly, the proposed rulemaking adds the limited practice teacher license fee and the limited practice salon license fee so that the fees for limited practice teachers (\$10 for initial licensure and \$55 for biennial renewal) and limited practice salons (\$55 for

initial licensure and \$60 for biennial renewal) are the same as existing fees for cosmetology teachers and for cosmetology salons. Similar changes would be made to the provisions establishing the fees for a change in or reinspection of a salon (\$55 if a change is made that requires an inspection, \$15 if a change is made requiring no inspection and \$40 for reinspection after failing an inspection).

The Board did not previously have fees established for making changes in a cosmetology school. However, making changes, whether they require an inspection or not, requires some amount of clerical activity and time for processing. Because the fees are intended to recoup the costs associated with the processing of changes, the Board determined that fees are needed for changes in a school that require an inspection and for changes in a school that do not require an inspection, and established the fees in this proposed rulemaking. The fee for a change in a school that requires an inspection would be set at \$110 and the fee for a change that does not require an inspection would be set at \$35. The Board established these fees by taking the existing parallel fees regarding salons and increasing them according to the percentage by which the fee for a school license exceeds the fee for a salon license, believing that the amount of work involved would increase by the same proportion because of the additional paperwork and inspection time required with regard to a school.

*§ 7.11. Types of individual licenses.*

The Board proposes to amend § 7.11 by distinguishing between the cosmetology teacher license and the limited practice teacher license, by replacing the cosmetician and manicurist licenses with esthetician and nail technician licenses and adding the natural hair braider license.

*§ 7.12. Scope of teacher's license.*

*§ 7.12a. Scope of limited practice teacher license.*

The Board proposes to amend § 7.12 to clarify that this section applies only to cosmetology teachers and to add § 7.12a to define the scope of practice of limited practice teachers in esthetics, nail technology and natural hair braiding.

*§ 7.14. Scope of cosmetologist's license.*

*§ 7.14a. Scope of cosmetician's license.*

*§ 7.15. Scope of manicurist's license.*

*§ 7.17. Scope of natural hair braider license.*

The Board proposes to amend §§ 7.14, 7.14a and 7.15 and to add § 7.17 to define the scope of practice of the various individual licenses.

*§ 7.31. Examination prerequisite for licensure; exception.*

The Board proposes to amend § 7.31 to incorporate the new terminology of Act 99, and to add a grandfather clause for existing natural hair braiders provided in section 6 of Act 99 (63 P. S. § 512). As required by Act 99, for 1 year after the effective date of adoption of this proposed rulemaking, the Board will issue a natural hair braider license to an applicant who submits the application adopted by the Board, pays the required licensing fee and provides proof that the applicant has practiced natural hair braiding for 3 consecutive years immediately prior to the date of the application for licensure.

*§ 7.31a. Examination dates and locations.*

*§ 7.32. Deadline for examination applications.*

*§ 7.32a. Contents of examination application.*

The proposed rulemaking would amend existing provisions pertaining to the examinations to reflect current



processes. The Board's processes regarding the examinations have changed over the years since the regulations were initially promulgated because the functions regarding exam administration rest with the contracted exam provider, which means the exam administrator makes the day-to-day administration decisions, although it does so in accordance with the statutory requirements as the broad framework within which it operates.

Therefore, because the exam provider now administers the examinations on more frequent occasions than was the case previously, § 7.31a would be amended to delete the specific days and months on which the exams are given, to delete locations that are not always available and to permit additional locations to be established. Also, because the exams are given more frequently, § 7.32 would be amended to delete the specific exam deadlines, which are no longer in use, and to simply specify that the deadline is a month prior to the testing date for the specific location where the applicant intends to take the exam, a date to be established by the exam administrator.

Additionally, proposed § 7.32(c) requires that a first-time examinee complete and pass both the theoretical and the practical portions of the exam within 1 year of each other. The Board finds it desirable to institute this requirement because it is concerned that if applicants wait too long between taking one portion and the other, the knowledge they have learned in school will begin to become cloudy, lessening their chances of passing the second portion of the exam and their entrance into the profession will be delayed to the point that their skills will not be as sharp as they otherwise might have been. Proposed subsection (c) would also give the Board discretion to grant exceptions to the 1-year requirement to facilitate the transition from one exam provider to another. This is based on the Board's recent experience in changing from one contracted exam administrator to another, which created delays between some candidates' taking the two portions of the exam.

*§ 7.32b. Requirements for teacher's examination.*

The changes made by Act 99 allow an individual with a limited license to obtain a limited practice teacher license when previously, to teach an area of cosmetology, an individual could obtain a teacher license only if the individual was licensed as a cosmetologist. Accordingly, § 7.32b would be amended by addressing the requirements for the cosmetology teacher examination in subsection (a) and by providing the requirements for an individual with a limited license to obtain a limited practice teacher license in subsection (b). Subsection (c) would be added to specify that an applicant who already holds a teacher license for one limited practice field (esthetics, nail technology or natural hair braiding) may obtain a teacher license in an additional limited practice field if the applicant meets the teacher license requirements for the additional practice field and successfully completes the practical portion of the teacher exam for the additional practice field.

*§ 7.32d. Requirements for cosmetologist's examination.*

Proposed § 7.32d(c) would allow limited license holders who wish to obtain cosmetology licenses to receive educational credit toward the cosmetology education credits required for cosmetology licensure from the credits the applicants received when obtaining their education in their limited practice field. The new provision specifies the number of hours each limited licensee may be credited toward the total 1,250 hours that comprise the full cosmetology training program. The Board arrived at the

credited number of hours for each limited license by totaling the number of hours recommended in § 7.129(d) and (e) (relating to curriculum requirements) that relate to training for the actual techniques that the limited licensee needs to know. Thus, the esthetician curriculum recommendation is for 100 hours of training in facial treatments, 10 hours of training in temporary hair removal and 50 hours of training in makeup, for a total of 160 hours of training in the actual techniques of esthetics, which is the number that proposed subsection (c) would credit a licensed esthetician with if that licensee wished to train for the cosmetology license. The credited hours for the nail technician were calculated the same way, as were the credited hours for a natural hair braider, with these last being based on the technique hours that the Board would establish in the proposed § 7.129(f). Finally, subsection (d) would be added to require that the total 1,250 hours, including those already completed in a limited practice field program, must be completed within 4 consecutive years.

*§ 7.32e. Requirements for cosmetician's examination.*

*§ 7.32f. Requirements for manicurist's examination.*

*§ 7.32h. Requirements for natural hair braider examination.*

Act 99 amended Act 86 to specify the qualifications for licensure that limited license applicants must meet. Act 86 previously was silent as to the qualifications for limited license applicants. While the existing regulations stated the number of hours that an applicant for the cosmetician or manicurist exam had to have completed to be eligible for the applicable exam, no other qualifications were set forth. Accordingly, §§ 7.32e and 7.32f would be amended to set forth the requirements that applicants for esthetician and nail technician licenses must meet. Additionally, proposed § 7.32h sets forth the requirements that an applicant for the natural hair braider examination must meet to qualify for the examination and licensure after successful completion of the examination. This provision enumerates the qualifications specified by Act 99.

*§ 7.32g. Issuance of temporary licenses to qualified examination applicants.*

Act 99 also amended Act 86 to allow the Board to issue temporary licenses to limited license applicants, rather than just to cosmetologist and manicurist applicants. Therefore, § 7.32g would be amended to extend its temporary license provisions to applicants for limited licenses. This includes establishing the requirement, set forth in Act 99, that holders of temporary limited licenses may practice under the supervision of a holder of a corresponding limited license, as well as under the supervision of a licensed teacher or licensed cosmetologist.

Also, subsection (b) would be amended by deleting the last clause. The existing regulation makes a temporary license valid for 9 months "or until the next examination, whichever comes first." Because of changes in the Board's processes regarding the exam being given more frequently than just four times per year, retaining the "or until the next examination, whichever comes first" provision would mean some temporary licenses could be good for less than a month in certain instances. The Board believes it is more equitable to make temporary licenses valid for 9 months, particularly in light of section 21.1 of Act 86 (63 P. S. § 518.1), which provides that "[t]emporary licenses are granted for a nine-month period."

*§ 7.34. Models for practical portion of examination.*

The proposed rulemaking would amend § 7.34, which requires an examinee taking the practical portion of an examination to bring a model to the exam. Under current practice, determined by the exam administrator, only individuals taking the esthetics practical are required to provide their own models. Accordingly, this amendment would bring the regulation into harmony with the current practice.

*§ 7.35. Failure of examination.*

Section 7.35 would be amended by adding a clause that requires license applicants who fail a portion of the exam to retake and pass the failed portion within 1 year of the date the examinee takes and successfully passes the other portion of the exam. This would make § 7.35 consistent with proposed § 7.32(c) (relating to deadline for examination applicants). The rationale is the same. The Board finds it desirable to institute this requirement because it is concerned that if applicants wait too long between taking one portion and the other, the knowledge they have acquired in school will begin to become cloudy, lessening their chances of passing the second portion of the exam, and their entrance into the profession will be delayed to the point that their skills will not be as sharp as they otherwise might have been.

*§ 7.41. Display of licenses and permits.*

The proposed rulemaking would amend § 7.41 by slightly modifying the rule pertaining to display of licenses. First, "or permit" would be deleted because the Board does not issue permits of any kind so the words are meaningless. Additionally, the section would be broken down into two subsections, one regarding salon licenses and one regarding individual licenses. Subsection (a) would require the salon license to be displayed in a conspicuous place with the salon's business premises, while subsection (b) would be added to require that individual licenses should be readily available for inspection at the place of business or employment of the individual holding the license. The Board would make this change because of the recent growth of and concerns about identify theft. If an individual's license is posted in the open in a salon, it is there for all to see, thus making the individual susceptible to identify theft of the information that the license contains, including the license number. However, if the license is not out in the open but is readily available for inspection, the public still has access to license information, but the individual will know who has had access to it and might have copied something from it, thus limiting the exposure to and possible theft of personal information. In practice, the Board has permitted this for some time and many salons now keep the individual licenses in a book under the counter that is readily available for view by anyone who would ask for it. The amendment would make the practice and the regulation consistent, while protecting the licensee from identity theft and still making the license information available to the public.

*§ 7.43. Expiration and renewal of licenses.*

Section 7.43(a) would be amended to change "application" to "notice" in relation to the license renewal. This would align the language of the regulation with current practice, in that, due to the advent of online renewals of licenses, the Board no longer sends out license renewal applications. Rather, it sends out license renewal notices that notify the licensee that it is time to renew and provides a code by which the licensee may renew online directly at the Board's renewal website. The notice also

permits the licensee to renew by means of the traditional hard copy application by either downloading a renewal application form from the Board's website or by contacting the Board and requesting that a hard copy renewal application form be sent via regular mail to the licensee to complete the renewal process.

Additionally, the Board proposes to add subsection (c), which sets forth the requirement that, as a condition of biennial renewal for the first biennial renewal after initial licensure, an individual initially licensed as a natural hair braider without examination under § 7.31(c) (relating to examination prerequisite for licensure; exception) must provide to the Board proof that the licensee has completed 150 hours of education in specified subject matter areas, within 2 years of the date the license was initially issued. This implements the statutory provision from Act 99. Subsection (c) further enumerates the numbers of hours required in each of the subject matter areas specified by Act 99. The Board proposes to require 75 hours in scalp care, 50 hours in hygiene and 25 hours in occupational safety, the provisions of Act 86 and the regulations of the Board, for the statutorily-required total of 150. The Board made this distribution of hours based on its ranking of the importance of and amount of material required for adequate training in each of the subject matter areas.

*§ 7.62. Management of cosmetology shop.*

The proposed rulemaking would amend § 7.62 by adding a provision to establish who may be the designated person in charge for a natural hair braiding salon. This provision permits either a licensed cosmetologist or a licensed natural hair braider to be the designated person in charge, paralleling the provisions regarding esthetics and nail technology salons, which allow the holder of an applicable limited license or a licensed cosmetologist to be the designated person in charge.

*§ 7.71. Equipment and supplies for a cosmetology shop.*

*§ 7.71a. Equipment and supplies for a cosmetician shop.*

*§ 7.71b. Equipment and supplies for a manicuring shop.*

*§ 7.71c. Equipment and supplies for a natural hair braiding salon.*

The Board proposes to amend §§ 7.71, 7.71a and 7.71b and to add § 7.71c.

The existing regulations in §§ 7.71, 7.71a and 7.71b contain outdated terminology, require equipment or supplies the Board now views as optional or unnecessary and do not require some items the Board now believes to be essential for safety and sanitation reasons. Accordingly, in these three sections, the terminology is updated so that "styling station" or "work station" replaces the outdated term "dresserette" and "sanitizer" supplants "sterilizer." Also, in § 7.71, the Board would delete the requirement that a cosmetology salon have one container for hair pins or clips and one neck strip dispenser, because those are not necessary for a cosmetology salon to operate effectively, safely or in a sanitary fashion. A salon may still have them, but they are no longer required.

Each of these sections would also be amended by deleting the language requiring one dry sterilizer, an outdated requirement, and replacing it with the requirement that each salon have a closed container for sanitized implements. Also, to update the requirements and make salons safer and more sanitary, the Board would add the requirement that all salons have a labeled first aid kit containing nine specifically-enumerated items that the Board views as the minimum first aid equipment re-

quired to respond to an emergency in the salon. The Board has always required a first aid kit for salons but believed that, in this day and age when universal precautions for blood spills are taught and practiced in almost every workplace, and when the average salon deals with chemicals of many different kinds, the equipment in a first aid kit must include protective gloves, a blood spill kit, a hazardous waste bag, an eyewash and burn ointment. The other items enumerated are typically found in a basic first aid kit and make sense for the minor daily mishaps of daily work. To complete its update of the safety and sanitation requirements, the Board would amend these three sections to require a minimum of 12 sanitary towels for each styling or work station; at least 1 sink with hot and cold running water that is readily accessible to each styling or work station in the work area of the salon; and one multipurpose fire extinguisher suitable for use on Class A, B and C fires. Again, given the fact that salons now deal with all kinds of chemicals, some of them flammable, the Board believes the last requirement is something no salon should be without if it is going to provide the best in safety precautions to its clients.

Section 7.71c would also be added to establish the minimum equipment and supplies required for a natural hair braiding salon to operate. This provision parallels §§ 7.71, 7.71a and 7.71b, which impose similar equipment and supply requirements on cosmetology, esthetician and nail technology salons. These requirements list the minimum equipment that the Board believes a one-person natural hair braider salon needs to be able to provide both adequate service and a safe, sanitary environment to its clients.

*§ 7.78. Sign.*

Section 7.78 would be amended by adding "or limited practice salon" to extend the regulation's sign display requirement to all types of salons, rather than just to cosmetology salons.

*§ 7.79. Lavatories.*

The proposed rulemaking would amend § 7.79 by adding a second sentence defining "on the premises." The Board has seen many salon license applications in which the lavatory is not located inside the licensed premises of the salon, although it may be within the building of which the salon is a part. Consequently, there have been many requests for variances from this provision, or situations in which the applicant questions what the Board's regulation means by "on the premises." Accordingly, the second sentence would be added to clarify what is meant by the phrase and the Board's definition is "within the square footage of the salon."

*§ 7.81. Rendering of services outside a shop.*

*§ 7.82. Record of services rendered outside a shop.*

*§ 7.83. Responsibility of a shop for outside services.*

Under Act 86, as it existed previously, only cosmetologists could render services outside of a salon. However, Act 99 extended the authority to render services outside of a salon to all of the limited licensees. Accordingly, § 7.81 would be amended to add language extending its applicability to limited licensees as well as to cosmetologist licensees. It would also be amended to add the requirement that services be rendered by appointment, which is a specific requirement of section 8 of Act 86 (63 P. S. § 514). Similarly, § 7.82 would be amended by changing the limited terms "cosmetologist" and "cosmetology services" to the broader terms "licensee" and "licensed

services," thus making the recordkeeping provision applicable to all licensees who render services outside a licensed salon.

Finally, § 7.83 would be amended. As it reads presently, it makes a salon "that sponsors" services outside the salon responsible for supplying and equipping the cosmetologists who render those services. It would be amended to replace "that sponsors services outside the shop" with "through which appointments are made for the rendering of cosmetology or limited license services outside the salon," thus clarifying the regulation because the phrase "that sponsors services" was vague and open to interpretation. Additionally, the amendment extends this section's applicability to all licensees and all licensed salons, rather than just cosmetologists and cosmetology salons.

*§§ 7.91—7.100.*

Proposed § 7.91(c) (relating to sanitation and safety generally) requires that sharp implements be stored upright with the points down or in a protective case. This is an update to the general safety requirements that the Board believes licensees must implement to properly protect their clients and themselves.

The proposal would amend § 7.92 (relating to sterilization of equipment) to update the outdated term "sterilization" and replace it with "sanitization." It would also clarify that the provision applies to razors for hair, rather than to razors for the skin.

Additionally, § 7.93 (relating to sanitary use of towels) would be amended by adding "closed" before "towel dispenser." The Board believes requiring a closed towel dispenser for clean towels better protects the sanitary nature of the clean towels than would be the case if they were kept in an open container.

Likewise, the proposal would amend § 7.94(c) (relating to sanitary use of supplies) by adding "or hair" after "skin," thus prohibiting direct contact by a spatula or similar utensil with the hair of a client and helping to prevent the spread of bacteria and the like from one client to another.

Because of a citation to an inapplicable provision of Act 86, § 7.98 (relating to violation of related laws) is amended to correct the erroneous reference to "section 20 of the act" with a reference to section 13 of Act 86 (63 P. S. § 519).

The proposed rulemaking amends § 7.100 (relating to permanent wave operation) by extending the requirement that a client not be left unattended during the heating or processing period of a permanent wave operation to chemical applications, reflecting the Board's recognition that chemicals may be applied to a client in other operations and that, for safety's sake, clients should not be left alone during the heating or processing period of any chemical application.

*§§ 7.111—7.129.*

The Board would amend § 7.111 (relating to application for a school license) in that the qualifications of the school supervisor would be slightly modified by inserting "work" between "satisfactory" and "experience," and by deleting "as the designated person in charge of a cosmetology shop." This amendment would broaden the range of work experience that the Board finds acceptable in the individual named as a school supervisor in an application for a school license. The Board understands that an individual with a cosmetology teacher license issued by the Board may have a broad range of experience practicing cosmetology in salons, teaching in schools or teaching

apprentices in salons, that would make the individual an acceptable school supervisor regardless of whether the individual had ever been the designated person in charge, and this amendment reflects that understanding.

The Board's proposes to amend §§ 7.114 and 7.115 (relating to school equipment and supplies; and student equipment and supplies) for much the same reasons it would amend the provisions previously discussed regarding salon equipment and also to make the school and student equipment and supply requirements consistent with the salon equipment and supply requirements when the two coincide. The existing regulations contain outdated terminology and lack some items the Board now believes to be essential for safety and sanitation reasons. Accordingly, § 7.114 would amend the school equipment and supply requirements, updating "dry sterilizers" by replacing it with "closed containers for sanitized implements"; updating "sterilizers" by replacing the term with "sanitizers"; and updating "dresserettes" with "styling stations." Section 7.114 would also be amended by adding the requirement that a school enrolling 25 students have at least 2 sanitary towels per student. The equipment and supply requirements for students in § 7.115 would be amended by adding "hair cutting" to modify "razor," thus clarifying that the required razor for cosmetologist students is a hair cutting razor; by deleting the requirement that required tools for nail technology, for both cosmetologist and nail technician students, include nippers or scissors; and by adding the requirement that each cosmetology student have a pair of tweezers.

Additionally, proposed § 7.115(d) sets forth the required supplies and equipment that each natural hair braiding student must possess. This provision is necessary to cover the natural hair braider students who will come about as a result of Act 99's creation of the natural hair braider license.

Section 7.118 (relating to professional staff) would be amended in a minor way by replacing "instructor" or "instructors" with the term "teacher" or "teachers," as appropriate, because there is no other place in Act 86 or in the regulations where the term "instructor" or "instructors" is used.

Also, § 7.120(a) (relating to work done by students on the public) would be amended slightly for clarity. The regulation implemented section 7 of Act 86 (63 P.S. § 513), which prohibits schools from charging "any money whatsoever for treatments done by its students" and permits schools to charge only for "the reasonable cost of materials used in such treatments." However, over the years, it has become apparent that some schools have been calculating into the "reasonable cost of materials used in the treatment" items such as overhead, prorated teacher salaries and wear and tear on equipment. The Board does not believe that those broader expenses were intended to be encompassed in the cost of materials used in the treatment of clients, and therefore would make this amendment to clarify that the charge must be based on the reasonable cost of materials "used on the client" only.

#### *§ 7.129. Curriculum requirements.*

This proposal would amend § 7.129 by replacing the outdated term "sterilization" with the current term "disinfection," consistent with other proposed amendments. Additionally, § 7.129(a) would be amended by updating the reference to Act 86, changing "Beauty Culture Law" to "Cosmetology Law" to be consistent with current usage. While there is no actual provision in Act 86 that designates a short title, unlike many other licensing acts, the

common usage in the profession is to refer to Act 86 as the "Cosmetology Law." For example, section 1 of Act 99 (63 P.S. § 507) refers to Act 86 as the "Cosmetology Law." This amendment would adopt that modernization.

Proposed § 7.129(f) sets forth the natural hair braider curriculum that schools shall implement to train candidates for licensure as natural hair braiders. The regulation establishes a curriculum of 300 hours, as mandated by Act 99, and recommends that schools distribute the hours as follows: 50 to professional practices, including sanitation; 125 to sciences, including scalp care and anatomy; and 125 to cognitive and manipulative skills regarding natural hair braiding. This recommended apportionment is similar to the recommended apportionment for the other limited license curricula.

#### *§ 7.132. Apprentice curriculum.*

Finally, the Board proposes to amend § 7.132 by adding language to clarify the curriculum for apprentices. The existing regulation states merely that the cosmetology teacher responsible for offering instruction to an apprentice in a cosmetology salon shall teach the same cosmetology curriculum that the Board prescribes for schools of cosmetology in § 7.129. However, because section 4 of Act 86 (63 P.S. § 510) requires that apprentices shall complete 2,000 hours of training to sit for the cosmetology exam, which is 750 hours more than a cosmetology student shall complete who takes a course of training in a licensed school, some confusion has arisen as to how the hours in an apprenticeship program should be apportioned. This proposed rulemaking adds the apportionment of hours for the cosmetology curriculum in § 7.129 and assigns the additional 750 hours to the category of "cosmetology cognitive and manipulative skills." This narrows down the subject matter of the additional hours but leaves the actual content to the discretion of the cosmetology teacher and apprentice. The proposed rulemaking, therefore, gives a cosmetology teacher some guidance but permits leeway as to what else should be taught, thus allowing for differences in interest and in the nature of the services a given salon may actually provide.

#### *E. Fiscal Impact and Paperwork Requirements*

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivisions or the private sector.

#### *F. Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### *G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

General Assembly and the Governor of comments, recommendations or objections raised.

H. *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Hilarene Staller, Administrator, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

SUSAN E. RINEER,  
*Chairperson*

**Fiscal Note:** 16A-4514. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 7. STATE BOARD OF COSMETOLOGY  
GENERAL PROVISIONS**

**§ 7.1. Definitions.**

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

\* \* \* \* \*

**Board**—The State Board of Cosmetology [ of the Commonwealth ].

**Booth space**—[ Any area in a cosmetology shop, cosmetician shop or manicurist shop separated or not separated which is designated to be used by a licensed teacher, cosmetologist, cosmetician or manicurist. ] The area of a salon in which a licensed cosmetologist or a holder of a limited license provides to a client a service for which a license is required under the act.

**Braiding**—Intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, including extending the hair with natural or synthetic hair fibers.

**Bureau**—The Bureau of Professional and Occupational Affairs [ of the Commonwealth ] in the Department of State.

**Cosmetologist**—A licensed individual who is engaged in the practice of cosmetology.

**Cosmetology**—

(i) Any or all work done for compensation by any person, which work is generally and usually performed by cosmetologists, which work is for the embellishment, cleanliness and beautification of the human hair, such as arranging, braiding, dressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, pressing, or similar work thereon and thereabout, and the removal of superfluous hair, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work upon the scalp, face, arms or hands, or the upper part of the body, by the use of

mechanical or electrical apparatus or appliances or cosmetics, preparations, tonics, antiseptics, creams or lotions, or by any other means, and of manicuring the nails, which enumerated practices shall be inclusive of the term cosmetology but not in limitation thereof.

(ii) The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

**Department**—The Commissioner of Professional and Occupational Affairs in the Department of State.

**Esthetics**—The practice of massaging the face, applying cosmetic preparations, antiseptics, tonics, lotions or creams to the face, removing superfluous hair by tweezers, depilatories or waxes and the dyeing of eyelashes and eyebrows.

**Esthetician**—An individual licensed by the Board to practice esthetics.

**Lavatory**—A working toilet and a working sink with hot and cold running water that are located in a separate room that affords privacy to the user.

**Limited license**—A license issued by the Board to an individual which permits that individual to engage in the practice of esthetics, natural hair braiding or nail technology.

**Limited practice salon**—A salon licensed by the Board for the provision of esthetician services, nail technology services or natural hair braiding services only.

**Limited practice teacher**—A teacher licensed by the Board for the purpose of providing instruction in the area of esthetics, nail technology or natural hair braiding only.

[ **Manicuring**—Work or maintenance done to the nail or cuticle of the hands or the feet for cosmetic purposes including, and limited to, filing, polishing, coating, nipping, shaping, sculpturing and applying artificial tips and other extensions. The term does not include the removal of corns and callouses but does include the removal of thin, dry skin for cosmetic purposes with a pumice stone or similar nonmetal instrument. ]

**Nail technician**—An individual licensed by the Board to engage in the practice of nail technology.

**Nail technology**—The practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an individual up to the individual's knee, or a combination of these acts.

**Natural hair braider**—An individual licensed by the Board to engage in the practice of natural hair braiding.

**Natural hair braiding**—

(i) The practice of utilizing techniques that result in tension on hair roots of individuals, such as twisting, wrapping, weaving, extending, locking or braiding of the hair.

(ii) The term does not include the application of dyes, reactive chemicals or other preparations to alter the color or to straighten, curl or alter the structure of hair.

**School of cosmetology**—Any individual, partnership, association, business corporation, nonprofit corporation, municipal corporation, school district or any group of individuals however organized whose purpose is to provide courses of instruction in cosmetology or the teaching of cosmetology.

**Tanning units**—Equipment that utilizes ultraviolet light for the purpose of cosmetic tanning.

§ 7.2. Fees.

Fees charged by the Board are as follows:

Licensure of cosmetologist, [ manicurist or cosmetician ] nail technician, esthetician or natural hair braider .....	\$10
Licensure of cosmetology teacher or limited practice teacher .....	\$10
Licensure of cosmetology [ shop, manicurist shop or cosmetician shop ] salon or limited practice salon .....	\$55
* * * * *	
Biennial renewal of [ manicurist's ] nail technician license .....	\$35
Biennial renewal of [ cosmetician's ] esthetician license .....	\$35
Biennial renewal of [ cosmetologist's ] cosmetologist license .....	\$35
Biennial renewal of natural hair braider license .....	\$35
Biennial renewal of cosmetology [ teacher's ] teacher or limited practice teacher license ....	\$55
Biennial renewal of cosmetology [ shop's ] salon or limited practice salon license .....	\$60
[ Biennial renewal of cosmetician or manicurist shop's license .....	\$60 ]
Biennial renewal of cosmetology [ school's ] school license .....	\$150
* * * * *	
Change in cosmetology [ , cosmetician or manicurist shop ] salon or limited practice salon (inspection required) .....	\$55
Change in cosmetology [ , cosmetician or manicurist shop ] salon or limited practice salon (no inspection required) .....	\$15
Change in cosmetology school (inspection required) .....	\$110
Change in cosmetology school (no inspection required) .....	\$35
Reinspection of cosmetology [ , cosmetician or manicurist shop ] salon or limited practice salon or cosmetology school .....	\$40
* * * * *	

**INDIVIDUAL LICENSES**

§ 7.11. Types of individual licenses.

The following [ license ] licenses are issued by the Board to qualified individuals under the act:

- (1) [ Teacher ] Cosmetology teacher.

- (2) Limited practice teacher.
- (3) Cosmetologist.
- [ (3) Cosmetician ] (4) Esthetician.
- [ (4) Manicurist ] (5) Nail technician.
- (6) Natural hair braider.

§ 7.12. Scope of [ teacher's ] cosmetology teacher license.

An individual holding a [ teacher's ] cosmetology teacher license is qualified, without further licensure, to perform the functions of a teacher, cosmetologist, [ cosmetician or manicurist ] esthetician, nail technician or natural hair braider.

§ 7.12a. Scope of limited practice teacher license.

(a) An individual holding a limited practice teacher license in esthetics is qualified, without further licensure, to teach esthetics in a licensed school of cosmetology and to perform the functions of an esthetician.

(b) An individual holding a limited practice teacher license in nail technology is qualified, without further licensure, to teach nail technology in a licensed school of cosmetology and to perform the functions of a nail technician.

(c) An individual holding a limited practice teacher license in natural hair braiding is qualified, without further licensure, to teach natural hair braiding in a licensed school of cosmetology and to perform the functions of a natural hair braider.

§ 7.14. Scope of [ cosmetologist's ] cosmetologist license.

An individual holding a [ cosmetologist's ] cosmetologist license is qualified, without further licensure, to perform the functions of a cosmetologist, [ cosmetician or manicurist ] esthetician, nail technician or natural hair braider.

§ 7.14a. Scope of [ cosmetician's ] esthetician license.

An individual holding [ a cosmetician's ] an esthetician license is qualified to perform [ cosmetician ] esthetician services only.

§ 7.15. Scope of [ manicurist's ] nail technician license.

An individual holding a [ manicurist's ] nail technician license is qualified to perform [ manicuring ] nail technology services only.

§ 7.17. Scope of natural hair braider license.

An individual holding a natural hair braider license is qualified to perform natural hair braiding services only.

**EXAMINATIONS**

§ 7.31. Examination prerequisite for licensure; [ exception ] exceptions.

- (a) Except as provided in [ subsection ] subsections
- (b) and (c), an individual who wants to obtain a [ teacher's, cosmetologist's, cosmetician's or manicurist's ] cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural

hair braider license listed in §§ 7.12—[ 7.15 ] 7.17 shall pass the examination required by the Board for that license.

\* \* \* \* \*

(c) Until \_\_\_\_\_ (*Editor's Note: The blank refers to a date 1 year after the effective date of adoption of this proposed rulemaking.*), the Board will issue a natural hair braider license to an applicant who does the following:

(1) Submits the application adopted by the Board.

(2) Pays the required licensing fee in § 7.2 (relating to fees).

(3) Provides proof that the applicant has practiced natural hair braiding for 3 consecutive years immediately prior to the date of the application for licensure.

(i) Proof of practice requires that the applicant provide tax records of employment and an affidavit from the applicant and the applicant's immediate supervisor, when applicable, verifying the applicant's practice of natural hair braiding for 3 consecutive years immediately prior to the date of the licensure application.

(ii) The Board will accept the information provided without penalty to the applicant for failure to comply with the licensing provisions prior to September 5, 2006, the effective date of the act of July 7, 2006 (P. L. 704, No. 99).

§ 7.31a. Examination dates and locations.

Licensing examinations are given [ on the third Tuesdays of January, April, July and October ] monthly in Philadelphia, Pittsburgh, [ Wilkes-Barre, ] Harrisburg and [ Erie ] additional locations established by the examination administrator after consultation with the Board.

§ 7.32. Deadline for examination applications.

(a) The [ deadlines ] deadline for submitting an examination [ applications are as follows:

<i>Examination date</i>	<i>Deadline for First-time examinees</i>	<i>Deadline for Reexaminees</i>
3rd Tuesday in January	December 1	December 10
3rd Tuesday in April	March 1	March 10
3rd Tuesday in July	June 1	June 10
3rd Tuesday in October	September 1	September 10 ]

application is 1 month prior to the testing date for the specific location where the applicant intends to take the exam, a date established by the examination administrator.

\* \* \* \* \*

(c) A first-time examinee shall complete and pass both the theoretical and practical portions of the exam within 1 year. If the exam provider changes, the Board retains discretion to grant exceptions to

this 1-year requirement to facilitate the transition from one exam provider to another.

§ 7.32a. Contents of examination application.

(a) The application of a first-time examinee [ shall ] must include the following:

(1) Proof of having met the requirements for the examination applied for as set forth in §§ 7.32b—7.32[ f ]h.

\* \* \* \* \*

§ 7.32b. Requirements for [ teacher's examination ] teacher examinations.

(a) An applicant for the [ teacher's ] cosmetology teacher examination shall:

\* \* \* \* \*

(3) Possess a current [ cosmetologist's ] cosmetologist license.

(4) Have completed 500 hours of instruction in a cosmetology teacher curriculum [ in ] provided by a licensed school of cosmetology.

(b) An applicant for the limited practice teacher examination in esthetics, nail technology or natural hair braiding shall:

(1) Be 18 years of age or older.

(2) Have completed a 12th grade education or its equivalent.

(3) Possess a current limited license in the relevant limited practice field.

(4) Have completed 500 hours of instruction in a cosmetology teacher or limited practice teacher curriculum provided by a licensed school of cosmetology.

(c) An applicant who has already obtained a limited practice teacher license in one of the limited practice fields and desires to obtain a limited practice teacher license in an additional limited practice field shall:

(1) Meet the requirements in subsection (b) for the additional limited practice field.

(2) Successfully complete the practical portion of the teacher examination for the additional limited practice field in which the applicant desires to become a licensed teacher.

§ 7.32d. Requirements for [ cosmetologist's ] cosmetologist examination.

(a) An applicant for the [ cosmetologist's ] cosmetologist examination who holds no limited licenses shall:

\* \* \* \* \*

(c) An applicant for the cosmetologist examination who holds one or more active limited licenses issued by the Board and who obtained educational credits through a licensed cosmetology school will be given credit for the number of educational hours obtained to qualify for the active limited license or licenses as follows:

(1) An applicant who holds an active esthetician license will be given credit for 160 hours toward the total cosmetology training program of 1,250 hours.

(2) An applicant who holds an active nail technician license will be given credit for 100 hours toward the total cosmetology training program of 1,250 hours.

(3) An applicant who holds an active natural hair braider license will be given credit for 125 hours toward the total cosmetology training program of 1,250 hours.

(d) An applicant seeking credit for educational credits under subsection (c) shall complete the total of 1,250 cosmetology training hours, including those already completed in the limited license practice field for which the applicant is seeking credit, within 4 consecutive years.

§ 7.32e. Requirements for [ cosmetician's ] esthetician examination.

(a) An applicant for the [ cosmetician's ] esthetician examination shall [ have ]:

- (1) Be 16 years of age or older.
- (2) Except as provided in subsection (b), have done one of the following:
  - (i) Completed a 10th grade education or its equivalent.
  - (ii) Received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.

(3) Have completed 300 hours of instruction in skin care in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

§ 7.32f. Requirements for [ manicurist's ] nail technician examination.

(a) An applicant for the [ manicurist's ] nail technician examination shall [ have ]:

- (1) Be 16 years of age or older.
- (2) Except as provided in subsection (b), have done one of the following:
  - (i) Completed a 10th grade education or its equivalent.
  - (ii) Received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.

(3) Have completed 200 hours of instruction in [ manicuring ] nail technology in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

§ 7.32g. Issuance of temporary licenses to qualified examination applicants.

(a) A temporary license may be issued to an applicant who is eligible for admission to the [ cosmetologist's or manicurist's ] cosmetologist examination or to any limited license examination and who pays the examination fee set by the professional testing organization and

the license fee prescribed in § 7.2 (relating to fees). The purpose of a temporary license is to allow an otherwise qualified applicant to practice pending the applicant's scoring a passing grade on the examination.

(b) A temporary license is valid for 9 months [ or until the next examination, whichever comes first ].

(c) The holder of a temporary [ cosmetologist's ] cosmetologist license shall practice under the supervision of a licensed cosmetology teacher or cosmetologist. The holder of a temporary [ manicurist's ] limited license shall practice under the supervision of a licensed cosmetology teacher [ or ], cosmetologist, limited practice teacher in the corresponding limited practice field or holder of a corresponding limited license.

§ 7.32h. Requirements for natural hair braider examination.

(a) An applicant for the natural hair braider examination shall:

- (1) Be 16 years of age or older.
- (2) Except as provided in subsection (b), have done one of the following:
  - (i) Completed a 10th grade education or its equivalent.
  - (ii) Received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.

(3) Have completed 300 hours of Board-approved subjects relating to sanitation, scalp care, anatomy and natural hair braiding in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

§ 7.34. Models for practical portion of examination.

An examinee taking the practical part of [ an ] the esthetics examination shall bring with him a model.

§ 7.35. Failure of examination.

An examinee who fails either the practical or theoretical part of the examination for a cosmetology teacher, limited practice teacher, cosmetologist, [ cosmetician or manicurist ] esthetician, nail technician or natural hair braider license will be required to retake and pass the failed portion of the examination within 1 year of the date the examinee takes and passes the other portion of the examination.

**DISPLAY, LOSS AND RENEWAL OF LICENSES AND PERMITS**

§ 7.41. Display of licenses [ and permits ].

(a) A salon license [ or permit ] issued by the Board shall be displayed in a conspicuous place within the business premises of the salon.

(b) An individual license shall be readily available for inspection by the public or representatives of the Board at the place of business or employment of the individual holding the license [ or permit ].



**§ 7.43. Expiration and renewal of licenses.**

(a) Licenses issued by the Board expire at biennial intervals. A license renewal **[ application ] notice** is mailed to each licensee approximately 4 weeks before the license expiration date. Renewal of the license is accomplished by submission of the license renewal application and the license renewal fee prescribed in § 7.2 (relating to fees).

\* \* \* \* \*

(c) **Within 2 years of the initial issuance of a natural hair braider license issued without examination under § 7.31(c) (relating to examination prerequisite for licensure; exceptions), the natural hair braider licensee shall provide to the Board proof that the licensee has completed 150 hours of education from a licensed school of cosmetology as a condition of renewal of the license. The 150 hours of education must include, at a minimum:**

- (1) **75 hours in scalp care.**
- (2) **50 hours in hygiene.**
- (3) **25 hours in occupational safety, the provisions of the act and this chapter.**

**§ 7.45. Reexamination if the license is not current for 5 or more years.**

The holder of a **[ teacher's, cosmetologist's, cosmetician's or manicurist's ] cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider** license that has been expired or in escrow for at least 5 years shall retake and pass the practical part of the examination for that license before submitting a renewal application.

LICENSURE AND MANAGEMENT OF **[ SHOPS ] SALONS**

**§ 7.50. Applicability of requirements.**

The requirements of §§ 7.51—7.53, 7.65 and 7.71—7.71b, 7.75—7.78, 7.81 and 7.82, apply equally to cosmetology **[ shops, cosmetician shops and manicurist shops ] salons, esthetician salons, nail technology salons and natural hair braiding salons**, unless the context indicates otherwise.

**§ 7.51. Application for a [ shop ] salon license.**

(a) An owner-applicant for a **[ shop ] salon** license shall submit a license application to the Board with the following:

- (1) A sketch plan showing the layout of the **[ shop ] salon**, including the position of the doors, windows, partitions, shampoo basins, lavatories, adjustable chairs and other floor equipment.
- (2) The name and license number of the individual who will be the designated person in charge of the **[ shop ] salon** in the absence of the owner.

(3) The **[ shop ] salon** license fee prescribed in § 7.2 (relating to fees).

(b) A license will not be issued until the Board has verified the sworn statements made by the owner-applicant in the application and the **[ shop ] salon** has been inspected by a Bureau inspector for compliance with the facility requirements of this chapter. If the inspector

determines that the **[ shop ] salon** meets the facility requirements of the act and this chapter, a license will be issued.

**§ 7.52. Change of location or physical dimensions.**

(a) A **[ shop ] salon** license is valid only for the location stated on the license. The owner of a **[ shop ] salon** who wishes to change its location shall submit an application to the Board for a change of **[ shop ] salon** location together with the information required in § 7.51 (relating to application for **[ shop ] salon** license) and the fee for change of **[ shop ] salon** location prescribed in § 7.2 (relating to fees). The application will be processed in the manner prescribed by § 7.51.

(b) A **[ shop ] salon** owner shall submit to the Board for its approval a sketch plan of any proposed change in the physical dimensions of the **[ shop ] salon**.

**§ 7.53. Change of ownership.**

The owner of a **[ shop ] salon** shall immediately notify the Board in writing of a change in the controlling ownership of the **[ shop ] salon**. If a partner or co-owner is being added or deleted, the owner shall submit to the Board an application for change of license and the fee for change of license prescribed in § 7.2 (relating to fees).

**§ 7.62. Management of [ cosmetology shop ] salons.**

(a) A cosmetology **[ shop ] salon** shall be managed by the **[ shop ] salon** owner or, in the absence of the **[ shop ] salon** owner, a person in charge designated by the **[ shop ] salon** owner.

(b) The designated person in charge shall be a licensed cosmetologist[ . ], **except as follows:**

(1) In the case of **[ a cosmetician shop ] an esthetician salon**, the designated person in charge may be either a licensed cosmetologist or a licensed **[ cosmetician ] esthetician**.

(2) In the case of a **[ manicurist shop ] nail technology salon**, the designated person in charge may be either a licensed cosmetologist or a licensed **[ manicurist ] nail technician**.

(3) **In the case of a natural hair braiding salon, the designated person in charge may be either a licensed cosmetologist or a licensed natural hair braider.**

(c) Both the owner and the designated person in charge are responsible for posting the name of the owner or designated person in charge in a conspicuous place in the **[ shop ] salon** as required by section 4.4(b) of the act.

(d) The owner or designated person in charge of the **[ shop ] salon** shall be readily available in person to Bureau inspectors during regular business hours.

**§ 7.64. Responsibilities of [ shop ] salon owner or designated person in charge.**

(a) The primary responsibilities of a **[ shop ] salon** owner and designated person in charge are the administration of the business and personnel affairs of the **[ shop ] salon** and to assure compliance within the **[ shop ] salon** with all laws of the Commonwealth, this chapter and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963).

(b) A [shop] salon owner or designated person in charge will be subject to disciplinary action by the Board for a violation of the act or this chapter committed by a licensed employee of the [shop] salon, if the owner or designated person in charge had knowledge of, or control over, the violation or should have had knowledge or control.

§ 7.65. Rental of booth space.

The rental of booth space within a [shop] salon is prohibited.

§ 7.66. Discrimination.

It is prohibited for any person to refuse, withhold from, or deny to any person because of the person's race, color, religious creed, ancestry or National origin, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of a cosmetology, [cosmetician or manicuring shop] esthetician, nail technology or natural hair braiding salon.

PHYSICAL REQUIREMENTS OF A [BEAUTY SHOP] SALON

§ 7.71. Equipment and supplies for a cosmetology [shop] salon.

(a) A cosmetology [shop shall] salon must contain the following equipment, which is considered the minimum equipment needed for a [shop] salon with one cosmetologist:

\* \* \* \* \*

- (2) One [dresserette] styling station with mirror.
- (3) One labeled first-aid kit[.] containing the following items:
  - (i) An antiseptic.
  - (ii) Cotton balls.
  - (iii) Protective plastic or latex gloves.
  - (iv) A blood spill kit.
  - (v) A hazardous waste bag.
  - (vi) Eyewash.
  - (vii) Burn ointment.
  - (viii) Plastic or latex bandage strips of varying sizes and shapes.
  - (ix) Sterile gauze pads.
- (8) [One container for hair pins or clips.
- (9) One neck strip dispenser.
- (10) ] A closed storage area for soiled linen.
- [ (11) ] (9) One timer clock.
- [ (12) ] (10) One closed towel cabinet for clean linen.
- [ (13) One dry sterilizer ] (11) A closed container for sanitized implements.
- [ (14) ] (12) One wet [sterilizer] sanitizer.
- [ (15) ] (13) A reception desk.

(14) Twelve sanitary towels for each styling station in the salon.

(15) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.

(16) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

\* \* \* \* \*

§ 7.71a. Equipment and supplies for [a cosmetician shop] an esthetician salon.

(a) [A cosmetician shop shall] An esthetician salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a [shop] salon with one [cosmetician] esthetician:

\* \* \* \* \*

- (2) One [dresserette] work station with mirror.
- (3) One labeled first-aid kit[.] containing the following items:
  - (i) An antiseptic.
  - (ii) Cotton balls.
  - (iii) Protective plastic or latex gloves.
  - (iv) A blood spill kit.
  - (v) A hazardous waste bag.
  - (vi) Eyewash.
  - (vii) Burn ointment.
  - (viii) Plastic or latex bandage strips of varying sizes and shapes.
  - (ix) Sterile gauze pads.

\* \* \* \* \*

(8) [One dry sterilizer] A closed container for sanitized implements.

(9) One wet [sterilizer] sanitizer.

\* \* \* \* \*

(12) Twelve sanitary towels for each work station in the salon.

(13) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(14) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional [cosmetician] esthetician, equipment and supplies shall be increased so that each [cosmetician] esthetician can render services safely and efficiently.

§ 7.71b. Equipment and supplies for a [manicuring shop] nail technology salon.

(a) A [manicuring shop shall] nail technology salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a [shop] salon with one [manicurist] nail technician:

\* \* \* \* \*

(4) One **labeled** first-aid kit **containing the following items:**

- (i) An antiseptic.
- (ii) Cotton balls.
- (iii) Protective plastic or latex gloves.
- (iv) A blood spill kit.
- (v) A hazardous waste bag.
- (vi) Eyewash.
- (vii) Burn ointment.
- (viii) Plastic or latex bandage strips of varying sizes and shapes.
- (ix) Sterile gauze pads.

\* \* \* \* \*

(8) [ Clean linen ] Twelve sanitary towels for each work station in the salon.

(9) One wet [ sterilizer ] sanitizer.

(10) [ One dry sterilizer ] A closed container for sanitized implements.

\* \* \* \* \*

(12) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(13) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional [ manicurist ] nail technician, equipment and supplies shall be increased so that each [ manicurist ] nail technician can render services safely and efficiently.

**§ 7.71c. Equipment and supplies for a natural hair braiding salon.**

(a) A natural hair braiding salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one natural hair braider:

- (1) One adjustable chair.
- (2) One styling station with mirror.
- (3) One labeled first-aid kit containing the following items:
  - (i) An antiseptic.
  - (ii) Cotton balls.
  - (iii) Protective plastic or latex gloves.
  - (iv) A blood spill kit.
  - (v) A hazardous waste bag.
  - (vi) Eyewash.
  - (vii) Burn ointment.
  - (viii) Plastic or latex bandage strips of varying sizes and shapes.
  - (ix) Sterile gauze pads.
- (4) One dryer or blow dryer.
- (5) One shampoo tray or basin.
- (6) Twelve combs and twelve brushes.
- (7) One covered waste container.

(8) A closed storage area for soiled linen.

(10) One closed towel cabinet for clean linen.

(11) A closed container for sanitized implements.

(14) One wet sanitizer.

(15) A reception desk.

(16) Twelve sanitary towels for each styling station in the salon.

(17) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.

(18) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional natural hair braider, equipment and supplies shall be increased so that each natural hair braider can render services safely and efficiently.

**§ 7.75. Entrances.**

The entrance to a [ shop ] salon that is located in a private home [ shall ] **must** permit clients to enter the [ shop ] salon directly from the public thoroughfare without passing through any part of the home.

**§ 7.76. Floor space.**

(a) The floor area of a [ shop ] salon operated by one licensee shall have a minimum area of 180 square feet with a minimum width of 10 feet. An additional area of at least 60 square feet is required for each additional licensee in the [ shop ] salon. The Board, upon an applicant's request, may grant a variance from the space requirements concerning a [ shop ] salon which the Board believes is reasonable.

(b) [ Shops ] Salons opened prior to September 15, 1976, which have been operating with one cosmetologist shall have sufficient floor space to properly install the equipment with regard to the health and safety of the patrons of the cosmetology [ shop ] salon. It is suggested that the floor space be a minimum of 10 feet by 12 feet or 120 square feet, with 60 square feet for each additional operator. The Board, after examination of the [ shop's ] salon's layout, may grant variance from the [ shop ] salon space requirements which the Board believes is reasonable.

**§ 7.77. Use of [ shop ] salon for other purposes prohibited.**

No part of a [ shop ] salon, including lavatories and laundry facilities, may be used for other purposes.

**§ 7.78. Sign.**

A [ shop shall ] salon **must** shall display, at or near its main entrance, a sign that is clearly visible indicating to the public that it is a cosmetology [ shop ] salon or limited practice salon.

**§ 7.79. Lavatories.**

A [ shop ] salon shall have adequate lavatories on the premises. **For the purposes of this section, "on the premises" means within the square footage of the salon.**

ACTIVITIES OUTSIDE A [ SHOP ] SALON

**§ 7.81. Rendering of services outside a [ shop ] salon.**

A cosmetologist or holder of a limited license, with the permission of the employing [ shop ] salon, may

render **by appointment** cosmetology or **limited license** services to persons at their residences and to persons who are confined to institutions due to illness, imprisonment, old age or similar circumstances.

§ 7.82. Record of services rendered outside a **[ shop ] salon**.

A **[ cosmetologist ] licensee** who renders **[ cosmetology ] licensed** services outside the **[ shop ] salon** shall maintain at the employing **[ shop ] salon** complete records for each service rendered outside the **[ shop ] salon**, including the date, time, place and fee charged. The record of outside services shall be considered part of the records of the **[ shop ] salon**.

§ 7.83. Responsibility of a **[ shop ] salon** for outside services.

A **[ shop that sponsors ] salon through which appointments are made for the rendering of cosmetology or limited license** services outside the **[ shop ] salon** shall be responsible for ensuring that the **[ cosmetologists ] licensees** are fully supplied and equipped when they perform services outside the **[ shop ] salon** and that all other requirements of this chapter are complied with.

HEALTH AND SAFETY IN **[ SHOPS ] SALONS**

§ 7.90. Applicability of requirements.

The requirements of this section and §§ 7.91—7.98 and 7.100 apply equally to cosmetology **[ shops, cosmetician shops and manicurist shops ] salons, esthetician salons, nail technology salons and natural hair braiding salons**, unless the context indicates otherwise.

§ 7.91. Sanitation and safety generally.

(a) A **[ shop shall ] salon must** be well lighted and well ventilated.

(b) All areas of the **[ shop ] salon**, including the floors and lavatories, shall be maintained in a safe, orderly and sanitary condition.

(c) **Sharp implements shall be stored upright with the points down or in a protective case.**

§ 7.92. **[ Sterilization ] Sanitization** of equipment.

Razors **for hair**, tweezers, combs, hairbrushes, and other tools, instruments, utensils and appliances that come into contact with a client shall be sanitized immediately after each use and maintained in a sanitary condition at all times.

§ 7.93. Sanitary use of towels.

(a) Only clean cloth towels or disposable paper towels shall be used on clients. Unused cloth towels shall be kept in a closed cabinet. Unused paper towels shall be kept in a closed cabinet or **closed** towel dispenser. A cloth towel that has been used on a client shall be immediately placed in a closed container for soiled linen. A disposable paper towel that has been used on a client shall be immediately discarded in a covered waste container.

\* \* \* \* \*

§ 7.94. Sanitary use of supplies.

(a) The use of powder puffs or styptic pencils in a **[ shop ] salon** is prohibited.

\* \* \* \* \*

(c) Creams and other semisolid substances shall be removed from their containers with a sterile spatula or similar utensil. The spatula or similar utensil may not be permitted to come into contact with the skin **or hair** of a client.

\* \* \* \* \*

§ 7.95. Individual cleanliness.

Every **[ shop employe ] salon employee** who serves the public shall be clean as to person and dress and shall thoroughly cleanse the hands immediately before rendering services to a client and immediately after using the lavatory.

§ 7.98. Violation of related laws.

The license of a licensee who has pled guilty or nolo contendere to, or has been convicted of, a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or a similar State or Federal law, shall be subject to suspension or revocation under section **[ 20 ] 13** of the act (63 P. S. § 519).

§ 7.100. Permanent wave **[ operation ] operations and chemical applications**.

A client may not be left unattended during the heating or processing period of a permanent wave operation **or chemical application**.

LICENSURE AND ADMINISTRATION OF SCHOOLS OF COSMETOLOGY

§ 7.111. Application for a school license.

(a) An owner-applicant for a school license shall submit a license application to the Board with the following:

\* \* \* \* \*

(2) The name, signature and license number of the school supervisor, together with proof that the supervisor meets the following qualifications:

(i) Possesses a current **[ teacher's ] cosmetology teacher** license issued by the Board.

(ii) Has done one of the following:

\* \* \* \* \*

(B) Acquired 1,250 hours of satisfactory experience as a cosmetology teacher and 1,800 hours of satisfactory **work** experience **[ as the designated person in charge of a cosmetology shop ]**.

\* \* \* \* \*

§ 7.114. School equipment and supplies.

(a) A school enrolling 25 students or less **[ shall ] must** have, at a minimum, the following equipment:

\* \* \* \* \*

(4) Four **[ dry sterilizers ] closed containers for sanitized implements**.

(5) Four wet **[ sterilizers ] sanitizers**.

\* \* \* \* \*

(9) Twelve **[ dresserettes ] styling stations**, mirrors and chairs.

\* \* \* \* \*

**(20) Two sanitary towels per student.**

\* \* \* \* \*

§ 7.115. Student equipment and supplies.

(a) A school shall ensure that each cosmetology student possesses and maintains in sanitary condition the following:

\* \* \* \* \*

(3) One hair cutting razor.

\* \* \* \* \*

(7) Complete tools for [manicuring] nail technology, including emery boards, [nipper or scissors,] pusher and brush.

\* \* \* \* \*

(10) One pair of tweezers.

(b) A school shall ensure that each [cosmetician] esthetician student possesses and maintains in sanitary condition the following:

\* \* \* \* \*

(c) A school shall ensure that each [manicuring] nail technology student possesses and maintains in sanitary condition the following:

\* \* \* \* \*

(2) Complete tools for [manicuring] nail technology, including emery boards, [nipper or scissors,] pusher and brush.

\* \* \* \* \*

(4) A basic [manicuring] nail technology textbook.

(d) A school shall ensure that each natural hair braiding student possesses and maintains in sanitary condition the following:

- (1) One shampoo cape.
- (2) One comb-out cape.
- (3) Two brushes.
- (4) Six combs.
- (5) A minimum of 100 pin curl clips.
- (6) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.
- (7) A basic natural hair braiding textbook.

§ 7.118. Professional staff.

(a) A school shall employ as [instructors] teachers of courses that are part of the required curriculum persons who possess a current [teacher's] cosmetology teacher or limited practice teacher license issued by the Board, except that a school may employ as [instructors] teachers of business or teaching skills persons who hold a current teacher's certificate issued by the Department of Education.

(b) The [teacher's] license of each [instructor] teacher employed by the school shall be conspicuously displayed in the school.

(c) A school shall employ at least one full-time [instructor] teacher.

(d) The student/teacher ratio of a class taught for credit may not exceed 25 to 1, except if a guest lecture is given by a person who is not regularly employed by the school as an [instructor] teacher.

\* \* \* \* \*

§ 7.118a. Uniforms.

Teachers and students shall be attired in washable uniforms during school hours. A [teacher's] teacher uniform [shall] must be distinguished from a [student's] student uniform.

§ 7.120. Work done by students on the public.

(a) A school may permit students who have completed at least 300 hours of instruction to work on the public, if the charges for the students' services are based on the reasonable cost of materials used on the client only.

\* \* \* \* \*

§ 7.123. Duty work.

A school shall require students to keep their stations clean and to assist in general clean-up and other duties that may be required in an operating [shop] salon, except that students may not be required to scrub floors, wash windows or perform janitorial tasks.

§ 7.125. Health and safety in school.

A school shall observe the same health and safety requirements that are prescribed for [shops] salons in §§ 7.91—7.98, 7.100 and 7.101.

§ 7.128. Mandatory offering of cosmetology curriculum.

\* \* \* \* \*

(b) A school may offer instruction in the curriculum for teachers, [cosmeticians and manicurists] estheticians, nail technicians and natural hair braiders prescribed in § 7.129.

§ 7.129. Curriculum requirements.

(a) Except as provided in subsection (b), a school's cosmetology curriculum, excluding electives, [shall] must comprise [1250] 1,250 hours, and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

BASIC COSMETOLOGY CURRICULUM	Recommended Hours
Professional Practices	

Bacteriology, [Sterilization] Disinfection, Sanitation

\* \* \* \* \*

PA [Beauty Culture] Cosmetology Law

\* \* \* \* \*

Cosmetology Skills-Cognitive and Manipulative 1,000

\* \* \* \* \*

[Manicuring] Nail technology

\* \* \* \* \*

(d) A school's [cosmetician] esthetics curriculum, excluding electives, [shall] must comprise 300 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

[COSMETICIAN] ESTHETICS CURRICULUM

\* \* \* \* \*

(e) A school's [manicurist] nail technology curriculum, excluding electives, [shall] must comprise 200

hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:

**[ MANICURING ] NAIL TECHNOLOGY COURSE OUTLINE**

\* \* \* \* \*

**(f) A school's natural hair braiding curriculum, excluding electives, must comprise 300 hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:**

**NATURAL HAIR BRAIDING COURSE OUTLINE**

	<b>Recommended Hours</b>
<b>Professional practices, including sanitation</b>	<b>50</b>
<b>Sciences, including scalp care and anatomy</b>	<b>125</b>
<b>Cognitive and manipulative skills related to natural hair braiding</b>	<b>125</b>
	<b>Total 300</b>

**PREPARATION BY APPRENTICESHIP METHOD**

**§ 7.131. Introduction.**

An individual who chooses to seek eligibility for the [cosmetologist's] cosmetologist examination by apprenticeship shall comply with section 10 of the act (63 P. S. § 516) and the applicable requirements of this subchapter.

**§ 7.132. Apprentice curriculum.**

The cosmetology teacher responsible for offering instruction to an apprentice in a cosmetology [shop] salon shall teach the same cosmetology curriculum that the Board prescribes for schools of cosmetology in § 7.129 (relating to curriculum requirements)[.], with additional hours included so that the total number of hours adds up to 2,000, as follows:

**BASIC COSMETOLOGY APPRENTICE CURRICULUM**

<b>Professional Practices</b>	<b>50</b>
<b>Bacteriology, Disinfection, Sanitation</b>	
<b>Professional Attitude</b>	
<b>Business Practices</b>	
<b>PA Cosmetology Law</b>	
<b>Sciences</b>	<b>200</b>
<b>Histology</b>	
<b>Trichology</b>	
<b>Chemistry</b>	
<b>Physiology</b>	
<b>Cosmetic Dermatology</b>	
<b>Electricity</b>	
<b>Cosmetology Skills-Cognitive and Manipulative</b>	<b>1,750</b>
<b>Shampooing</b>	
<b>Hair Shaping</b>	
<b>Hair Styling/Fingerwaving</b>	
<b>Permanent Waving</b>	
<b>Hair Coloring</b>	
<b>Hair Straightening</b>	
<b>Skin Care</b>	
<b>Nail Technology</b>	
<b>Temporary Hair Removal</b>	
<b>Scalp Treatment</b>	
<b>Care of all Hair Types and Textures</b>	
	<b>Total 2,000</b>

**§ 7.133. Application for apprentice permit.**

To qualify for apprenticeship training in a cosmetology [shop] salon, an individual shall apply to the Board for an apprentice permit.

**§ 7.134. Apprentice reports.**

The owner of a cosmetology [shop] salon that employs apprentices shall submit to the Board, on a form provided by the Board, a quarterly report of the hours earned by each apprentice. The reports shall be submitted by the following dates: April 15, July 15, October 15 and January 15.

[Pa.B. Doc. No. 07-1548. Filed for public inspection August 24, 2007, 9:00 a.m.]

**STATE BOARD OF FUNERAL DIRECTORS**

[49 PA. CODE CH. 13]

**Preneed Funeral Arrangements**

The State Board of Funeral Directors (Board) proposes to amend §§ 13.1, 13.224, 13.225 and 13.226 and to add §§ 13.227, 13.228 and 13.229 (relating to limitations on preneed funeral contracts; transfer of a preneed funeral contract by customer; and sale or transfer of preneed funeral contracts or preneed funeral funds by funeral director) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

The proposed rulemaking is authorized under sections 13(c) and 16(a) of the Funeral Director Law (act) (63 P. S. §§ 479.13(c) and 479.16(a)).

*Background and Need for the Amendment*

Section 13(c) of the act requires that a funeral director who accepts money under a contract with a living person to render funeral services to that person when needed to forthwith deposit the money in an escrow account or transfer it in trust to a banking institution in this Commonwealth. The money may be withdrawn or disbursed only for the purposes for which it was deposited.

The Board's current regulations regarding preneed funeral arrangements were originally promulgated in 1977 and last amended in 1991. Current § 13.224 (relating to funding and reporting of prepaid burial contracts) requires a funeral director to place the funds received for preneed funeral arrangements into trust or escrow accounts kept separate from the funeral director's personal or business accounts and to make reports to the Board. Under § 13.226 (relating to nature and description of escrow or trust account for prepaid burial contracts), interest or other earnings from preneed funds must be kept together with the principal to assure delivery of the same quality of services and merchandise for which the preneed contract was entered.

The Board determined that the regulations need to be updated to conform to existing practices in the funeral industry and to provide adequate protection to the consumer of preneed services in the instance of changed

circumstances. For example, reports under § 13.224 are time-consuming to prepare and to review. However, the reports provide little value to the Board, the regulated community or the public. Existing regulations do not address the transferability of funds when a funeral director other than the contracting funeral director provides funeral services and merchandise or the ability of a customer to change funeral directors or transfer funds in the event of a change of funeral directors. The regulations do not adequately address the cessation or acquisition of a preneed funeral business.

#### *Description of the Proposed Amendments*

In § 13.1 (relating to definitions), definitions of "prepaid burial contract" and "prepaid burial account" would be deleted and replaced with definitions of new terms "preneed funeral contract" and "preneed funds." The proposed definition of "preneed funds" would exclude premiums paid directly to an insurance company to purchase a life insurance policy. However, preneed funds would include amounts to be paid for arrangement fees or additional allowance for other services or merchandise. Preneed funds would also include the assignment of a life insurance policy or other asset received by a funeral director to fund a preneed contract.

Section 13.224 requires a funeral director to deposit in escrow or transfer in trust money received under a prepaid contract. The Board proposes to amend subsection (a) to require the deposit or transfer be made within 10 days of receipt. In addition, the Board proposes to add a provision to prohibit a funeral director or entity from using another person or entity to avoid this requirement. Currently, a funeral director must submit to the Board a written report every time the funeral director enters into a prepaid burial contract or performs under a prepaid contract. Under proposed subsection (b), a funeral director would be required to report to the Board all preneed accounts on a quarterly basis, including activity during that quarter. A funeral director could submit these reports on paper or disk or electronically and must maintain copies of the report for 3 years. A funeral director closing a business would be required to submit a report showing how all funds were distributed. These reports are not public records and will not be available for public review.

The limitations proposed for contract provisions are added in § 13.227. Under the proposed rulemaking, every preneed contract must be in writing. Also, a funeral director performing under a preneed contract would be prohibited from charging or collecting any fee that exceeds the fees set forth in the funeral director's current price list at the time the service or merchandise is provided. In addition, a preneed contract may not incorporate a contract with an unlicensed person or entity.

Proposed § 13.228 would govern customer transfers of preneed funds to another funeral director or funeral entity. Every preneed funeral contract entered into after the effective date of the final-form rulemaking must expressly permit the customer to transfer the preneed funeral account and funds to another funeral director or funeral entity of the customer's choosing that will provide funeral goods and services. The funeral director would be required to forward to the other funeral director the entire amount of preneed funds, including both principal and interest or other earnings, within 30 days of notice from the customer. The proposed rulemaking would prohibit a funeral director from collecting a fee for funeral goods or services that have not been provided or liquidated damages for the cancellation.

Proposed § 13.229 would govern funeral director transfers of preneed contracts or funds. It would require a funeral director or entity that acquires a portion of the preneed business of another to notify each customer and provide each customer with the opportunity to transfer the contract and funds to another funeral director of the customer's choosing. A funeral director ceasing preneed business must notify each customer and provide each customer with the opportunity to transfer the preneed funds to another funeral director of the customer's choosing.

#### *Input from the Regulated Community*

The Board solicited input from and provided an exposure draft of this proposed rulemaking to funeral directors and organizations. In addition, the Board considered the impact the rulemaking would have on the regulated community and on public health, safety and welfare.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Michelle T. Smey, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4815 (Preneed funeral arrangements) when submitting comments.

ANTHONY SCARANTINO,  
*Chairperson*

**Fiscal Note:** 16A-4815. No fiscal impact; (8) recommendations adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

GENERAL PROVISIONS

§ 13.1. Definitions.

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

\* \* \* \* \*

[ *Prepaid burial account*—An account in which moneys are deposited by the funeral director during the lifetime of an individual in accordance with a contract executed between the parties for funeral merchandise and services to be performed and delivered at a future time.

*Prepaid burial contract*—A contract executed between a consumer and a licensed funeral director which provides that the funeral director will provide funeral merchandise and render services to the consumer upon the consumer's death or the death of another designated individual and for which the consumer pays to the funeral director moneys at the time of the contract or at a time prior to the rendition of these services. ]

*Preneed funeral contract*—An agreement under which a funeral entity promises or agrees to provide funeral merchandise and render services upon the death of a person living at the time the contract is made, whether or not the funeral entity receives preneed funeral funds.

*Preneed funeral funds*—

(i) Funds provided to a funeral director or funeral entity for the purpose of providing funeral services or merchandise on behalf of a person living at the time of provision of funds, whether or not a contract to provide specified funeral services or merchandise exists.

(ii) The term includes any funds paid, or to be paid, for arrangement fees, or additional allowance for other fees for service or merchandise.

(iii) The term includes the assignment of an insurance policy and any other asset received by a funeral director or funeral entity to fund a preneed funeral contract.

(iv) The term does not include any premiums paid directly to an insurance company.

\* \* \* \* \*

[ PREPAID BURIAL CONTRACTS ]  
PRENEED FUNERAL ARRANGEMENTS

§ 13.224. [ Funding ] Depositing and reporting [ of prepaid burial contracts ] preneed funeral funds.

(a) A funeral director or funeral entity shall deposit in escrow or transfer in trust to a banking institution in this Commonwealth, the entire amount of [ monies received by the funeral director under a prepaid

contract for funeral services or merchandise, including additional service fees or arrangement fees ] preneed funeral funds within 10 days of receipt. A funeral director or funeral entity may not avoid the requirements of this subsection by creating or controlling or otherwise utilizing a person or entity that is not a funeral entity.

(b) [ In regard to prepaid contracts entered into by funeral directors after November 4, 1989, a funeral director shall file a report with the Board within 90 days containing the information specified in subsection (c) with respect to each prepaid contract for funeral services and merchandise. Forms for the reports, including the report required under subsection (d), will be provided by the Board. ] Within 30 days of the end of each calendar quarter, every funeral entity shall file with the Board a report containing the information required in subsection (c) of all accounts of preneed funeral funds of the funeral entity during that quarter. The report must include all accounts held by the funeral entity at any time during the reporting period, including those first created during the period and those closed during the period. The rollover of an account shall be treated as the closing of one account and the opening of another account.

(c) [ A funeral director shall file a report ] Each report required by subsection (b) shall be filed with the Board on a form provided by the Board, certifying as true and correct, the following information with respect to each [ prepaid contract for funeral services and merchandise entered into ] account containing preneed funeral funds:

(1) The date [ of the prepaid contract ] preneed funeral funds were first received by the funeral entity and the name and address of the [ purchasers under the contract ] person for whose benefit the funds were received.

(2) The name and address of the banking institution in which [ 100% of the money received by the funeral director on account of the contract had been deposited ] the account is held.

\* \* \* \* \*

(4) [ In installment contracts, if the entire amount of the contract has not been paid, the report shall expressly indicate the fact that an installment contract is involved, and the total amount of installments received by the funeral director and deposited in escrow or in trust. ] The account balance at the beginning of the period, the total principal amounts added, interest or other earnings, disbursements or other transfers out and balance at the end of the period.

(d) [ A funeral director shall report within 30 days all fulfilled prepaid contracts, following:

(1) The name of the deceased.

(2) The date of death.

(3) The account number.

(4) The name of the banking institution. ] Within 30 days of the sale or other cessation of all or part of its preneed business, a funeral entity shall file



with the Board a report, including all accounts as specified in subsection (b) and all information as specified in subsection (c), to demonstrate how all preneed funeral funds were distributed. Each distribution must identify the recipients and amount of funds, including transfers to other funeral entities and payments to the funeral entity for provision of funeral goods and services.

(e) [ The report required in subsection (c) is not a public record ] The reports required under subsections (b) and (d) are not public records under the act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. §§ 66.1— [ 66.4 ]66.9), known as the Right-to-Know Law. The [ report ] information contained in the reports will be available to the following:

- (1) Parties privy to the preneed funeral contract.

\* \* \* \* \*

(f) [ Prepaid burial contracts or preneed contracts to be used by a funeral director shall be reviewed and approved by the Board and should reflect whether or not an additional service fee or arrangement fee is charged. Prepaid burial contracts or preneed contracts used by a funeral director may not incorporate a contract for funeral merchandise entered into by a person or entity other than a funeral director. ] Reports made under this section may be filed in paper form or on disk or electronically, as permitted by the Board. A funeral entity shall retain a copy of each report required to be filed under this section for 3 years after the report was due or filed, whichever is later.

§ 13.225. Affidavit for [ prepaid burial accounts ] preneed funeral funds.

\* \* \* \* \*

§ 13.226. Nature and description of escrow or trust accounts for [ prepaid burial contracts ] preneed funeral funds.

(a) [ Funds received for prepaid burial contracts ] Preneed funeral funds shall be placed in an escrow or trust fund account which shall be separate and distinct from the business and personal accounts of the funeral director and funeral entity.

(b) [ If funds received by a funeral director for preneed burial contracts are deposited in a banking account which bears interest, or are invested by the trustee bank and produce earnings, the ] The interest or earnings of all preneed funeral funds shall be retained in the account with the principal and shall be held, accounted for and transferred in the same manner as the principal amount, to assure delivery of the same quality of service and merchandise for which the contract was made or the funds were provided.

[ (c) In the event of a sale or transfer of the business of a funeral director, prepaid burial contracts and prepaid burial accounts shall immediately be transferred to the control of the licensee who will assume responsibility for completion of the prepaid burial contracts. The licensee-transferee shall notify the Board in writing of the licensee's willingness to accept responsibility for completion of the prepaid burial contracts. ]

§ 13.227. Limitations on preneed funeral contracts.

(a) A preneed funeral contract must be in writing.

(b) A funeral director or funeral entity may not charge or collect any fees under a preneed funeral contract for funeral goods and services that exceed the fees for the goods and services as set forth on the funeral entity's general price list at the time the goods or services are provided.

(c) A preneed funeral contract may not incorporate a contract for funeral merchandise entered into by a person or entity other than a funeral director.

§ 13.228. Transfer of a preneed funeral contract by customer.

(a) Every preneed funeral contract entered into after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), must expressly permit the customer to transfer the preneed funeral account and funds to another funeral director or funeral entity of the customer's choosing that will provide funeral goods and services.

(b) Within 30 days after written notification of the election to transfer a preneed funeral account and funds as authorized by subsection (a), the funeral director or funeral entity shall forward to the other funeral entity as requested by the customer the entire amount of funds in the prepaid funeral account, including accumulated interest and earnings.

(c) A funeral director or funeral entity may not retain any amount of fees for services that have not been provided or merchandise that has not been delivered to the customer under a preneed funeral contract for which the preneed funeral account or funds have been transferred as authorized by subsection (a).

(d) A funeral director or funeral entity may not collect liquidated damages for the transfer of a preneed funeral account or funds under a preneed funeral contract as authorized by subsection (a).

§ 13.229. Sale or transfer of preneed funeral contracts or preneed funeral funds by funeral director.

(a) In the event of a sale or transfer of any portion of the preneed funeral business of a funeral entity, a funeral entity that assumes an obligation to perform under an existing preneed funeral contract or receives a preneed funeral account or funds shall, within 30 days of the transfer, notify each customer under those contracts or provider of those funds of the transfer and permit each customer who chooses to do so to notify the funeral director within 90 days that the funeral entity is to transfer the preneed funeral account and funds, including all accumulated interest and earnings, to another funeral entity of the customer's choosing as authorized by § 13.228(a) (relating to transfer of a preneed funeral contract by customer).

(b) A funeral entity that is ceasing business or otherwise will not perform under a preneed funeral contract, except as provided in subsection (a), shall notify each preneed customer at least 60 days in advance of the planned cessation and notify each

**customer of the customer's right to choose to transfer the preneed funeral account and funds, including all accumulated interest and earnings, to another funeral entity of the customer's choosing as authorized by § 13.228(a).**

[Pa.B. Doc. No. 07-1549. Filed for public inspection August 24, 2007, 9:00 a.m.]

## STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

### Expert Witness

The State Board of Medicine (Board) proposes to amend § 16.52 (relating to creation of lists of medical consultants) to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

Sections 8 and 9 of the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.8 and 422.9) authorize the Board to promulgate regulations addressing procedures to be followed in proceedings before it consistent with section 9 of the act.

#### C. *Background and Purpose*

To enhance the quality of testimony given in disciplinary proceedings before the Board and the hearing examiners who hear matters on behalf of the Board, the Board is proposing to adopt the criteria for qualification as an expert witness established by section 512 of the Medical Care Availability and Reduction of Error (Mcare) Act (Mcare Act) (40 P. S. § 1303.512). The Board has found that expert testimony offered by witnesses who do not possess the same specialty qualifications as the respondent whose conduct is under review has led to the assertion of expert opinions that lack the thoroughness and accuracy that the nature of the proceedings before the Board demands. The Board is of the opinion that a physician is not competent to offer an expert medical opinion in a disciplinary action before the Board alleging medical professional negligence, incompetence or violation of the standard of care unless that physician possesses sufficient education, training, knowledge and experience to provide credible, competent testimony and fulfills the qualifications as set forth in this proposed rulemaking.

#### D. *Description of Amendments*

Existing § 16.52 is amended to delete references to the maintenance of lists of expert medical consultants who might serve as expert witnesses and would instead establish qualifications consistent with section 512 of the Mcare Act for experts testifying in proceedings before the Board.

Section 16.52(a) would establish the general rule that a person will not be competent to offer an expert medical opinion in a disciplinary action before the Board unless that person possesses sufficient education, training, knowledge and experience to provide credible, competent testimony and fulfills the additional qualifications set forth in this section, as applicable.

Section 16.52(b) would establish qualifications for an expert to testify on a medical matter, including the standard of care, risks and alternatives, causation and the nature and extent of the injury. Those qualifications would include: (1) possessing an unrestricted physician's license to practice medicine in any state or the District of Columbia; and (2) being engaged in, or having retired within the previous 5 years from, the active clinical practice or teaching of medicine. The Board may waive these requirements for an expert on a matter other than the standard of care if the Board determines that the expert is otherwise competent to testify about medical or scientific issues by virtue of education, training or experience.

Section 16.52(c) would establish additional requirements for experts regarding standard of care issues. The expert would need to: (1) be substantially familiar with the applicable standard of care for the specific care at issue as of the time of the alleged breach of the standard of care; (2) practice in the same specialty and subspecialty as the respondent physician or in a subspecialty that has a substantially similar standard of care for the specific care at issue; and (3) in the event a Board-recognized certifying board certifies the respondent physician, the expert shall also be board certified by the same or a similar approved board.

Under § 16.52(d), the Board may waive the same subspecialty requirement for an expert testifying on the standard of care for the diagnosis or treatment of a condition if the Board determines that: (1) the expert is trained in the diagnosis or treatment of the condition, as applicable; and (2) the respondent physician provided care for that condition and that care was not within the Respondent physician's specialty.

Under § 16.52(e), the Board may waive the same specialty, subspecialty and board certification requirements for an expert testifying as to a standard of care if the Board determines that the expert possesses sufficient training, experience and knowledge to provide the testimony as a result of active involvement in or full-time teaching of medicine in the applicable subspecialty or a related field of medicine within the previous 5-year time period.

Finally, under § 16.52(f), the Board reserves its authority to apply its own expertise in determining the applicable standard of care in disciplinary matters before the Board.

#### E. *Input from the Regulated Community*

In drafting and promulgating this proposed rulemaking, the Board solicited input and suggestions from the regulated community and other parties who have identified themselves as interested in the Board's regulatory agenda. The Board received comments from the Hospital and Healthsystem Association of Pennsylvania (HAP), the Pennsylvania Medical Society (PMS) and the Pennsylvania Academy of Family Physicians (PAFP). Comments from HAP and PMS were supportive of this proposed rulemaking. PAFP suggested the standards should only apply to experts testifying against the respondent physician and not those testifying on behalf of the respondent physician. The Board disagrees. Improvement in the quality of expert testimony on all sides can only serve to benefit the quality of the entire proceeding. PAFP also believes only licensed physicians from this Commonwealth should be qualified to testify. The Board believes that PAFP's position is not supported by the act, Mcare Act or the Pennsylvania Rules of Evidence (see 225 Pa. Code).

#### F. *Fiscal Impact and Paperwork Requirements*

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivision or the private sector.

#### G. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### I. *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Gerald S. Smith, Senior Counsel in Charge, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Refer to 16A-4923: Expert Witnesses when submitting comments.

CHARLES D. HUMMER, Jr., M. D.,  
*Chairperson*

**Fiscal Note:** 16A-4923. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

##### PART I. DEPARTMENT OF STATE

##### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

##### CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

##### Subchapter E. MEDICAL DISCIPLINARY PROCESS AND PROCEDURES

##### HEARING EXAMINERS AND MEDICAL CONSULTANTS

#### § 16.52. [Creation of lists of medical consultants] Expert witnesses.

[The Board, through the cooperation of various State and local professional societies, has created lists of licensed physicians and surgeons of varied expertise, specialty and training from which medical consultants can be selected to serve on a part-time basis as resource personnel, with medical expertise required for the individual case.]

To enhance the quality of expert testimony given in disciplinary proceedings before the Board and its hearing examiners, the Board adopts the criteria for qualification as an expert established by section 512 of the Medical Care Availability and Reduction of Error (Mcare) Act (40 P. S. § 1303.512), as follows:

(1) **General rule.** A person will not be competent to offer an expert medical opinion in a disciplinary action before the Board unless that person possesses sufficient education, training, knowledge and experience to provide credible, competent testimony and fulfills the additional qualifications in this section, as applicable.

#### (2) **Medical testimony.**

(i) An expert testifying on a medical matter, including the standard of care, risks and alternatives, causation and the nature and extent of the injury, shall:

(A) Possess an unrestricted physician's license to practice medicine in any state or the District of Columbia.

(B) Be engaged in, or have retired within the previous 5 years from, active clinical practice or teaching of medicine.

(ii) The Board may waive the requirements of this subsection for an expert on a matter other than the standard of care if the Board determines that the expert is otherwise competent to testify about medical or scientific issues by virtue of education, training or experience.

(c) **Standard of care.** In addition to the requirements in subsections (a) and (b), an expert testifying as to a physician's standard of care shall:

(1) Be substantially familiar with the applicable standard of care for the specific care at issue as of the time of the alleged breach of the standard of care.

(2) Practice in the same specialty and subspecialty as the respondent physician or in a subspecialty that has a substantially similar standard of care for the specific care at issue, except as provided in subsection (d) or (e).

(3) In the event a Board-recognized certifying board certifies the respondent physician, the expert shall also be board certified by the same or a similar approved board, except as provided in subsection (e).

(d) **Care outside specialty.** The Board may waive the same subspecialty requirement for an expert testifying on the standard of care for the diagnosis or treatment of a condition if the Board determines that:

(1) The expert is trained in the diagnosis or treatment of the condition, as applicable.

(2) The respondent physician provided care for that condition and the care was not within the respondent physician's specialty.

(e) **Otherwise adequate training, experience and knowledge.** The Board may waive the same specialty, subspecialty and Board certification requirements for an expert testifying as to a standard of care if the Board determines that the expert possesses sufficient training, experience and knowl-

edge to provide the testimony as a result of active involvement in or full-time teaching of medicine in the applicable subspecialty or a related field of medicine within the previous 5-year time period.

**(f) Application of Board's own expertise.** Nothing in this subsection shall be construed to preclude the Board from applying its own expertise in determining the applicable standard of care in disciplinary matters before the Board.

[Pa.B. Doc. No. 07-1550. Filed for public inspection August 24, 2007, 9:00 a.m.]

## STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

### Faculty Requirements for Nursing Education Programs

The State Board of Nursing (Board) proposes to amend §§ 21.71 and 21.72 (relating to faculty and staff requirements for baccalaureate and associate degree programs; and faculty policies) and to delete § 21.74 (relating to faculty and staff requirements for diploma programs) to read as set forth in Annex A. This proposed rulemaking is intended to remove unnecessary restrictions on appointments of faculty for nursing education programs.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized by section 6.1 of the Professional Nursing Law (63 P. S. § 216.1), which provides that the Board establish standards for the operation and approval of nursing education programs.

#### *Background and Need for the Proposed Rulemaking*

The Nursing Education Capacity Working Group, an ad hoc committee of the Pennsylvania Center for Health Careers (Center), suggested that the Board amend its regulations regarding nursing education faculty. Following a series of roundtables held throughout this Commonwealth to discuss the nursing shortage and through research and discussion with experts, the Center concluded that this Commonwealth needs to expand, as quickly as possible, the supply of qualified nurse educators without compromising the quality of nursing education. This suggestion addresses the nursing shortage because one of the impediments to this Commonwealth's goal of an adequate nurse workforce is the inability of nursing schools to meet the demand for enrollment due to faculty shortages. The Board now proposes these amendments to allow nursing education programs greater leeway in hiring qualified faculty to educate nursing students.

#### *Description of Proposed Amendments*

The Board proposes to amend § 21.71, which sets forth the faculty and staff requirements for baccalaureate and associate degree nursing education programs, so that it applies to all nursing education programs (baccalaureate and associate degree programs, programs in transition and diploma programs). The Board proposes to delete § 21.74, which currently sets forth the faculty and staff

requirements for diploma nursing education programs. In this proposed rulemaking, the Board has reorganized § 21.71. Proposed subsection (a) provides the general requirement that a nursing education program employ a sufficient number of adequately qualified faculty, faculty assistants and staff to accomplish the program objectives. Proposed subsection (b) sets forth the qualifications for the nurse administrator of the nursing education program. Proposed subsection (c) sets forth the qualifications for faculty, faculty assistants and allied faculty in the nursing education program.

The Board proposes to amend § 21.71(b) to provide that the nurse administrator's credentials shall be submitted for Board approval. This requirement is not new; proposals for new nursing education programs must already include the administrator's credentials for approval. The Board proposes in paragraphs (1) and (2) to permit nursing education programs to employ an administrator with at least one graduate degree in nursing rather than "a master's degree in nursing." The Board anticipates that this change will greatly increase the pool of applicants qualified to serve as nurse administrator.

The Board's current regulations require that nursing faculty hold a master's degree in nursing. The current regulations also allow employment of a faculty assistant, who does not hold a master's degree in nursing, provided the faculty assistant provides evidence of actively pursuing a master's degree in nursing.

This proposed rulemaking would create three categories of nursing faculty: faculty, faculty assistants and allied faculty. Faculty teaching required clinical nursing courses will be required to hold at least one graduate degree in nursing. This requirement is much less restrictive than the current requirement of a master's degree in nursing because it allows individuals with a nursing-related master's degree and a doctoral degree in nursing to teach required clinical nursing courses. For example, under the current regulation, an individual with a bachelor's degree in nursing, a master's degree in public health and a doctoral degree in nursing is precluded from faculty posts until the individual obtains a master's degree in nursing. Under the proposed rulemaking, this individual would be considered fully qualified to teach required clinical nursing courses.

Faculty assistants, that is, individuals who do not hold at least one graduate degree in nursing, will continue to be permitted to teach required clinical nursing courses only if qualified candidates are not available. The Board will retain the requirement that faculty assistants work under the direct guidance of a faculty member fully qualified in the specific teaching area.

The Board has always intended to restrict faculty assistants to a maximum of 5 years as a faculty assistant before obtaining a graduate degree in nursing. However, the current wording has allowed individuals to continue to teach in nursing education programs in this Commonwealth indefinitely without obtaining a graduate degree by moving from school to school in this Commonwealth, or moving out-of-State and then returning to this Commonwealth, at least once every 5 years. The Board proposes to clarify the limitation by providing, in proposed § 21.71(c)(2), that faculty assistants may teach in this Commonwealth for a maximum cumulative period of 5 years without obtaining a graduate degree in nursing. To further advance this objective, the Board proposes to amend § 21.72 by adding subsection (g), which requires faculty assistants to maintain a record of their activities leading to the completion of a graduate degree in nursing

and to submit to the Board, at least annually, a transcript of courses completed toward the degree. As schools of nursing in this Commonwealth are required to obtain and maintain Board approval, a school that employs a faculty assistant who does not submit the required materials to the Board or who fails to complete a graduate degree in nursing within the specified time frame, may be subject to placement on the list of provisionally approved schools.

Under proposed § 21.71(c)(3), a nursing education program will be authorized to employ allied faculty to teach courses in the basic sciences or specialized areas of nursing practice. Allied faculty shall hold at least one graduate degree in a subject area pertinent to the area of teaching. For example, this amendment will permit a nursing education program to employ an individual with a graduate degree in chemistry to teach chemistry courses and will allow a program to employ an individual with a doctoral degree in pharmacy to teach pharmacology.

The Board also proposes to address the use of clinical preceptors by nursing education programs in proposed § 21.71(c)(5). A clinical preceptor is a licensed professional nurse who serves as a clinical instructor and mentor to a very limited number of students placed at a particular practice site where the clinical preceptor is employed. The Board proposes to specifically authorize the use of clinical preceptors and to provide that faculty shall retain responsibility for planning and evaluating student learning experiences and also have input into the selection of preceptors.

The Board is also proposing amendments to § 21.72. The Board proposes to amend § 21.72(f) to require faculty members to maintain records of their participation in continuing education, professional self-development and other activities that promote the maintenance of expertise in their respective areas of teaching. As already explained, the Board also proposes to require faculty assistants to provide the Board with annual progress reports related to their progress toward an appropriate degree.

#### *Input from the Regulated Community*

The Board requested input from nursing education programs and other interested parties. The Board finds that the proposed rulemaking addresses a compelling public interest as described in this preamble.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will not have an adverse fiscal impact on the Commonwealth or its political subdivisions as the Board is self-supporting. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the cost-effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

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

**Fiscal Note:** 16A-5131. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 21. STATE BOARD OF NURSING

##### Subchapter A. REGISTERED NURSES

##### ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

§ 21.71. [ Faculty ] Nurse administrator, faculty and staff requirements [ for baccalaureate and associate degree programs ].

(a) A nursing education program shall employ a sufficient number of qualified faculty, faculty assistants, allied faculty and staff to accomplish the program objectives. The minimum faculty and staff requirements [ for each program ] are as follows:

(1) Full-time [ director of the program ] nurse administrator.

(2) Full-time [ qualified ] faculty members in the areas of [ specialized ] practice encompassed within the curriculum.

(3) Additional faculty members as needed [ to insure an educationally effective student-faculty ratio ].

(4) [ A minimum of one full-time secretary and additional secretarial assistance as needed ] Allied faculty members as needed.

(5) Program support services, including administrative and clerical services.

(b) [ Faculty ] The nurse administrator's credentials shall be submitted to the Board for approval. The nurse administrator's qualifications are as follows:

(1) The [ director ] nurse administrator of a baccalaureate degree nursing education program [ , employed for the first time after January 1, 1986, ] shall hold [ a master's ] at least one graduate degree

in nursing [and]. The nurse administrator shall hold an earned doctoral degree or have a specific plan for completing doctoral preparation within 5 years of appointment. The [director] nurse administrator shall have experience in [the areas of] nursing practice, nursing education [within an institution of higher education] and [educational] administration. [Candidates who have made outstanding contributions to nursing education shall be considered on an individual basis.] A professional nurse who does not hold at least one graduate degree in nursing, but who has experience in nursing practice, nursing education and administration may be considered on an individual basis.

(2) The [director] nurse administrator of an associate degree or diploma program shall hold [the minimum of a master's] at least one graduate degree in nursing. The [director] nurse administrator shall have experience in [the areas of] nursing practice, nursing education and [educational] administration. A professional nurse who does not hold at least one graduate degree in nursing, but who has experience in nursing practice, nursing education and administration may be considered on an individual basis.

(3) The length of appointment of [temporary and] an interim or acting [heads] nurse administrator of a nursing education [programs] program may not exceed 1 year.

(4) [Nurse faculty members] The nurse administrator shall hold either a temporary practice permit to practice professional nursing or be currently licensed as [nurses] a professional nurse in this Commonwealth.

(c) Faculty qualifications are as follows:

[ (5) ] (1) Faculty members teaching required clinical nursing education courses shall [have master's degrees] hold at least one graduate degree in nursing, [with graduate preparation relevant to their clinical areas of responsibility;] shall be currently licensed as professional nurses in this Commonwealth, and [they] shall [give evidence of maintaining] have expertise in their [clinical or functional] areas of [specialization] instruction.

[ (6) ] (2) Faculty members [with less than a master's] without a graduate degree in nursing [may be employed if qualified candidates are not available; they shall function for a maximum of 5 years as assistants] shall be designated faculty assistants. Faculty assistants shall be currently licensed as professional nurses in this Commonwealth. Faculty assistants may teach required clinical nursing education courses only when fully qualified faculty are not available and shall teach under the direct guidance of a faculty member [fully] qualified [in the specific teaching area] as set forth in paragraph (1). [These] Faculty assistants shall have [a minimum of] a baccalaureate degree in nursing[, ] and [they] shall give evidence of [actively pursuing a master's] a plan for obtaining a graduate degree in

nursing. [The lack of availability of qualified faculty shall be documented by, among other things, copies of advertisements placed in appropriate professional journals and newspapers, copies of recruitment letters to appropriate institutions of higher learning, and records of job interviews.] A person may teach as a faculty assistant in a nursing education program in this Commonwealth for a maximum cumulative period of 5 years.

(3) Allied faculty members may teach basic sciences or specialized areas of nursing practice. Allied faculty members shall hold at least one graduate degree in a subject area pertinent to their area of teaching.

[ (7) ] (4) Faculty employed to teach [nutrition must be registered dietitians (R.D.) and eligible for membership in the American Dietetic Association] dietetics-nutrition shall be currently licensed to practice dietetics-nutrition in this Commonwealth.

(5) A clinical preceptor may be used to enhance faculty-directed clinical learning experiences by guiding selected clinical activities. A clinical preceptor shall hold a current license to practice professional nursing in the state of the clinical experience. Faculty shall retain responsibility for planning and evaluating student learning experiences and shall have input into the selection of preceptors.

§ 21.72. Faculty policies; additional responsibilities of faculty and faculty assistants.

\* \* \* \* \*

(d) Teaching hours and additional duties of nurse faculty shall be consistent with the policies of the controlling institution. [Seminar, discussion and laboratory contact hours shall be equated. Where additional expectations in terms of research, counseling, committee work or other institutional responsibilities are present, the teaching load shall be decreased accordingly.]

(e) The nurse administrator and nursing faculty shall be afforded the time and opportunity to engage in leadership activities within their profession commensurate with [the responsibilities inherent in the role of institutions of higher education in our society] their responsibilities.

(f) There shall be a planned and active faculty development program designed to meet the [perceived] needs of the faculty. Faculty members shall maintain a record of participation in continuing education, professional self-development and other activities that promote the maintenance of expertise in their respective areas of teaching.

(g) Faculty assistants shall maintain a record of their activities leading to the completion of a graduate degree in nursing and shall submit a current transcript of courses and other activities completed toward the degree to the Board at least annually.

§ 21.74. [Faculty and staff requirements for diploma programs] (Reserved).

[ (a) The minimum faculty and staff requirements for each program shall be as follows:

(1) When the responsibility of the director encompasses nursing service as well as responsibility for the school, there shall be a full-time person who is responsible for the operation of the school.

(2) Full-time faculty member for each clinical nursing course.

(3) Additional faculty members as needed to insure an educationally effective student-faculty ratio.

(4) Minimum of one full-time secretary and additional secretarial assistants as needed.

(5) A full-time librarian.

(b) Faculty qualifications are as follows:

(1) The director of the school shall have a master's degree in nursing applicable to directors. School directors appointed after July 1, 1977, shall have a master's degree in nursing and experience in the areas of nursing practice, nursing education and educational administration. Candidates who have made outstanding contributions to nursing education will be considered on an individual basis.

(2) Nurse faculty members shall be currently licensed as nurses in this Commonwealth.

(3) Faculty members appointed after January 1, 1986, shall have master's degrees in nursing with graduate preparation relevant to their clinical, or clinical and functional, areas of responsibility; and they shall give evidence of maintaining expertise in their clinical, or clinical and functional, areas of specialization.

(4) Faculty members with less than a master's degree in nursing may be employed if qualified candidates are not available; they shall function for a maximum of 5 years as assistants under the direct guidance of a faculty member fully qualified in the specific teaching area. Assistants shall have a minimum of a baccalaureate degree in nursing, and they shall give evidence of actively pursuing their academic preparation. The lack of availability of qualified faculty shall be documented.

(5) Faculty members shall give evidence of participation in continuing education and self development as individuals and as a faculty group.

(6) Faculty members employed to teach Nutrition must be registered dietitians (R.D.) and eligible for membership in the American Dietetic Association. ]

[Pa.B. Doc. No. 07-1551. Filed for public inspection August 24, 2007, 9:00 a.m.]

## STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

### Sales of Hypodermic Needles and Syringes

The State Board of Pharmacy (Board) proposes to amend § 27.18 (relating to standards of practice) to read as set forth in Annex A. The proposed rulemaking would alter the current requirements regarding the sale of hypodermic needles and syringes in pharmacies. The proposed rulemaking would permit a pharmacist to sell

up to 30 hypodermic needles and syringes to persons 18 years of age or older without a prescription.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)).

#### *Background and Need for Proposed Rulemaking*

In February 2005, Pennsylvanians for the Deregulation of Syringe Sales petitioned the Board under 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations) to amend § 27.18(s)(2) to eliminate the prescription requirement for the sale of hypodermic needles and syringes. The Board subsequently heard testimony in support of the proposed amendment at its August 16-17, 2005, meeting from Dr. Scott Burriss of Pennsylvania Coalition to Save Lives Now; Renee Cox of Prevention Point Pittsburgh; and Janice Kopelman, Director of the Department of Health's Bureau of Communicable Diseases.

Under the current regulation, which has not been amended for a number of years, the sale of hypodermic needles and syringes in pharmacies in this Commonwealth may only occur under the presentation of a prescription. More recently, studies have shown that increased access to clean needles and syringes has been proven to reduce the transmission of hepatitis C and HIV. The evidence also suggests that drug use will not increase if the prescription requirement is removed. See Douglas A. McVay, (ed.). *Drug War Facts 2006*, (citing National Commission on AIDS, *The Twin Epidemics of Substance Abuse and HIV* (Washington, DC: National Commission on AIDS, 1991); General Accounting Office, *Needle Exchange Programs: Research Suggests Promise as an AIDS Prevention Strategy* (Washington, DC: US Government Printing Office, 1993); Lurie, P. & Reingold, A.L., et al., *The Public Health Impact of Needle Exchange Programs in the United States and Abroad* (San Francisco, CA: University of California, 1993); Satcher, David, MD, (Note to Jo Ivey Bouffard), *The Clinton Administration's Internal Reviews of Research on Needle Exchange Programs* (Atlanta, GA: Centers for Disease Control, December 10, 1993); National Research Council and Institute of Medicine, Normand, J., Vlahov, D. & Moses, L. (eds.), *Preventing HIV Transmission: The Role of Sterile Needles and Bleach* (Washington, DC: National Academy Press, 1995); Office of Technology Assessment of the U. S. Congress, *The Effectiveness of AIDS Prevention Efforts* (Springfield, VA: National Technology Information Service, 1995); National Institutes of Health Consensus Panel, *Interventions to Prevent HIV Risk Behaviors* (Kensington, MD: National Institutes of Health Consensus Program Information Center, February 1997).

In 2000, the National Association of Boards of Pharmacy encouraged boards of pharmacy to revise laws and regulations to permit the sale and distribution of sterile needles and syringes. The Commonwealth is one of only four states that still prohibit the sale of hypodermic needles and syringes in pharmacies without a prescription. Through 2004, this Commonwealth was the seventh leading state reporting the highest number of cumulative AIDS cases among residents, with 30,174 cases. See Centers for Disease Control and Prevention, *HIV/AIDS Surveillance Report, 2004*, Vol. 16. Atlanta: United States Department of Health and Human Services, Centers for

Disease Control and Prevention; 2005: page 27. (Available at [www.cdc.gov/hiv/stats/hasrlink.htm](http://www.cdc.gov/hiv/stats/hasrlink.htm).)

The Board recognizes that there is a compelling public health interest in reducing the spread of hepatitis C and HIV. Increased access to clean needles and syringes is essential to this interest. Studies have shown that removing the requirement that hypodermic needles and syringes only be sold with a prescription in pharmacies in this Commonwealth would not lead to increased drug use. To this end, the Board proposes amending the prescription requirement by permitting pharmacists to sell up to 30 hypodermic needles and syringes to persons 18 years of age or older without a prescription. Persons who use hypodermic needles and syringes for injecting medications may still obtain more than 30 by presenting a prescription. It is anticipated that many patients will continue to present a prescription to obtain prescription benefits in paying for hypodermic needles and syringes.

*Description of Proposed Amendments*

The proposed rulemaking would amend § 27.18(s)(2) to eliminate the requirement that a prescription be presented in all cases for a pharmacist to sell hypodermic needles and syringes to persons 18 years of age and older. Further, the proposed rulemaking would require that these needles and syringes be kept in the prescription area of the pharmacy. Section 27.1 (relating to definitions) defines "prescription area" as the area of the pharmacy used for compounding, legend drug storage and other activities necessary to the practice of pharmacy. The term does not include waiting counters or display space attached to the waiting counter. Hypodermic needles and syringes would have to be stored behind the counter and accessible only by pharmacists and pharmacy personnel authorized to be behind the counter while the pharmacy is open. Anyone under 18 years of age would still need to present a prescription to purchase hypodermic needles and syringes in a pharmacy.

The proposed amendment would also delete § 27.18(s)(1), which requires pharmacists to report to the Board the sale of accessories found in illegal traffic when sold in unusually large quantities; as well as the language that deems it unprofessional conduct to sell, give away or otherwise dispose of accessories, chemicals or proprietary products when the pharmacist knows or has reason to know of their intended use for illegal purposes. The Board proposes to remove this language because it has not served as the basis for disciplinary action in the recent history of the Board, nor has the Board received a report as currently required by this section. The reporting requirement is unenforceable and counterintuitive to the goal of the proposed rulemaking. The language that deems it unprofessional conduct to sell, give away or otherwise dispose of accessories, chemicals or proprietary products when the pharmacist knows or has reason to know of their intended use for illegal purposes is also counterintuitive to the goal of the proposed rulemaking. Furthermore, it is duplicative in that § 27.18(u) provides that a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-143) or the rules and regulations promulgated thereunder constitutes a violation of the Board's regulations and the act.

The Department of Health recommended that the Board also require pharmacies to distribute information on safe needle disposal. The Board declined to include this in the proposed rulemaking, but will work with the Department of Health to alert pharmacies of available literature and safe needle disposal practices.

*Fiscal Impact*

The proposed rulemaking will have no fiscal impact on the Board or the regulated community.

*Paperwork Requirements*

The proposed rulemaking will impose no paperwork requirements on the Board or the regulated community.

*Sunset Date*

The Board monitors its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Melanie Zimmerman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWARD J. BECHTEL, R.Ph.,  
*Chairperson*

**Fiscal Note:** 16A-5418. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 27. STATE BOARD OF PHARMACY STANDARDS**

**§ 27.18. Standards of practice.**

\* \* \* \* \*

(s) [The following provisions are applicable to paraphernalia and accessories:

(1) Sale of accessories, such as empty capsules, quinine, sugar of milk or a similar product found in illegal traffic when sold in unusually large quantities shall be immediately reported to the Board. A



pharmacist who sells, gives away or otherwise disposes of accessories, chemicals or proprietary products when the pharmacist knows or has reason to know of their intended use for illegal purposes shall be guilty of unprofessional conduct and in violation of this chapter.

(2) Sales of needles and syringes shall be made by the pharmacist only to persons showing a prescription issued by a licensed practitioner. The prescription shall be in force for a maximum of 1 year from date of its issuance. This subsection shall take effect 3 months after the other provisions of this chapter take effect in order to give the public ample notice. ]

Sales of hypodermic needles and syringes shall be made by a pharmacist or under the direct supervision of a pharmacist in accordance with the following:

(1) Up to 30 hypodermic needles and syringes may be sold to persons 18 years of age or older without a prescription.

(2) Sales of over 30 hypodermic needles and syringes shall be made only to persons presenting a prescription issued by a licensed practitioner.

(3) Sales of hypodermic needles and syringes may not be made to persons under 18 years of age without a prescription.

(4) Hypodermic needles and syringes shall be kept in the prescription area of the pharmacy, as defined in § 27.1 (relating to definitions), and be accessible only by pharmacists and pharmacy personnel authorized to be in the prescription area of the pharmacy while the pharmacy is open.

\* \* \* \* \*

[Pa.B. Doc. No. 07-1552. Filed for public inspection August 24, 2007, 9:00 a.m.]

# NOTICES

## ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

### Request for Proposal

The Administrative Office of Pennsylvania Courts is announcing its intention to release a Request for Proposal for the selection of a vendor to provide Equipment Maintenance and Support Services in supports of two of its statewide case management systems. The RFP is scheduled for release on September 4, 2007. Persons who

wish to receive a copy of the RFP may request one by contacting the Administrative Office of Pennsylvania Courts, Gary Spangenberg, Asset Supervisor, Attn: CPCMS/MDJS Maintenance and Support Services RFP, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055-3079, gary.spangenberg@pacourts.us.

Include your company's name, address, phone number, contact name and contact name email address.

ZYGMONT A. PINES,  
*Court Administrator of Pennsylvania*

[Pa.B. Doc. No. 07-1553. Filed for public inspection August 24, 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 August 14, 2007.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-13-07	North Penn Bank Scranton Lackawanna County	Scranton	Approved

North Penn Bank (the Bank), which is currently organized in mutual holding company structure, including a mid-tier bank holding company, North Penn Bancorp, Inc. (the Mid-Tier), under North Penn Mutual Holding Company (the MHC), is proposing to reorganize by converting the MHC and the Mid-Tier to Federal charters and then creating a thrift holding company and three interim banks (the Interims) and thereafter merging the Mid-Tier and the MHC into the Bank and then merging the Interims into the Bank. The resulting structure will be a stock Federal Thrift Holding Company, New North Penn Bancorp, Inc., which will own all of the shares of the Bank.

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-6-07	Marquette Savings Bank Erie Erie County	1073 Park Avenue Meadville Crawford County	Opened

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-1554. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2007

The Department of Banking (Department), under the authority contained in Section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of September 2007 is 7 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which

such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.10 to which was added 2.50 percentage points for a total of 7.60 that by law is rounded off to the nearest quarter at 7 1/2%.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-1555. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085782 Amendment No. 1 (Sew)	Ruscombmanor Township 204 Oak Lane Fleetwood, PA 19522	Berks County Ruscombmanor Township	UNT to Furnace Creek 3-D	Y
PA0021202 (Sew)	East Berlin Borough 128 Water Street East Berlin, PA 17316	Adams County East Berlin Borough	Conewago Creek 7-F	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>
PA0238716	Brett M. and Tricia M. Peterson 11432 Scotland Avenue North East, PA 16428	North East Township Erie County	UNT to Lake Erie 15	Y
PA0038482	Fox Township Sewer Authority 116 Irishtown Road Kersey, PA 15846	Fox Township Elk County	UNT to Daguscahonda Run 17-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.*

**PA0052159**, Industrial Waste, SIC 4941, **AQUA Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Middletown Township, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated process wastewater from a water filtration plant. This is an existing discharge to Ridley Creek.

The receiving stream, Ridley Creek, is in the State Water Plan Watershed 3G (Darby—Crum Creeks) and is classified for: TSF.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 mgd.

Parameters	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Suspended Solids			30	60	75
Total Residual Chlorine			0.5		1.2
Dissolved Oxygen	Minimum of 5.0 mg/l at all times				
pH	Within limits of 6.0 to 9.0 Standard Units at all times				
Aluminum, total			4.0	8.0	10.0
Iron, total			2.0	4.0	5.0
Manganese, total			1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on an emergency discharge are as follows:

Parameters	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Suspended Solids			30	60	75
Total Residual Chlorine			0.5		1.2
Dissolved Oxygen	Minimum of 5.0 mg/l at all times				
pH	Within limits of 6.0 to 9.0 Standard Units at all times				

	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	
Aluminum, total			4.0	8.0	10.0
Iron, total			2.0	4.0	5.0
Manganese, total			1.0	2.0	2.5

The proposed effluent limits for Outfall 004 are based on an intermittent discharge are as follows:

	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	
Parameters	Monthly	Daily	Monthly	Daily	(mg/l)
Total Residual Chlorine			0.5		1.2
pH	Within limits of 6.0 to 9.0 Standard Units at all times				

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

1. Remedial Measures if Unsatisfactory Effluent.
2. BAT/BCT standards.
3. Change of Ownership.
4. Chlorine Minimization.
5. Proper Sludge Disposal.
6. Additional Sampling.
7. Laboratory Certification.

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

**PA0064009**, Industrial, **ESSROC Cement Corporation, Plant No. 2**, Route 248 and Easton Road, Nazareth, PA 18064. This proposed facility is located in Nazareth Borough, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, UNT to East Branch of Monocacy Creek, is in the State Water Plan Watershed No. 2C and is classified for: HQ-CWF. The nearest downstream public water supply intake for City of Easton is located on Delaware River over 10 miles below the point of discharge.

The proposed effluent limits are as follows:

*Outfall 002, Stormwater*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Total Suspended Solids		50.0
pH	6.0 to 9.0 Standard Units at all times	

**PA0064017**, Industrial, **ESSROC Cement Corporation, Plant No. 3**, Route 248 and Easton Road, Nazareth, PA 18064. This proposed facility is located in Nazareth Borough, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit

The receiving stream, Schoeneck Creek, is in the State Water Plan Watershed No. 2C and is classified for: WWF. The nearest downstream public water supply intake for City of Easton is located on Delaware River over 10 miles below the point of discharge.

The proposed effluent limits are as follows:

*Internal Monitoring Point—102*

The proposed effluent limits based on a design flow of 0.0036 mgd.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Oil and Grease	15.0 mg/l	30.0 mg/l
pH	6.0 to 9.0 Standard Units at all times	

*Outfall 002, Stormwater*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Total Suspended Solids		50.0
pH	6.0 to 9.0 Standard Units at all times	

**PA0021580**, Sewage, **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032-2598. This proposed facility is located in Catasauqua Borough, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES Permit

The receiving stream, Lehigh River, is in the State Water Plan Watershed No. 2C and is classified for: TSF. The nearest downstream public water supply intake for City of Allentown is located on Lehigh River over 8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.25 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
NH <sub>3</sub> -N			
(5-1 to 10-31)	8.0		16.0
(11-1 to 4-30)	20.0		40.0
Dissolved Oxygen	A minimum of 5.0 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	0.50		1.20

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

1. Industrial pretreatment and whole effluent toxicity testing.

**PA0063991**, Industrial, **Essroc Cement Corporation**, Plant No. 1, Route 248 and Easton Road, Nazareth, PA 18064. This proposed facility is located in Upper Nazareth Township, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, UNT to Shoeneck Creek, is in the State Water Plan Watershed No. 2C and is classified for: WWF. The nearest downstream public water supply intake for City of Easton is located on the Delaware River over 10 miles below the point of discharge.

The proposed effluent limits are as follows:

*Internal Monitoring Point—102*

The proposed effluent limits based on a design flow of 0.169 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Daily Maximum (mg/l)</i>	<i>Maximum (mg/l)</i>
Total Suspended Solids	18 lbs./day	36 lbs./day	
Oil and Grease	15.0	30.0	
pH	6.0 to 9.0 Standard Units at all times		

*Internal Monitoring Point—202*

The proposed effluent limits based on a design flow of 0.088 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Daily Maximum (mg/l)</i>	<i>Maximum (mg/l)</i>
Total Suspended Solids	15 lbs./day	30 lbs./day	
Oil and Grease	15.0	30.0	
pH	6.0 to 9.0 Standard Units at all times		

*Internal Monitoring Point—302*

The proposed effluent limits based on a design flow of 0.0072 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Daily Maximum (mg/l)</i>	<i>Maximum (mg/l)</i>
Oil and Grease	15.0	30.0	
pH	6.0 to 9.0 Standard Units at all times		

*Outfall 002*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Daily Maximum (mg/l)</i>	<i>Maximum (mg/l)</i>
Total Suspended Solids		50.0	
Oil and Grease	15.0	30.0	
pH	6.0 to 9.0 Standard Units at all times		
Temperature			110° F

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

**Application No. PA 0248266**, CAFO, **Arnold Horst Farm**, 4475 Coseytown Road, Greencastle, PA 17225.

Steven Hykes (1239 Hykes Road, Greencastle, PA 17225) has submitted an NPDES permit application for Arnold Horst Farm, an existing swine and steer operation located in Antrim Township, **Franklin County**. The CAFO is situated near Conococheague Creek (Watershed 13-C), which is classified as a WWF. The CAFO has a target animal population of approximately 663 animal equivalent units consisting of 3,000 finishing swine and 380 steer heifers.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA 0025381**, Sewage, **Saxton Borough Municipal Authority**, P. O. Box 173, Saxton, PA 16678. This facility is located in Liberty Township, **Bedford County**.

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

The receiving stream, Raystown Branch Juniata River, is in Watershed 11-D, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for 7 Points Marina is located on the Raystown Branch Juniata River (Raystown Lake), approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.4 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine (Interim)	1		2
Total Residual Chlorine (Final)	0.5		1.64
Total Phosphorus	2		4
Color (PCU)		Maximum 1,000 at all times	
Oil and Grease		Monitor	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

	<i>Mass (lbs)</i>		<i>Concentration (lbs)</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly Average</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report		Report
Nitrate-Nitrite as N	Report		Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	Report	7,603*	
Net Total Phosphorus	Report	974*	

*Chesapeake Bay Requirements*

The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in supplemental DMRs submitted to the Department.

\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on November 1, 2009. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report Annual Nutrient Summary by December 28, 2010. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until November 1, 2009.

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

The EPA waiver is in effect.

**Application No. PA 0032883**, Sewage, **Duncansville Municipal Authority**, P. O. Box 502, Duncansville, PA 16635. This facility is located in Allegheny Township, **Blair County**.

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

The receiving stream, Blair Gap Run, is in Watershed 11-A, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 128 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.75 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.24		0.78
Total Copper	0.026		0.065
Total Zinc	0.114		0.285
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

*Chesapeake Bay Requirements*

	<i>Mass (lbs.)</i>		<i>Concentration (mg/l)</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly Average</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	XXX	Report
Nitrate-Nitrite as N	Report	XXX	Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	Report	22,228*	XXX
Net Total Phosphorus	Report	2,963*	XXX

\* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.



\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

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

The EPA waiver is not in effect.

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

**PA0021687**, Sewage, SIC 4952, **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901. This existing facility is located in Wellsboro Borough, **Tioga County**.

Description of Proposed Activity: The applicant seeks to renew the major NPDES permit for the Authority wastewater treatment plant.

The receiving stream, March Creek, is in the State Water Plan Watershed 9A and is classified for: WWF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company (at Milton, PA) is located on the West Branch Susquehanna River and is 114 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	20	30		40
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.17		0.29	0.56
Total Copper	0.011*		0.017*	
Ammonia-N				
(6-1 to 10-31)	1.5		3.0	
(11-1 to 5-31)	4.5		9.0	
Dissolved Oxygen		5.0 mg/l as a Minimum		
Fecal Coliforms		200 col/100 ml as a Geometric Mean		
(5-1 to 9-30)		2,000 col/100 ml as a Geometric Mean		
(10-1 to 4-30)		Within the range of 6.0 to 9.0		
pH				

\* Limit takes effect 3 years following the permit effective date.

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	36,529*
Net Total Phosphorus		Report	4,871*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

*Outfall 002, 003—Combined Sewer Overflow—Best Management Practices*

*Outfall 004, 005—Stormwater—Best Management Practices*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Development, Operation and Implementation of a Pretreatment Program.
2. Management and Control of Combined Sewer Overflows.
3. Requirements Applicable to Stormwater Outfalls.
4. Copper Limit.

**PA0027057**, Sewage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This existing facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: The applicant seeks to renew the major NPDES permit for the Authority's Central Plant.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 10A and is classified for: WWF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company is located on the West Branch Susquehanna River and is 29 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.40 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.52		0.90	1.71
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a Geometric Mean 2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	153,423*
Net Total Phosphorus		Report	20,456*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

*Outfall 002—004—Combined Sewer Overflow—Best Management Practices*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Management and Control of Combined Sewer Overflows.
3. CSO—Related Bypass.

**PA0027049**, Sewage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This existing facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: The applicant seeks to renew the major NPDES permit for the Authority's West Plant.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 10A and is classified for: WWF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company is located on the West Branch Susquehanna River and is 32 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.92 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	40	60		80
Total Suspended Solids	44	66		88
Total Chlorine Residual	1.35		2.33	4.41
Chlorodibromomethane	0.21		0.33	
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a Geometric Mean		
pH		2,000 col/100 ml as a Geometric Mean Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	
Nitrate-Nitrate as N	Report	Report	Report	
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen			Report	77,547*
Net Total Phosphorus			Report	9,546*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

*Outfall 002—Combined Sewer Overflow—Best Management Practices*

*Outfall 003—Stormwater—Best Management Practices*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Management and Control of Combined Sewer Overflows.
3. Requirements Applicable to Stormwater Outfalls.

**PA0026239**, Sewage, SIC 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801. This existing facility is located in Benner and College Townships, **Centre County**.

Description of Proposed Activity: The applicant seeks to renew the major NPDES permit for the wastewater treatment facility including tertiary treatment, consisting of primary clarification, aeration, secondary settling with phosphorus removal, filtration, BNR and UV disinfection, along with a beneficial reuse system.

The receiving stream, Spring Creek, is in the State Water Plan Watershed 9C and is classified for: HQ-CWF. The nearest downstream public water supply intake for Pennsylvania-American Water Company is located at Milton, PA on the West Branch Susquehanna River, approximately 87.0 river miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 9.0 mgd and a discharge flow of 6.0 mgd, are as follows:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Maximum</i>
Flow	Not greater than 6.0 mgd as an Annual Average			
CBOD <sub>5</sub>	10.0	15.0		20.0
Total Suspended Solids	10.0	15.0		20.0
Total Dissolved Phosphorus	0.13			0.26

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Maximum</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	
Dissolved Oxygen			Minimum of 5.0 mg/l at all times	
Total Chlorine Residual			Provide Effective Dechlorination	
Fecal Coliforms (5-1 to 9-30)			200 col/100 ml as a Geometric Mean	
(10-1 to 4-30)			2,000 col/100 ml as a Geometric Mean	
pH			Within the range of 6.0 to 9.0	
NH <sub>3</sub> -N (1-1 to 1-31)	4.5	6.7		9.0
(2-1 to 2-29)	5.0	7.5		10.0
(3-1 to 3-31)	5.5	8.2		11.0
(4-1 to 4-30)	4.0	6.0		8.0
(5-1 to 5-31)	3.0	4.5		6.0
(6-1 to 6-30)	2.5	3.7		5.0
(7-1 to 11-30)	1.0	1.5		2.0
(12-1 to 12-31)	4.0	6.0		8.0
Thallium	Report			
Total Copper	Report			
Free Cyanide	Report			
Total Cyanide	Report			
Total Mercury	Report			
Total Selenium	Report			
Effluent Temperature	Report			
Total Dissolved Solids	Report			

## Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report		Report**
Kjeldahl-N	Report	Report		
Nitrate-Nitrate as N	Report	Report		
Total Nitrogen	Report	Report		Report
Total Phosphorus	Report	Report		Report
Net Total Nitrogen		Report		164,381*
Net Total Phosphorus		Report		21,918*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

*Outfall SW-01—SW-05—Stormwater—Best Management Practices*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Chesapeake Bay Nutrient Requirements.
2. Operation and Implementation of a Pretreatment Program.
3. Minimum Discharge Requirements.
4. Thermal Discharge Requirements.
5. Total Dissolved Solids Requirements.
6. Requirements Applicable to Stormwater Outfalls.

**PA0026557**, Sewerage, SIC 4952, **Sunbury Municipal Authority**, 462 South Fourth Street, Sunbury, PA 17801. This existing facility is located in City of Sunbury, **Northumberland County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 6B and classified for: WWF. The nearest downstream public water supply intake for Pennsylvania Water Company is located on the Susquehanna River is 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Total Residual Chlorine	0.5			1.6
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a Geometric Mean		
(1-10 to 4-30)		2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	Report
Nitrate-Nitrate as N	Report	Report	Report	Report
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen		Report	Report	76,711*
Net Total Phosphorus		Report	Report	10,228*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

*Outfall 002—007—Combined Sewer Overflows—85% Capture and Treatment*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Management and Control of Combined Sewer Overflows.
3. Requirements Applicable to Stormwater Outfalls.

**PA0027324**, Sewerage, SIC 4952, **Shamokin Coal Township Joint Authority**, R. D. 2, Box 35, Shamokin, PA 17872-9603. This existing facility is located in Coal Township, **Northumberland County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Shamokin Creek, Coal Run, Carbon Run, Furnance Run, Quaker Run, is in the State Water Plan Watershed 6B and classified for: CWF. The nearest downstream public water supply intake for Pennsylvania Water Company is located on the Susquehanna River is 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 7 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Total Residual Chlorine	0.5			1.6
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a Geometric Mean		
(1-10 to 4-30)		2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	Report
Nitrate-Nitrate as N	Report	Report	Report	Report
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen			Report	127,852*
Net Total Phosphorus			Report	17,047*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

Combined Sewer Overflow Outfalls: 002, 003, 003A, 004, 004A, 005, 005A, 006, 006A, 007—055, 055A, 056—073 and 077.

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Management and Control of Combined Sewer Overflows.
3. Requirements Applicable to Stormwater Outfalls.

**PA0025933**, Sewerage, 4952, **City of Lock Haven**, 20 East Church Street, Lock Haven, PA 17745. The existing facility is located in the City of Lock Haven, **Clinton County**.

Description of Proposed Activity: The applicant wishes to renew their NPDES permit for the Lock Haven Sewage Treatment Plant.

The receiving stream, Bald Eagle Creek, is in the State Water Plan Watershed 9C and is classified for: CWF. The nearest downstream public water supply intake is approximately 1.6 miles.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.75 mgd and are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	Flow	Monitor and Report	
Fecal Coliforms (5-1 to 9-30)		200/100 ml	
(10-1 to 4-30)		2,000/100 ml	
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
Ammonia (NH <sub>3</sub> -N)	20	30	40
pH	Within the Range of 6.0 to 9.0		

## Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	90,192*
Net Total Phosphorus		Report	9,132*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

In addition to the effluent limits the permit contains a major permit conditions regarding the operation and implementation of a Pretreatment Program.

**PA0020699**, Sewerage, 4952, **Montgomery Water and Sewer Authority**, 35 South Main Street, Montgomery, PA 17752-0125. The existing facility is located in the Montgomery Borough, **Lycoming County**.

Description of Proposed Activity: The applicant wishes to renew their NPDES permit for the Montgomery Borough Wastewater Treatment Plant.

The receiving stream, West Branch of Susquehanna River, is in the State Water Plan Watershed 10C and is classified for: WWF. The nearest downstream public water supply intake is approximately 10 miles downstream.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.85 mgd and are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
Fecal Coliforms (5-1 to 9-30)		200/100 ml	
(10-1 to 4-30)		2,000/100 ml	
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
pH	Within the Range of 6.0 to 9.0		

## Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	15,525*
Net Total Phosphorus		Report	2,070*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

In addition to the effluent limits the permit contains a major permit condition regarding the operation and implementation of a Pretreatment Program.

**PA004466**, Sewerage, 4952, **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837-0305. The existing facility is located in the East Buffalo Township, **Union County**.

Description of Proposed Activity: The applicant wishes to renew their NPDES permit for the College Park Sewage Treatment Plant in Lewisburg, PA.

The receiving stream for Outfall 001, the West Branch of the Susquehanna River, is in the State Water Plan Watershed 10C and is classified for: WWF. The nearest public water supply surface water intake, owned by Sunbury Municipal Authority, is located on the Susquehanna River approximately 7.75 miles below the point of discharge.

The existing effluent limits for Outfall 001 will remain the same and were based on a design flow of 2.42 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
Fecal Coliforms (5-1 to 9-30)		200/100 ml	
(1-10 to 4-30)		2,000/100 ml	
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
pH		Within the Range of 6.0 to 9.0	

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	44,200*
Net Total Phosphorus		Report	5,893*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

In addition to the effluent limits the permit contains a major permit condition applicable to Stormwater Outfalls.

**PA0023531**, Sewerage, SIC 4952, **Borough of Danville**, 239 Mill Street, Danville, PA 17821. This existing facility is located in the Borough of Danville, **Montour County**.

Description of Proposed Activity: The applicant seeks to renew the major NPDES permit for the wastewater treatment facility consisting of primary settling, contact stabilization, final settling and chlorine disinfection.

The receiving stream, Spring Creek, is in the State Water Plan Watershed 9C and is classified for: HQ-CWF. The nearest downstream public water supply intake for Pennsylvania-American Water Company is located at Milton, PA on the West Branch Susquehanna River, approximately 87.0 river miles below the point of discharge.



The proposed effluent limits for Outfall 001, based on a design flow of 9.0 mgd and a discharge flow of 6.0 mgd, are as follows:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.5			1.6
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a Geometric Mean		
(10-1 to 4-30)		2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

#### Chesapeake Bay Tributary Strategy Nutrient Requirements

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	
Nitrate-Nitrate as N	Report	Report	Report	
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen		Report	Report	66,118*
Net Total Phosphorus		Report	Report	8,816*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

#### Outfall S01—Stormwater—Best Management Practices

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Chesapeake Bay Nutrient Requirements.
2. Requirements Applicable to Stormwater Outfalls.

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

**PA0110582**, Sewage, SIC 4952, **Eastern Snyder County Regional Authority**, P. O. Box 330, Selinsgrove, PA 17870. This existing facility is located in Penn Township, **Snyder County**.

Description of Proposed Activity: The applicant seeks to renew the major NPDES permit for the wastewater treatment facility consisting of preliminary screening, grinding (comminutors), primary clarification, a vertical loop reactor, secondary clarification, flow-paced disinfection and post aeration.

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 6B and is classified for: WWF. The nearest downstream public water supply intake for United Water Pennsylvania at Dauphin, PA, located 39 river miles downstream from the discharge.

The proposed effluent limits for Outfall 001, based on a discharge flow of 2.0 mgd:

<i>Parameter</i>	<i>Concentration (mg/l)</i>				<i>Mass (lbs)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>	
CBOD <sub>5</sub>	25	40		50			
Total Suspended Solids	30	45		60			
Total Chlorine Residual	0.5			1.6			
Fecal Coliforms 5-1 to 9-30 (10-1 to 4-30)		200 col/100 ml (2,000 col/100ml) as a Geometric Mean					
pH		Within the range of 6.0 to 9.0					

Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/L)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	36,529*
Net Total Phosphorus		Report	4,871*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

Outfall SW-03—Stormwater—Best Management Practices

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Chesapeake Bay Nutrient Requirements.
2. Requirements Applicable to Stormwater Outfalls.

**PA0026310**, Sewerage, SIC 4952, **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830. This existing facility is located in Clearfield Borough, **Clearfield County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 8B and classified for: WWF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the West Branch Susquehanna River is 160 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.5 mgd.

Parameter	Concentration (mg/l)			Instantaneous Maximum
	Monthly Average	Weekly Average	Daily Maximum	
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Total Residual Chlorine	0.5			1.6
Fecal Coliforms		200 col/100 ml as a Geometric Mean		
(5-1 to 9-30)		2,000 col/100 ml as a Geometric Mean		
(10-1 to 4-30)		Within the range of 6.0 to 9.0		
pH				

Chesapeake Bay Tributary Strategy Nutrient Requirements:

Parameter	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	82,191*
Net Total Phosphorus		Report	10,959*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001,

December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

Combined Sewer Overflow Outfalls: 002, 008, 014, 018, 036 and 038—040

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

1. Chesapeake Bay Nutrient Requirements.
2. Management and Control of Combined Sewer Overflows.

The EPA waiver is not in effect.

**PA0027171**, Sewerage, SIC 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. This existing facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Activity: This proposed action is for revoke and reissue of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 5D and classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River is 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.29 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Methanol				Report
Total Residual Chlorine	0.78			4.0
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a Geometric Mean 2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	78,855*
Net Total Phosphorus		Report	10,447*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

*Outfalls 002 and 003—Stormwater—Best Management Practices*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Permit Condition for Operation and Implementation of a Pretreatment Program.
2. Requirements Applicable To Stormwater Outfalls.

**PA0023248**, Sewerage, SIC 4952, **Berwick Area Joint Sewer Authority**, 1108 Freas Avenue, Berwick PA 18603. This existing facility is located in Berwick Borough, **Columbia County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 5D and classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River is 21 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Total Residual Chlorine	0.5			1.6
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a Geometric Mean		
(10-1 to 4-30)		2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	
Nitrate-Nitrate as N	Report	Report	Report	
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen		Report	Report	92,198*
Net Total Phosphorus		Report	Report	8,913*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

*Outfalls 002—005—Combined Sewer Overflows—85% Capture and Treatment*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

- Part C VII Management and Control of Combined Sewer Overflow.
- Part C VIII Permit Condition for Operation, and Implementation of a Pretreatment Program.
- Part C IX Requirements Applicable To Stormwater Outfalls.

**PA0020486**, Sewerage, SIC 4952, **Borough of Bellefonte**, 236 West Lamb Street, Bellefonte, PA 16823. This existing facility is located in Spring Township, **Centre County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, Spring Creek, is in the State Water Plan Watershed 9C and classified for: HQ-CWF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the West Branch Susquehanna River is 86 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 3.22 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Ammonia-N				
(5-1 to 10-31)	3	4.5		6
(11-1 to 4-30)	9	13.5		18
Total Dissolved Phosphorus-P	1	1.5		2.0
Methanol				Report
Total Residual Chlorine	0.62			2
Fecal Coliforms				
(5-1 to 9-30)		200 col/100 ml as a Geometric Mean		
(10-1 to 4-30)		2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	58,812*
Net Total Phosphorus		Report	7,842*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

#### *Outfall 002—Stormwater—Best Management Practices*

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Requirements Applicable to Stormwater Outfalls.

**PA0010561**, Industrial Wastewater, SIC 0921, **Fish and Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. This facility is the Pleasant Gap State Fish Hatchery located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: This is an amendment to an NPDES permit (PA0010561) for two discharge points (Outfall 001 and Outfall 002) of treated industrial wastewater generated at the Pleasant Gap State Fish Hatchery to Logan Branch, a HQ-CWF. The amendment allows for affirmative defense language regarding the annual total suspended solids mass loading limitation of 18,950 pounds per year as established in Part C.VI. of the existing permit.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (570) 327-3693.

The EPA waiver is in effect.

**PA0010553**, Industrial Wastewater, SIC 0921, **Fish and Boat Commission**, Benner Springs State Fish Hatchery, 1735 Shiloh Road, State College, PA 16801-8495. This facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: This is an amendment to an NPDES permit (PA0010553) for two discharges (Outfall 001 and Outfall 002) of treated industrial wastewater generated at the Benner Springs State Fish Hatchery to Spring Creek, a HQ-CWF. The amendment allows for affirmative defense language regarding the annual total suspended solids mass loading limitation of 36,110 pounds per year as established in Part C.VI. of the existing permit.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (570) 327-3693.

The EPA waiver is in effect.

**PA0229181**, Industrial Waste, SIC 4952 (Sewerage), **Penns Tavern**, State Route 147, Sunbury PA, 17801. This proposed facility is located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Activity: The applicant has applied for an NPDES permit to authorize the discharge from the proposed small flow treatment facility to serve Penns Tavern.

The receiving stream, the Susquehanna River, is in the State Water Plan Watershed 6B and is classified for: WWF. The nearest downstream public water supply intake for United Water Pennsylvania is located on Susquehanna River and is approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>			10		20
TSS			10		20
Cl <sub>2</sub> Residual			Monitor and Report		
Fecal Coliforms (5-1 to 9-30)	200 colonies/100 ml as a Geometric Mean and not greater than				
(10-1 to 4-30)	1,000 colonies/100 ml in more than 10% of the samples tested				
	2,000 colonies/100 ml as a Geometric Mean				
pH	Within the range of 6.0 to 9.0				
Flow	Monitor and Report				

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

**PA0216178**, Sewage, **Cecil Township Municipal Authority**, 3599 Millers Run Road, Cecil, PA 15321. This application is for renewal of an NPDES permit to discharge treated sewage from Cherrybrook Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a UNT to Chartiers 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 West View Municipal Authority.

Outfall 001: existing discharge, design flow of 0.09005 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)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
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	.14			.33
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 1507410**, Sewerage, **Warwick Township**, 2500 Ridge Road, Elverson, PA 19520. This proposed facility is located in Warwick Township, **Chester County**.

Description of Action/Activity: Construction and operation of a 63,050 gpd treatment lagoon plant and 12.67 acres of sprayfield.

**WQM Permit No. 1507411**, Sewerage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage collection system to serve an existing residence with failing septic systems.

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

**WQM Permit No. 2107406**, Sewerage, **Middlesex Township Municipal Authority**, 350 North Middlesex Road, Suite 2, Carlisle, PA 17013. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a new pump station with a suction lift station design.

**WQM Permit No. 0107402**, Sewerage, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511. This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a wastewater treatment facility serving the New Oxford Borough and portions of **Oxford Township**.

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

**WQM Permit No. 6085403-A1**, Sewerage 4952, **Kelly Township Municipal Authority**, 405 Winter Farm Road, Lewisburg, PA 17837. This proposed facility is located in Kelly Township, **Union County**.

Description of Proposed Action/Activity: The applicant proposes upgrading the existing wastewater treatment plant by replacing the current aeration system on the aerobic digester with a diffused aeration system. The upgrade will include removal of current air supply configuration and replacement with fine bubble membrane diffusers, positive displacement blowers and piping.

**WQM Permit No. 4907401**, Sewerage, SIC 4952, **Penns Tavern**, SR 147, Sunbury, PA 17801. This proposed facility will be located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: Applicant seeks a permit authorizing the design, construction and operation of a small flow treatment facility, consisting of a two septic tanks, an effluent filter, an equalization tank, three peat biofilters, an erosion chlorinator and a chlorine contact tank. Discharge will be the Susquehanna River, a WWF.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907005	HMH Limited Partnership 374 Easton Road Warrington, PA 18976	Bucks	Springfield Township	Cooks Creek EV
PAI010907012	Karen Walsh 2205 Finland Road Green Lane, PA 18054	Bucks	West Rockhill Township	Ridge Valley Creek HQ
PAI010907013	Jacob M. Blough 1715 Canary Road Quakertown, PA 18951	Bucks	Milford Township	UNT Unami Creek HQ-TSF
PAI011507035	Kurt Wolter P. O. Box 611 Devon, PA 19333	Chester	Tredyffrin	Tributary Valley Creek EV

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507006	Monroe—Pike Land, LLC R. R. 2 Box 2091C East Stroudsburg, PA 18301	Monroe	Middle Smithfield Township	Bush Kill HQ-TSF
PAI024507007	SADG-2, Inc. 100 Colliery Lane Dickson City, PA 18519	Monroe	Mount Pocono Borough	Yankee Run HQ-CWF

*Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907020	Rudy Amelio Devonshire Properties, LLC 1348 Hamilton Street Allentown, PA 18102	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021307003	Vacation Charters, LTD Mountain Laurel Timeshare Development Attn: W. Jack Kalins 1 Lake Drive Lake Harmony, PA 18624	Carbon	Kidder Township	Black Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030607004	Curtis Morton 133 Benfield Road Macungie, PA 18062	Berks	Longswamp Township	Little Lehigh HQ-CWF
PAI030607003	David Werley 600 Locust Street Mertztown, PA 19539	Berks	Longswamp Township	UNT to Toad Creek HQ-CWF
PAI032204001	King Drive Corporation 550 Lakewood Drive Harrisburg, PA 17112	Dauphin	Middle Paxton Township	UNT to Fishing Creek WWF
PAI033106004	Rex Smith 6495 Kennedy Lane Huntingdon, PA 16652	Huntingdon	Oneida Township	Standing Stone Creek HQ-CWF

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

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

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

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

#### **SAFE DRINKING WATER**

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

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

<b>Permit No. 0907516</b> , Public Water Supply.	
Applicant	<b>Plumstead Township</b>
Township	Plumstead Township
County	<b>Bucks</b>



Responsible Official Alan Bleam  
5119 Stump Road  
Pipersville, PA 18949

Type of Facility PWS

Consulting Engineer Ebert Engineering, Inc.  
4092 Skippack Pike  
P. O. Box 540  
Skippack, PA 19474

Application Received Date August 10, 2007

Description of Action Addition of an arsenic removal system from chlorine gas to liquid sodium hypochlorite and installation of a booster pump for system pressure.

**Permit No. 0907515**, Public Water Supply.

Applicant **Bucks County Water and Sewer Authority**

Township Lower Southampton

County **Bucks**

Responsible Official Benjamin W. Jones  
1275 Almshouse Road  
Warrington, PA 18976

Type of Facility PWS

Consulting Engineer Tri-State Engineering Land Surveyors  
801 West Street Road  
Feasterville, PA 19053

Application Received Date July 30, 2007

Description of Action A second 2.0 million gallon standpipe steel water storage tank will be constructed adjacent to an existing 2.0 million gallon of similar dimension.

**Permit No. 4607504**, Public Water Supply.

Applicant **Schwenksville Borough Authority**

Township Schwenksville

County **Montgomery**

Responsible Official Edward R. Beitler  
P. O. Box 458  
298 Main at Church Street  
Schwenksville, PA 19473

Type of Facility PWS

Consulting Engineer Arro Consulting, Inc.  
649 North Lewis Road  
Suite 100  
Limerick, PA 19468

Application Received Date July 30, 2007

Description of Action The replacement of an existing chlorine gas disinfection system with a new sodium hypochlorite disinfection system.

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

**Permit No. 0607504**, Public Water Supply.

Applicant **Greth Development Group**

Municipality Robeson Township

County **Berks**

Responsible Official Greth Development Group  
President  
P. O. Box 305  
Temple, PA 19560

Type of Facility Public Water Supply

Consulting Engineer Scott M. Rights, P. E.  
Steckbeck Engineering Associates  
279 North Zimms Mill Road  
Lebanon, PA 17042

Application Received: March 12, 2007

Description of Action Construction of a new water system to serve the proposed Stone Ridge Subdivision. The system will consist of two groundwater sources, disinfection, finished water storage and booster pumping facilities.

**Permit No. 3607508**, Public Water Supply.

Applicant **Tyson Foods Inc.**

Municipality New Holland Borough

County **Lancaster**

Responsible Official Tyson Foods, Inc.  
Complex Manager  
403 South Custer Avenue  
P. O. Box 1156  
New Holland, PA 17557

Type of Facility Public Water Supply

Consulting Engineer J. Marlin Hess, P. E.  
Tyson Foods, Inc.  
403 South Custer Avenue  
P. O. Box 1156  
New Holland, PA 17557

Application Received: March 23, 2007

Description of Action Installation of corrosion control treatment using phosphate addition to address lead and copper problems.

**Permit No. 0607516**, Public Water Supply.

Applicant **Shinn Spring Water Company**

Municipality Cumru Township

County **Berks**

Responsible Official Shinn Spring Water Company  
Vice President  
2 East Pointe Drive  
Birdsboro, PA 19508

Type of Facility Public Water Supply

Consulting Engineer Michael Hartman, P. E.  
McCarthy Engineering Associates  
1121 Snyder Road  
West Lawn, PA 19609

Application Received: July 16, 2007

Description of Action Existing bottling company wishes to add Aqua Pa as a source of supply. This permit will also approve the addition of an onsite distillation unit.

**Permit No. 0607517**, Public Water Supply.

Applicant **Shillington Municipal Authority**  
Municipality Cumru Township  
County **Berks**  
Responsible Official Shillington Municipal Authority  
Borough Manager  
2 East Lancaster Avenue  
P. O. Box 247  
Shillington, PA 19607-0247

Type of Facility Public Water Supply  
Consulting Engineer Darryl A. Jenkins, P. E.  
Great Valley Consultants  
75 Commerce Drive  
Wyomissing, PA 19610

Application Received: April 30, 2007

Description of Action Installation of a booster pump station to allow the Governor Pointe development to meet the municipal fire flow rate specifications.

**Permit No. 2107505**, Public Water Supply.

Applicant **South Middleton Township Municipal Authority**  
Municipality South Middleton Township  
County **Cumberland**  
Responsible Official South Middleton Township  
Municipal Authority, Manager  
345 Criswell Drive  
Boiling Springs, PA 17007-0008

Type of Facility Public Water Supply  
Consulting Engineer Harry E. Bingaman, P. E.  
Glace Assoc., Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Application Received: July 30, 2007

Description of Action Booster Pump Station for Well No. 3.

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

**Permit No. 1907501—Construction**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.—Roaring Creek Division**  
Township or Borough Conyngham Township  
County **Columbia**  
Responsible Official Patrick R. Burke  
Regional Manager  
Aqua Pennsylvania, Inc.  
204 East Sunbury Street  
Shamokin, PA 17872

Type of Facility Public Water Supply—Construction

Consulting Engineer William LaDieu  
CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit Application Date August 14, 2007

Description of Action Construction of new well station; installation of new well pumps and pitless adaptors.

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

**Permit No. 5607501**, Public Water Supply.

Applicant **Borough of Somerset**  
340 West Union Street  
Somerset, PA 15501

Township or Borough Jefferson Township

Responsible Official Benedict Vinzani  
Borough Manager  
Borough of Somerset  
340 West Union Street  
Somerset, PA 15501

Type of Facility Water treatment plant

Consulting Engineer The EADS Group, Inc.  
1126 Eighth Avenue  
Altoona, PA 16602

Application Received Date July 25, 2007

Description of Action Addition of polymer and sodium bicarbonate at the Laurel Hill water treatment plant.

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

**Application No. 1007503**, Public Water Supply.

Applicant **Concordia Lutheran Ministries**

Township or Borough Jefferson Township  
**Butler County**

Responsible Official Keith E. Frndak, Administrator

Consulting Engineer Kurt H. Todd, P. E.  
The Gateway Engineers Inc.  
201 South Main Street  
Suite 200  
Butler, PA 16001

Application Received Date August 8, 2007

Description of Action Installation of new well to provide additional capacity and supplement the existing wells.

#### MINOR AMENDMENT

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

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

**Application No. 2607502MA**, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**  
6064 Route 30  
P. O. Box 730  
Greensburg, PA 15601

Township or Borough North Versailles Township

Responsible Official Christopher Kerr  
Resident Manager  
Municipal Authority of Westmoreland County  
6064 Route 30  
P. O. Box 730  
Greensburg, PA 15601

Type of Facility Indian Creek water treatment plant

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date August 6, 2007

Description of Action Cleaning and painting of the Naser No. 1 water storage tank.

**Application No. 6507508MA**, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**  
6064 Route 30  
P. O. Box 730  
Greensburg, PA 15601

Township or Borough Penn Township

Responsible Official Christopher Kerr  
Resident Manager  
Municipal Authority of Westmoreland County  
6064 Route 30  
P. O. Box 730  
Greensburg, PA 15601

Type of Facility Beaver Run water treatment plant

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date August 6, 2007

Description of Action Cleaning and painting of the Sunrise water storage tank.

**Application No. 6507509MA**, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**  
6064 Route 30  
P. O. Box 730  
Greensburg, PA 15601

Township or Borough Salem Township

Responsible Official Christopher Kerr  
Resident Manager  
Municipal Authority of Westmoreland County  
6064 Route 30  
P. O. Box 730  
Greensburg, PA 15601

Type of Facility Beaver Run water treatment plant

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date August 9, 2007

Description of Action Relocate the Cloverleaf pressure regulator vault from its existing location near the Cloverleaf Mobile Home Park to 265 Cloverleaf Drive in Salem Township, Westmoreland County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

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

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

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

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

**Former Kreller Rental Property**, South Whitehall Township, **Lehigh County**. Jon P. Kleinle, Barry Isett & Associates, Inc., P. O. Box 147, 85 South Route 100 and Kressler Lane, Trexlertown, PA 18087-0147 has submitted a Notice of Intent to Remediate (on behalf of his client, Robin Osiecki, 1048 Hausman Road, Allentown, PA 18102), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an underground storage tank's poor physical condition including approximately six small pinholes. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. The proposed future use of the property will be residential. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on July 23, 2007. A Final Report was simultaneously submitted.

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

**Central Pennsylvania Transportation, Inc.**, City of Lancaster, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Central Pennsylvania Transportation, Inc., 425 Steel Way, Lancaster, PA 17601 and WeeBee Audio, 1305A Manheim Pike, Lancaster, PA 17601-3123, submitted a Notice of Intent to Remediate soils contaminated with diesel fuel and used motor oil from a truck fire. The property is and will remain a commercial/industrial facility. The applicant is seeking to remediate to the Residential Statewide Health Standard.

**Manheim-Lower Mill Facility**, Manheim Borough, **Lancaster County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, 19406, on behalf of Manheim Economic Development Corporation, 15 East High Street, Manheim, PA 17545, submitted a revised Notice of Intent to Remediate site soils contaminated with lead, arsenic, petroleum hydrocarbons and phenols. The property is a former brake parts manufacturing facility and future use is as a nonresidential business park. The applicant is seeking to remediate to both the Site-Specific and Residential Statewide Health Standards.

**Franklin & Marshall College**, City of Lancaster, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Franklin & Marshall College, 415 Harrisburg Pike, P. O. Box 3003, Lancaster, PA 17604-3003, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from a removed underground storage tank. The property is and will remain residential. The applicant is seeking to remediate to the Residential Statewide Health Standard.

**WLYH Tower**, West Cornwall Township, **Lebanon County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Clear Channel Broadcasting, 3300 North Sixth Street, Harrisburg, PA 17110-1407, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an unregulated aboveground storage tank. The property is and will remain a television broadcasting facility. The applicant is seeking to remediate to the Statewide Health Standard.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Renewal Applications Received*

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Received on June 29, 2007.

**York Hospital**, 1001 South George Street, York, PA 17405. License No. PA-HC 0017. Received on July 16, 2007.

**Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-HC 0199. Received on July 11, 2007.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGM017D005. Briar Patch Organic Farms**, 691 Cannon Road, Mifflinburg, PA 17844.

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for a determination of applicability (DOA) under the Municipal Waste General Permit (No. WMGM017) for the beneficial use of manure, yard waste and food waste, and the like for use as a soil additive generated at its facility located in Buffalo Township, Union County. The Department determined the DOA application to be administratively complete on August 15, 2007.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service (800) 654-5984.

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

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

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

**Permit Application No. 300818. Orion Power Midwest, LP**, Route 168, West Pittsburg, PA 16160, Taylor Township, **Lawrence County**. The application is for a major permit modification vertical expansion at the New Castle Plant Ash Landfill. The application was submitted to the Department on April 30, 2007 and was subject to the Local Municipality Involvement Process. The LMIP took place on July 11, 2007. The application was found to be administratively complete by the Northwest Regional Office on July 26, 2007.

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

**Permit Application No. 301353. Castle Environmental, Inc.**, 101 River Park Drive, New Castle, PA 16101, City of New Castle, **Lawrence County**. The application is for a new residual waste processing facility known as Castle Environmental, Inc. Riverview Park Facility. The application was submitted to the Department of Environmental Protection (Department) on April 23, 2007 and was subject to the Local Municipality Involvement Process (LMIP). The LMIP took place on July 11, 2007. The application was found to be administratively complete by the Northwest Regional Office on July 26, 2007.

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

**Permit Application No. 101397. Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. The application is for a major permit modification expansion of the Veolia ES Greentree Landfill. The application was submitted to the Department of Environmental Protection (Department) on February 20, 2007, and was subject to the Local Municipality Involvement Process (LMIP) and an Alternative Timeline. The LMIP took place on May 14, 2007, and the timeline was finalized on June 19, 2007. The application was found to be administratively complete by the Northwest Regional Office on July 6, 2007.

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

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**PLAN APPROVALS**


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**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.**

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

**05-03019A: Steckman Ridge, LP** (890 Winter Street, Suite 300, Waltham, MA 02451) for construction of two natural gas fired 4,735 hp engine driven natural gas compressors controlled by oxidation catalyst, two dehydration units glycol reboiler controlled by thermal oxidizer and associated equipment in Monroe Township, **Bedford County**.

**38-05028B: Milprint, Inc.** (5 Keystone Drive, Lebanon, PA 17042) for modification of the printing press battery at the flexible packaging printing facility in South Lebanon Township, **Lebanon County**.

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

**04-00235G: First Energy Generation Corp.** (76 South Main Street, Akron, OH 44308-1812) for purposes of determining an appropriate alternative opacity limits for their Bruce Mansfield Units 1—3 in Shippingport, **Beaver County**.

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

**37-290D: Ferrotech Corp.** (526 South Jefferson Street, New Castle, PA 16101) for installation of an additional fabric filter PM control device at their facility site in the City of New Castle, **Lawrence County**. This is not a Title V facility.

**61-211A: Schake Industries, Inc.** (673 Colbert Avenue, Oil City, PA 16301) for construction of a paint spray booth with filters in Oil City, **Venango County**. This is a Title V facility.

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**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.**

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

**54-302-073: WPS Westwood Generation, LLC** (1716 Lawrence Drive, DePere, WI 54115) for modification of a boiler at their facility in Frailey and Porter Townships, **Schuylkill County**. This facility is a Title V facility. The modification is for the installation of "wingwall" additional evaporative surface area to lower the combustor temperature of the boiler. There are no emission increases

related to this project. The boiler is subject to 40 CFR Part 60, Subpart Da, New Source Performance Standards for Stationary Sources—Electric Utility Steam Generating Units, and shall comply with all applicable requirements of this Subpart. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the boiler 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.*

**36-05014I: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17604) for modifications to the existing secondary aluminum processing plant in Manheim Township, **Lancaster County**. The modifications include the installation of an aluminum homogenizing furnace and a modification to the cold rolling mill. The plant is subject to 40 CFR Part 63, Subpart GGGGG—National Emissions Standards for HAPs for Site Remediation; Subpart RRR—National Emissions Standards for HAPs for Secondary Aluminum Plants; Subpart SSSS—National Emission Standards for HAPs—Surface Coating of Metal Coils and 40 CFR Part 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating. VOC emissions from the proposed modifications will be offset by emission reduction credits presently owned by the company. The plan approval will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**38-05011C: Plain 'n Fancy Kitchens, Inc.** (Oak Street and Route 501, Schaefferstown, PA 17088-0519) for construction of a CEFLA spray coating system controlled by water curtain and modifications to existing woodworking coating booths located in Heidelberg Township, **Lebanon County**. The primary emissions from the source is VOC, which may increase the facility's potential emissions by approximately 14 pounds per hour. The plan approval will be incorporated into the facility's Title V operating permit No. 38-05011 by administratively amending the permit. The facility's major sources of emissions include wood furniture coating booths, woodworking area and other sources, which primarily emit VOCs. The Title V operating permit will contain emissions limits, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**65-00980A: Delmont Quality Limestone, LLC** (200 Neville Road, Pittsburgh, PA 15225) for construction and operation of a nonmetallic mineral processing plant in Washington Township, **Westmoreland County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Delmont Quality Limestone, LLC to allow construction and operation of a nonmetallic mineral processing plant in Washington Township, Westmoreland County. The facility will process up to 1.5 million tons of limestone and have the potential to emit 14.9 tons of PM<sub>10</sub>, per year.

Copies of the application, Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address shown.

Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

In order for the Department to assure compliance with all applicable standards, the Department proposes to place the following Special Conditions on the Plan Approval:

1. This Plan Approval is to allow the construction and operation of a Nonmetallic Mineral Processing Plant by Delmont Quality Limestone, LLC to be located in Washington Township, Westmoreland County (25 Pa. Code § 127.12b).

2. The Owner/Operator shall comply with the Fugitive Emission Regulations (25 Pa. Code §§ 123.1 and 123.2).

3. Facility-wide throughput shall not exceed 1,500,000 tons of limestone in any consecutive 12-month period (25 Pa. Code § 127.12b).

4. The Owner/Operator shall install water sprays on each crusher, screen and transfer point and operate the water sprays as necessary to prevent visible fugitive emissions from the source. A winterized surfactant shall be used during cold weather operations if weather conditions do not allow the application of water. Wet processing equipment would satisfy this requirement (25 Pa. Code § 127.12b).

5. The first 500 feet of the access road shall be paved and maintained. All other areas of vehicle traffic must be delineated by paving or crushed stone, as necessary, to prevent fugitive emissions from crossing the property line (25 Pa. Code § 127.12b).

6. A road sweeper shall be available to the site and used, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

7. A pressurized water truck shall be available to the site and shall be used for dust suppression purposes. In-plant roads and areas of vehicle traffic shall be watered, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make in-plant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

8. Road watering shall be performed, as needed, and earth or other material transported from the site shall be removed promptly, as needed, on the paved public road (Marco Road) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

9. All materials shall be stockpiled in such a manner that it may be adequately wetted by the pressurized water truck as necessary to control fugitive emissions. A winterized surfactant shall be used during cold weather operations if weather conditions do not allow the application of water (25 Pa. Code § 127.12b).

10. The Owner/Operator shall maintain a 12-month rolling total of limestone throughput at the Facility (25 Pa. Code § 127.12b).

11. The Owner/Operator shall perform a daily inspection of the Facility for the presence of fugitive emissions. Records of the inspections shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

12. All logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

13. The facility is subject to New Source Performance Standards for Nonmetallic Processing Plants (40 CFR Part 60, Subpart OOO). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both EPA and the Department at the addresses listed unless otherwise noted.

Director  
Air Toxics and Radiation  
US EPA, Region III  
1650 Arch Street  
Philadelphia, PA  
19103-2029

Department of  
Environmental Protection  
Air Quality Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

14. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) Upon receipt of the written Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an application for a State-only Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval require-

ments has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

(g) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department of Environmental Protection at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.  
Regional Air Quality Program Manager  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southwest Region—Field Operation  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Mark R. Gorog, P. E.  
Air Quality Engineer  
(412) 442-4333

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

**43-323A: Chautauqua Fiberglass and Plastics, Inc.** (80 Canal Street, Sharpsville, PA 16150) operation of a post construction custom Fiberglass Reinforced Plastic, FRP, fabrication operation in the Borough of Sharpsville, Mercer County.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the Borough of Sharpsville, Mercer County. This plan approval will authorize the operation of a post construction custom Fiberglass Reinforced Plastic, FRP, fabrication operation. The facility has submitted a State-only

Operating Permit. This plan approval will be incorporated into the State-only Operating Permit at a later date.

Based on the information provided by the applicant and Department's own analysis the styrene emissions from the operation will be limited to 9.9 tpy in any 12-month rolling period. Conditions of the plan approval include the following:

- The facility shall calculate the styrene emissions for the current month and add this to the previous 11 months to assure compliance with the styrene emission limitation of 9.9 tpy in any rolling 12-month period.
- The facility shall keep current Certified Product Data Sheets for each product used in the fabricating process.
- The facility shall keep an onsite log for resin and gelcoat use.
- The applicant shall maintain the sources in accordance with the manufacturer's specifications and consistent with good air pollution control practices.

Persons wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-43-323A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

**33-155C: Trail King Industries, Inc.** (147 Industrial Park Road, Brookville, PA 15825-9798) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a plan approval to install a plasma cutting table and associated downflow air filtration system at the manufacturing facility in Brookville Borough, Jefferson County.

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.



## 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.**

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

**40-00003: The Hershey Co.—Hazleton Plant** (P. O. Box 340, Hazleton, PA 18201) a Title V Operating Permit for a chocolate and confectionery manufacturing facility in Hazle Township, **Luzerne County**. Sources at the facility include two natural gas/biogas fired boilers, two natural gas/No. 6 fuel oil fired boilers, two crumb dryers, Line No. 4 Nicomac pans, six sugar storage and conveying sources, three natural gas fired ovens (Line No. 3), two panning lines (No. 3 and No. 4), Line No. 6 coating pans, Line No. 6 polishing pans and one anaerobic reactor. These sources have the potential to emit major quantities of VOCs emissions above the Title V emission thresholds. The facility is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**40-00010: CertianTeed Corp.** (1220 Oak Hill Road, Mountaintop, PA 18707) for renewal of the Title V Operating Permit in Wright Township, **Luzerne County**. The facility's major source of emissions is NOx and VOC emissions. The facility operates equipment such as glass furnaces, fiberglass form and various other operations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**18-00009: Clinton County Solid Waste Authority** (P. O. Box 209, McElhattan, PA 17748) for renewal of Title V Operating Permit 18-00009 for operation of a municipal waste landfill in Wayne Township, **Clinton County**.

The facility incorporates an active waste disposal area (South Side Disposal Area), an inactive waste disposal area (North Side Disposal Area), a landfill gas flare, a portable woodwaste tubgrinder and associated 1,000 horsepower diesel engine, a dirt screening plant and associated 475 horsepower diesel engine, a portable trommel screen and associated 157 horsepower diesel engine, a portable 16 horsepower gasoline-fired water pump, 19 small natural gas, waste oil and propane-fired space heaters and water heaters (with a combined total heat input of 4.36 mmBtu/hr), three small portable gasoline-fired generators (with a combined total capacity of 11.3 kilowatts) and a solvent parts washer. The landfill gas emissions from the South Side Disposal Area are controlled by a landfill gas extraction, collection and control system which incorporates the landfill gas flare. The fugitive PM emissions from the tubgrinder are controlled by a water spray dust suppression system. The fugitive PM emissions from the use of facility roadways are controlled by a water truck and a truck wash station.

The facility has the potential to emit up to 210.3 tons of PM, 52.4 tons of PM10, 154.0 tons of CO, 47.6 tons of NOx, 20.4 tons of SOx, 14.1 tons of VOC and 10.3 tons of HAPs per year.

The Department of Environmental Protection (Department) proposes to renew Title V Operating Permit 18-00009. The Department intends to incorporate into this renewal all conditions currently contained in Title V Operating Permit 18-00009 with these exceptions, changes and additions:

1. The conditions of Plan Approval 18-00009C, issued on October 13, 2005, to allow the average daily waste volume the landfill is permitted to receive to increase from 725 tons per day to 1,200 tons per day, have been incorporated into the permit.

2. A condition requiring fuel certification reports or analyses on all No. 2 fuel oil received at the facility to confirm its sulfur content has been expanded to include diesel fuel.

3. Conditions requiring a weekly inspection of the facility and the maintenance of records of these inspections have been modified to require records to be maintained of any visible air contaminant emissions, visible fugitive air contaminant emissions and boundary line odors detected during the inspections.

4. A condition requiring the semi-annual reporting of facility-wide VOC and HAP emission data has been expanded to include facility-wide CO, NOx, SOx and PM10 emission data as well.

5. A condition requiring malfunctions to be reported to the Department has been modified to exclude the reporting of malfunctions which do not result in, or potentially result in, air contaminant emissions in excess of an applicable air contaminant emission limitation and/or do not result in, or potentially result in, noncompliance with any operating permit condition.

6. Three small gasoline-fired portable generators have been added to the permit along with conditions specifying the applicable 25 Pa. Code § 123.13 PM and 25 Pa. Code § 123.21 SOx emission limits as well as restricting the fuel used in the respective generators to gasoline.

7. A condition has been added to the permit which requires the performance of stack testing on the landfill gas flare by no later than June 1, 2008, and every 4 years thereafter, to determine the nonmethane organic compound, NOx and CO emission rates as well as the nonmethane organic compound destruction efficiency in the flare.

8. A condition requiring the maintenance of records of "supporting calculations used to verify compliance with the NOx, CO, SOx and PM emissions limitations" for the landfill gas flare has been removed from the permit as it has been determined by the Department that compliance with the applicable limits cannot be verified by means of a "calculation."

9. A portable trommel screen and associated diesel engine have been added to the permit along with conditions specifying the applicable 25 Pa. Code § 123.13 PM and 25 Pa. Code § 123.21 SOx emission limits for the engine, restricting the operation of the trommel screen and engine to 1,300 hours in any 12-consecutive month period and requiring the maintenance of records of the number of hours the trommel screen and engine are operated each month.

10. A solvent parts washer has been added to the permit along with conditions specifying the applicable 25 Pa. Code § 129.63 requirements, prohibiting the use of halogenated solvents and solvents containing a HAP as an intentionally-added ingredient and requiring the maintenance of records of the amount of solvent added to the parts washer each month.

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

**11-00258: Texas Eastern Transmission, LP**, (224 Texas Road, Lilly, PA 15938-9403) for a Title V Operating Permit Renewal for their Compressor station that is comprised of four natural gas fired turbines along with an emergency generator. The Lilly Compressor Station facility is in **Cambria County** and is used for production, storage and distribution of natural gas in Cresson Township, Cambria County.

**65-00840: Dominion Transmission, Inc.** (D. L. Clark Building, Suite 400, 503 Martindale Street, Pittsburgh, PA 15212-5817) for a Title V Operating Permit renewal for their South Oakford Compressor Station. The facility's major sources of emissions include two compressor engines, an auxiliary power generating engine, a boiler, a glycol dehydration system, miscellaneous storage tanks and fugitive emissions from facility pumps, valves, flanges, and the like at the facility in Hempfield Township, **Westmoreland County**.

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

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

**13-00015: Arfan, Inc.** (517—519 Delaware Avenue, Rear, Palmerton, PA 18701) for operation of a crematory facility in Palmerton Borough, **Carbon County**. The State-only operating permit will include emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

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

**17-00036: The Burke Parsons Bowlby Corp.** (392 Larkeytown Road, Dubois, PA 15801) for their wood preserving facility in Sandy Township, **Clearfield County**. The facility's main sources include a wood preserving operation, one waste wood-fired boiler, wood tie storage area, wood working equipment and a trim-grade operation. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM and PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

**33-00125: Energy Resources, Inc.** (R. D. 2, Fermantown Road, Brockway, PA 15824) a Natural Minor operating permit is for operation of their facility's air contamination sources consisting of loading/unloading; crushing; screening; conveying; transferring; stacking and storage of coal in Snyder Township, **Jefferson County**.

**37-00152: New Castle Refractories** (915 Industrial Street, New Castle, PA 16102-1329) for reissuance of a Natural Minor Operating Permit for a manufacturing facility that produces silicon-carbide refractory (nonclay),

in the City of New Castle, **Lawrence County**. The facility's primary emissions sources include raw materials mixing, various mixers, natural gas fueled dryers, kilns, finish grinders and miscellaneous natural gas use for comfort heating.

**25-00090: Zurn Industries—Cast Metals Div.** (1301 Raspberry Street, Erie, PA 16502-1543) for reissuance of a Natural Minor Operating Permit to operate a foundry producing cast iron fixtures in the City of Erie, **Erie County**. The facility's primary emission sources include a cupola, secondary cupola mold/pour/cool, sand handling/shakeout, casting cleaning, a shell core room, a cleaning machine and a paint dip operation.

## 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 num-

ber; 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 Number 03071301 and NPDES Permit NA, Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201-9642), to operate the Long Run Mine in West Franklin and East Franklin Townships and Worthington Borough, **Armstrong County** a new underground mine and related NPDES permit. Surface Acres Proposed 84.2, Underground Acres Proposed 3,730.6, Subsidence Control Plan Acres Proposed 3,730.6. Receiving stream: Long Run and UNT to Long Run, classified for the following use: HQ-CWF. Application received March 13, 2007.

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

**56070107 and NPDES No. PA0262382. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface auger mine in Summit and Brothersvalley Townships, **Somerset County**, affecting 328.4 acres. Receiving streams: Piney Run, Buffalo Creek, Casselman River classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 27, 2007.

**32970112 and NPDES No. PA0234605. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, revision of an existing bituminous surface auger

mine to change land use from forestland to pastureland or land occasionally cut for hay in Green Township, **Indiana County**, affecting 103.3 acres. Receiving streams: Buck Run, Dixon Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company Two Lick Creek SWI. Application received August 1, 2007.

**32980111 and NPDES No. PA0234885. Kraynak Coal Company**, 3124 Firetower Road, Mahaffey, PA 15757, revision of an existing bituminous surface auger mine to change land use from forestland to wildlife habitat in Green Township, **Indiana County**, affecting 97.6 acres. Receiving streams: UNTs to Dixon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 1, 2007.

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

**04070101 and NPDES Permit No. PA0251208. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation to a bituminous surface mine, located in North Sewickley Township, **Beaver County**, affecting 151.7 acres. Receiving streams: UNTs to Beaver River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 31, 2007.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 11070801. Beyer Trucking and Excavating, LLC**, 1605 Frankstown Road, Summerhill, PA 15958, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Croyle Township, **Cambria County**, affecting 6.8 acres, receiving stream: South Fork Little Conemaugh River. Application received July 6, 2007.

**Permit No. 50072801, Cambridge Natural Stone Company, Inc.**, P. O. Box 110, Bound Brook, NJ 08805, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Toboyne Township, **Perry County**, affecting 5.0 acres, receiving streams: UNT to Sherman Creek and UNT to Narrows Branch. Permit received July 3, 2007.

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

**59020302 and NPDES No. PA0243272. Glenn O. Hawbaker, Inc.** (711 East College Avenue, Pleasant Gap, PA 16823), transfer of an existing noncoal sand and gravel mine from Fred J. Robbins located in Lawrence Township, **Tioga County**, affecting 17.5 acres. Receiving streams: Mutton Lane Creek to Tioga River, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 27, 2007.

**59050301 and NPDES No. PA5903001. Glenn O. Hawbaker, Inc.** (711 East College Avenue, Pleasant Gap, PA 16823), transfer of an existing noncoal sand and gravel mine from Fred J. Robbins located in Lawrence Township, **Tioga County**, affecting 31.08 acres. Receiving streams: Mutton Lane Creek to Tioga River, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 27, 2007.

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

**52020801. Gerard Barnes** (HC 1 Box 694, Lakeville, PA 18438), Stage I and II bond release for a quarry in Lackawaxen Township, **Pike County** affecting 1.0 acre on property owned by Grassy Island Creek Rod & Gun Club, Inc. Application received July 31, 2007.

**52980801. Grassy Island Creek Rod & Gun Club, Inc.** (115 North Main Street, Nazareth, PA 18064), Stages I and II bond release for a quarry in Lackawaxen Township, **Pike County** affecting 2.0 acres on property owned by Grassy Island Rod & Gun Club, Inc. Application received July 31, 2007.

**40050804. Brenda L. Rizzo** (R. R. 2, Box 472, Sugarloaf, PA 18249), Stage I and II bond release for a quarry in Black Creek Township, **Luzerne County** affecting 1.0 acre on property owned by Donald and Dorothy LaRock. Application received August 6, 2007.

**58990845. Douglas G. Kilmer** (R. R. 1, Box 85K, Union Dale, PA 18470), Stage I and II bond release for a quarry in New Milford Township, **Susquehanna County** affecting 3.0 acres on property owned by Franklin Innes. Application received August 10, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1012. Limerick Partnership 1, LLC**, Meetinghouse Business Center, Suite 120, Plymouth Meeting, PA 19462, Limerick Township, **Montgomery County**, ACOE Philadelphia District.

To relocate, construct and maintain 956 linear feet of a UNT of Mingo Creek (WWF) and to place fill within the abandoned channel to facilitate construction of a retail home center (Home Depot). The project is located on the west side of PA Route 100 approximately 1,900 feet southwest of Ridge Pike, west of Township Line (Phoenixville, PA Quadrangle N: 16.5 inches; W: 0.8 inch).

**EA46-017. BT Limekiln, LP**, 2600 Philmont Avenue, Suite 212, Huntingdon Valley, PA 19006, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

A request for an Environmental Assessment Approval for impacts associated with the construction, operation and maintenance of a nonjurisdictional dam across a UNT to Pine Run (TSF). The proposed dam will provide stormwater management for an, 192-Unit Age-Restricted Condominium Facility.

The site is located about 500 feet southeast of the intersection of Susquehanna Road and Route 152 (Ambler, PA, Quadrangle N: 2.3 inches; W: 5.9 inches).

**E51-108. Pier 25 North, LP**, 116 Arch Street, Philadelphia, PA 19106, Philadelphia City and **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities at Pier 25 North, along the Delaware River (WWF) to accommodate a proposed residential development—involving 28 townhouses, a 38-story building and associated appurtenances:

1. To relocate and maintain a combined sewer outfall (CSO) adjacent to Christopher Columbus Avenue.
2. To expand the existing footprint of the pier. The project will occupy the previous footprint of Pier 25 North, which includes a 1.18-acre portion, which was severely damaged by a fire in the mid-1970s.
  - a. To remove 940 existing wooden pilings.
  - b. To install and maintain 815 new pilings and associated decking.

<i>Crossing</i>	<i>Stream</i>	<i>Impact</i>	<i>Longitude</i>	<i>Latitude</i>
No. 1	South Creek (SC)	70 feet	76° 46' 23.7"	41° 59' 17.5"
No. 2	UNT to SC	30 feet	76° 47' 36.8"	41° 57' 12.5"
No. 3	UNT to SC	25 feet	76° 47' 45.1"	41° 56' 48.1"
No. 4	UNT to SC	30 feet	76° 47' 42.7"	41° 57' 9.8"
No. 5	Blodgett Hollow	45 feet	76° 47' 26.0"	41° 57' 32.9"
No. 6	UNT to SC	40 feet	76° 47' 12.3"	41° 57' 39.1"
Wetland	Wetland	140 feet (total)	76° 47' 47.0"	41° 56' 57.5"

All sewer line crossings shall be constructed with a minimum of 3-feet of cover with concrete encasement beneath the waterways. Trench plugs or clay dikes shall be used at every sewer line crossing a waterway to ensure the hydrology of the stream is not altered. Construction of the treatment plant will require the placement of fill in the floodway of South Creek (WWF). The project will temporarily impact 140 linear feet of wetlands while impacting 240-feet of waterway. The project is located along the eastern and western right-of-way of SR 0014 from the Borough of Gillett to the Borough of Fassett.

**E17-410A1. Muddy Run Regional Authority**, P. O. Box 474, Madera, PA 16661-0474. Muddy Run Regional Authority Wastewater Treatment Facility and Collection System, Beccaria, Bigler, Gulich Townships and Ramey Borough, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 15.25 inches; W: 9.20 inches).

The initial E17-410 permit authorized the applicant to construct, operate and maintain 250,000 linear feet of wastewater collection and conveyance lines within a 30-foot right-of-way for the treatment of municipal wastewater. Construction of the wastewater collection and

This project is located approximately 250 feet northwest of the intersection Spring Garden Street and Christopher Columbus Avenue (Delaware Avenue) (Philadelphia, PA USGS Quadrangle N: 15.1 inches; W: 1.5 inches).

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

**E01-269: Jeff Seifert**, 202 West King Street, East Berlin, PA 17316, Menallen Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 5-foot 9-inch high by 17.5-foot wide by 15-foot long Longspan open bottom culvert in a UNT to Opposum Creek (TSF) (Arendtsville, PA Quadrangle Latitude: 39° 54' 43"; Longitude: 77° 15' 20", N: 22.0 inches; W: 1.1 inches) in Menallen Township, **Adams County**.

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

**E08-444. South Creek Township**, P. O. Box 60, Gillett, PA 16925. Water Obstruction and Encroachment Joint Permit Application, in South Creek Township, **Bradford County**, ACOE Baltimore District (Gillett, PA Quadrangle N: 41° 59' 10"; W: 76° 46' 24").

To construct, operate and maintain 24,000 feet of 8-inch gravity and 15,000 feet of 4-inch force main sanitary sewer line within the Susquehanna River watershed (WWF) for the treatment of municipal wastewater. Construction of the sanitary sewer lines will require stream and wetland crossings as follows:

conveyance system resulted in 78 stream and 28 wetland crossings. This amendment requests additional authorization for the following: (1) Four hundred and forty-five square feet (0.01 acre) of permanent PEM wetland impact due to the placement of fill in the floodway of Muddy Run for the construction of a pump station; and (2) Six feet of temporary impact due to an additional utility crossing of a UNT to Muddy Run, which has a stream classification of CWF. This amendment proposes to compensate for the proposed wetland impacts through the creation of 0.71-acres of wetlands at State Game Lands No. 60.

**E17-436. Emigh Run—Lakeside Watershed Association**, P. O. Box 204, Morrisdale, PA 16858. Emigh Run No. 13 Acid Mine Drainage Treatment Project in Morris Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 56' 58.81"; Longitude: 78° 15' 57.09").

The applicant proposed to construct, operate and maintain a passive acid mine drainage treatment system requiring a rock outfall along Emigh Run (CWF), minor road crossing Emigh Run, fill in wetland associated to Emigh Run and rock outfall along a UNT (CWF) to

Emigh Run for the abatement of acid mine drainage pollution. As proposed, the project permanently impacts 0.06 acre of wetland and 50 feet of stream channel that is located along the southern right-of-way of SR 2033 approximately 2.3 stream miles upstream of the Emigh Run Reservoir. The Emigh Run No. 13 Acid Mine Drainage Treatment Project permanently impacts 0.06 acre of wetland, for which the permittee has agreed to construct 0.06 acre of onsite replacement wetland to mitigate the impact. Construction of the 0.06-acre replacement wetland shall commence prior to or be concurrent with the construction activities authorized by this permit.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D56-097EA. Stonycreek Valley Development Corporation**, P. O. Box 163, Shanksville, PA 15560, Stonycreek Township, **Somerset County**, ACOE Pittsburgh District.

Project proposes to dredge approximately 18 acres of accumulated silts and sediments from the reservoir impounded by the Lake Stonycreek Dam across Rhoads Creek (CWF). The dam is located approximately 4,700 feet northeast of the intersection of Stutzmantown Road (SR 1001) and Shanksville Road (SR 1007) (Stoystown, PA Quadrangle Latitude: 40° 01' 13"; Longitude: 78° 53' 31").

**EA33-005CO. Mill Creek Coalition of Clarion and Jefferson Counties**, 221 Pondview Lane, Marble, PA 16334. Union Township, **Jefferson County**, ACOE Pittsburgh District.

Project proposes to construct, operate and maintain a nonjurisdictional dam across a tributary to Little Mill Creek (CWF) for the purpose of constructing a passive acid mine drainage treatment system. The project will impact approximately 20 feet of stream channel. The dam will be located approximately 2,500 feet southwest of the intersection of Clinger Road (T351) and Glenn Road (T320) (Corsica, PA Quadrangle Latitude: 41° 12' 00"; Longitude: 79° 12' 27").

**D15-396EA. Culbertson Realty Associates, LP**, 1595 Paoli Pike, Suite 202, P. O. Box 1906, West Chester, PA 19380, West Brandywine Township, **Chester County**, ACOE Philadelphia District.

Project proposes to breach and remove Culbertson Village Dam across Culbertson Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 550 lineal feet of stream channel. The dam is located approximately 500 feet south of the intersection of Andover Drive and SR 322 (Wagontown, PA Quadrangle Latitude: 40° 03' 02"; Longitude: 75° 47' 35"). The project also proposes construction and maintenance of an 8-inch PVC sanitary sewer line crossing Culbertson Run (HQ-CWF) at a point located approximately 50 feet south of the intersection of Andover Drive and SR 322 (Wagontown, PA Quadrangle Latitude: 40° 03' 07"; Longitude: 75° 47' 37").

**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.

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### I. NPDES Renewal Permit Actions

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*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>
PA0005037 Industrial Waste	EME Homer City Generation, LP 1750 Power Plant Road Homer City, PA 15748-8009	Indiana County Center Township	Tributaries of Two Lick Creek, Blacklick Creek, Cherry Run and Blacklick Creek	N
PA0216739 Industrial Waste	Allegheny Ludlum Corporation, Inc. 100 River Avenue Brackenridge, PA 15014-1597	Westmoreland County Allegheny Township	UNT of the Allegheny River	Y
PA0218863 Industrial Waste	Duke Energy Ohio, Inc. 139 East 4th Street Cincinnati, OH 45202	Fayette County German Township	Monongahela River and UNT 41154	Y
PA0027219 Sewage	Greater Uniontown Joint Sewage Plant Authority 90 Romeo Lane Uniontown, PA 15401	Fayette County North Union Township	Redstone Creek	Y
PA0092363 Sewage	Fayette County Housing Authority 624 Pittsburgh Road Uniontown, PA 15401	Fayette County Washington Township	UNT of Downers Run	Y

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

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

**NPDES Permit No. PA0248363**, CAFO, **Pennsylvania National Turf Club, Inc., Penn National of Grantville**, P. O. Box 32, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,300 AEU horse farm in Watershed 7-D.

**NPDES Permit No. PA0260851**, CAFO, **J. Kevin Rohrer, Hidden Acres Farm**, 2115 Rohrer Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 586 AEU swine, beef and sheep farm in Watershed 7-G.

**NPDES Permit No. PA0248002**, CAFO, **Jobo Holstein Farms, LLC**, 200 Tall Oaks Road, Gettysburg, PA 17325. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,548 AEU dairy farm in Watershed 7-F.

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

**NPDES Permit No. PA0239828**, Industrial Waste, **Troyer Sand & Gravel, Ltd.**, 13021 Flatts Road, Waterford, PA 16441-2809. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: This applicant requests a new NPDES permit for the discharge of treated gravel wash water from the Troyer 1 Mine.

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

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

**WQM Permit No. WQG02150717**, Sewerage, **Oxford Area Sewer Authority**, P. O. Box 379, Oxford, PA 19363. This proposed facility is located in East Nottingham Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. 4607405**, Sewerage, **Lower Moreland Township**, 640 Red Lion Road, Huntingdon Valley, PA 19006. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Action/Activity: A combination gravity and low pressure sewer system.

**WQM Permit No. 4607406**, Sewerage, **Lower Moreland Township**, 640 Red Lion Road, Huntingdon Valley, PA 19006. This proposed facility is located in Moreland Township, **Montgomery County**.

Description of Action/Activity: Construction and operation proposed gravity sewer system.

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

**WQM Permit No. 0107201**, CAFO, **Jobo Holstein Farms, LLC**, 200 Tall Oaks Road, Gettysburg, PA 17325. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction and operation of manure and food processing waste storage facilities in Watershed 7-F.

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

**WQM Permit No. 0206202**, Industrial Waste, **Orion Power MidWest, LP**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This proposed facility is located in Springdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a FGD Scrubber Blowdown Wastewater Treatment Facility.

**WQM Permit No. 6306201-A1**, Industrial Waste, **Molycorp, Inc.**, 1217 West Wayne Street, Washington, PA 15301. This existing facility is located in Canton Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for a modification to the existing treatment plant.

**WQM Permit No. 1185402-A6**, Sewerage, 300 West High Street, Ebensburg, PA 15931. This existing facility is located in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for modifications to the existing Ebensburg Sewage Treatment Plant.

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

**WQM Permit No. WQG018551**, Sewerage, **Jane Ewing-Woods**, 33 Eden Glen, Black Mountain, NC 28711. This proposed facility is located in Wayne Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018553**, Sewerage, **Jacob D. Corwin**, 10207 Old Route 99, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. 1682401**, Sewerage, A3, **Municipal Authority of Strattanville Borough**, P. O. Box 139, 361 Virgin Alley, Strattanville, PA 16258. This proposed facility is located in Strattanville Borough, **Clarion County**.

Description of Proposed Action/Activity: This project is for the installation of a fine screen on the influent to the treatment plant and a larger chlorine contact tank at the plant and an upgrade to the plant's capacity.

**WQM Permit No. WQG018557**, Sewerage, **Raymond and Linda Smith**, 112 Birchwood Drive, Transfer, PA 16154. This proposed facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018559**, Sewerage, **Judith L. Haniak**, R. D. 1, Box 23, Columbus, PA 16405-9714. This proposed facility is located in Columbus Township, **Warren County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018558**, Sewerage, **Jeffrey Cave**, 6851 Route 6N, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018546**, Sewerage, **Daisy A. and Wayne H. Adams**, 1409 Rutledge Road, Greenville, PA 16125. This proposed facility is located in South Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018562**, Sewerage, **Gary A. and Barbara E. Santillo**, 5730 Florek Road, Edinboro, PA 16412-2923. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.



**WQM Permit No. WQG018560**, Sewerage, **Judith L. Haniak**, R. D. 1, Box 23, Columbus, PA 16405-9714. This proposed facility is located in Columbus Township, **Warren County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG028312**, Sewerage, **Cranberry Township, Butler County**, 2525 Rochester Road, Cranberry Township, PA 16066-6499. This proposed facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: Permit issuance for construction of a Sewer Extension to service a residential development in Cranberry Township.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI014607003	Realen Valley Forge Greenes Associates 1000 Chesterbrook Boulevard Berwyn, PA 19312	Montgomery	Upper Merion Township	Trout Creek WWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024506031	Summit Realty Advisors, LLC 8 Devonshires Court Blue Bell, PA 19422	Monroe	Barrett Township	Mill Creek HQ-CWF
PAI023505004	Robert T. Doble, P. E. Assistant District Executive-Design Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Lackawanna	Mayfield Borough	Lackawanna River HQ-CWF
PAI024806025	Posh Properties 2216 Willow Park Road Bethlehem, PA 18017	Northampton	Wind Gap Borough	Little Bushkill Creek HQ-CWF, MF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041407005	Chris Sanders Sanders Mingoville Subdivision P. O. Box 185 Centre Hall, PA 16828	Centre	Walker Township	UNT to Little Fishing Creek HQ-CWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-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>
Bensalem Township Bucks County	PAG2000906109	Squire Home Builders 134 Redstone Drive Warrington, PA 18976	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG2001507011	McFadden Group, LLC 115 West Miner Street West Chester, PA 19382	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAG2001507045	Franklin Township 20 Municipal Lane P. O. Box 118 Kemblesville, PA 19347	West Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Bradford Township Chester County	PAG2001507042	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Washington Township Schuylkill Co.	PAG2005407013	Trent L. Stauffer 91 Mill Road Myerstown, PA 17067	Lower Little Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Roaring Brook Township Lackawanna Co.	PAG2003507009	Landview, LLC 5 Manorview Drive Dallas, PA 18612	Roaring Brook CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Upper Saucon Township Lehigh Co.	PAR10Q169R	Justin Bloch Lennar Corp. 800 Main Street Freehold, NJ 07728	Saucon Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Bethlehem Township Northampton Co.	PAG2004807006	Richard Brooks Ashley Development Corp. 559 Main Street Bethlehem, PA 18018	Tributary to Lehigh River CWF	Northampton Co. Cons. Dist. (610) 746-1971
Lower Saucon Township Northampton Co.	PAG2004807010	Lester Sharetzsky 2425 Front Street Easton, PA 18042	Saucon Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Tilden Township Berks County	PAG2000607036	Patrick Dolan Dolan Construction, Inc. 401 South 13th Street Reading, PA 19602	Hassler Run UNT to Mill Creek TSF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
City of Reading Berks County	PAG2000607046	Paul Gazzerro, VP Administration and Finance Albright College 13th and Bern Streets Reading, PA 19612	Bernhart Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<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>
City of Reading Berks County	PAG2000607013	Thomas Chapman The Reading School District 800 Washington Street Reading, PA 19601	Schuylkill River Watershed WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Upper Allen Township Cumberland County	PAG2002107029	Messiah College President's Residence One College Avenue P. O. Box 3035 Grantham, PA 17027	UNT Yellow Breeches CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Lower Paxton Township Dauphin County	PAG2002207023	CrossPoint Church 430 Colonial Road Harrisburg, PA 17109	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
City of Harrisburg Dauphin County	PAG2002207032	Jack R. Kay Cityscape Investors II, LLC 140 East Market Street York, PA 17401	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Clay Township Lancaster County	PAG2003607018	GAF Reality Mgmt Group, LLC 5313 Main Street East Petersburg, PA 17520	Meadow Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Borough Lancaster County	PAG2003607032	Larry Eby 1480 Ironstone Drive East Earl, PA 17519	UNT Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003607037	Joseph Grow, III 7521 Ironhorse Boulevard West Palm Beach, FL 33412	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lititz Borough Lancaster County	PAG2003607038	Dale G. Wittenbert 501 South Walnut Street Lititz, PA 17543	Lititz Run—Santo Domingo Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Paradise Township Lancaster County	PAG2003607039	BB Real Estate Partners 5306 Lincon Highway Gap, PA 17527	UNT Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Warwick Township Lancaster County	PAG2003607042	Newport Square Associates P. O. Box 1998 Lancaster, PA 17608	Hubers Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

## NOTICES

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<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>
Providence Township Lancaster County	PAG2003607043	Harry Herr 90 Mount Airy Road New Providence, PA 17560	UNT Huber Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003607046	County Of Lancaster 50 North Duke Street 5th Floor Lancaster, PA 17608	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Donegal Township Lancaster County	PAG2003607047	Corixa Corporation 325 North Bridge Street Marietta, PA 17547	Evans Run— Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Warwick Township Lancaster County	PAG2003607050	Warwick Township 315 Clay Road Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003607051	Rapho Township 971 Colebrook Road Manheim, PA 17545	UNT Little Chickies TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Upper Leacock Township Lancaster County	PAG2003607052	Michael C. Kapp 2355 New Holland Pike Lancaster, PA 17601	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003607053	Hostetter Construction Corp. P. O. Box 516 751 Frederick Street Hanover, PA 17331	UNT Bachman Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Cocalico Township Lancaster County	PAG2003607054	Supervalu, Inc. 11480 Valley View Road Eden Praire, MN 55344	Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Elizabeth Township Lancaster County	PAG2003607056	Elizabeth Township 423 South View Drive Lititz, PA 17543	UNT Hammer Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Centre County Harris Township	PAG2001407010	Kirk Aguer/Nittany Grove Park Expansion Aguer-Nobori Partnership 113 Ramsey Way Boalsburg, PA 16827	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817

<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>
Snyder County Penn Township	PAG2005506015	Kurt Kissinger Susquehanna Industrial Development Corp. P. O. Box 10 104 South Susquehanna Trail Shamokin Dam, PA 17876-0010	Trib. 17739 Secondary Water Middle Creek CWF/TSF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Penn Township	PAG2005506016	Michael and Katie Savidge 113 South Market Street Selingsrove, PA 17870	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Penn Township	PAG2005506017	Joseph A. Yoder R. R. 1 Box 506 D Lewisburg, PA 17837	UNT to Penns Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Penn Township	PAG2005506018	Ryan Housekeeper 3723 Fairview Industrial Drive Suite 270 Salem, OR 97302	UNT to Penns Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Monroe Township	PAG2005507001	Nathan Allison Monroe Marketplace Preit Services, LLC 200 South Broad Street Philadelphia, PA 19102-3803	UNT to Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Union Township	PAG2005507002	Richard O. Hilsher Hilshers General Store R. D. 1 P. O. Box 45 Port Trevorton, PA 17864-9801	UNT to Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Selingsrove Borough	PAG2005507003	Susquehanna University 514 University Avenue Selingsrove, PA 17870-1001	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Beaver County North Sewickley Township	PAG2000407007	Gerald E. Gagne 3170 Bennetts Run Road Beaver Falls, PA 15010	Bennett's Run WWF	Beaver County CD (724) 378-1701
Cambria County City of Johnstown	PAG20011060111	Johnstown Redevelopment Authority 4th Floor Public Safety Building 401 Washington Street Johnstown, PA 15901	Stonycreek River WWF	Cambria County CD (814) 472-2120
Washington County California Borough	PAG2006305043	The Perryman Company 213 Vandale Drive Houston, PA 15342	Monongahela River WWF	Washington County CD (724) 228-6774
Butler County Cranberry Township	PAG2001007014	Westinghouse at Cranberry Woods Trammell Crow Development & Investment, Inc. 800 Cranberry Woods Drive Cranberry Township, PA 16066	Brush Creek WWF	Butler County (724) 284-5270

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Tremont Township Schuylkill County	PAR202232	Dayton Superior Corporation 55 North Pine Street Tremont, PA 17981	Good Spring Creek to Swatara Creek	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Lancaster County Lititz Borough	PAR203543	Woodstream Corporation 69 North Locust Street Lititz, PA 17543	UNT to Lititz Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Erie Erie County	PAR208322	PSB Industries, Inc. 1202 West 12th Street Erie, PA 16501	Municipal stormwater sewers to Cascade Creek, Presque Isle Bay	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cranberry Township Butler County	PAR208312	Three Rivers Aluminum Company TRACO Aluminum Window Manufacturing 71 Progress Avenue Cranberry, Township, PA 16066-3596	UNT to Brush Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wayne Township Erie County	PAG049348	Jane Ewing-Woods 33 Eden Glen Black Mountain, NC 28711	UNT to Bear Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048505	Carol Ann Engel-Henderson 12828 Hood Road Waterford, PA 16441-9660	UNT to LeBoeuf Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
McKean Township Erie County	PAG049350	Jacob D. Corwin 10207 Old Route 99 McKean, PA 16426	UNT to Elk Creek 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAG049354	Raymond E. and Linda Smith, Sr. 215 Fredonia Road Apt. 1 Greenville, PA 16125	UNT to the Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG048454	Marshall E. Tolley 11281 Eureka Road Edinboro, PA 16412	UNT to Cussawago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048828	Dean K. and Patricia B. Eichen 1620 Timber Drive Cambridge Springs, PA 16403	UNT to Little Conneauttee Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG049357	Judith L. Haniak R. D. 1, Box 23 Columbus, PA 16405-9714	UNT to Coffee Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington Township Erie County	PAG049356	Jeffrey Cave 6851 Route 6N Edinboro, PA 16412	A drainage swale to Cussawago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
South Pymatuning Township Mercer County	PAG049342	Daisy A. and Wayne H. Adams 1409 Rutledge Road Greenville, PA 16125	UNT to the Shenango Reservoir	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG049360	Barbara E. and Gary A. Santillo 5730 Florek Road Edinboro, PA 16412-2923	UNT to Boles Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG049358	Judith L. Haniak R. D. 1, Box 23 Columbus, PA 16405-9714	UNT to Coffee Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG058376	TA Operating, LLC 24601 Center Ridge Road Westlake, OH 44145-5634	UNT to Seven Mile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North Beaver Township Lawrence County	PAG058312	Tic Toc Food Mart, Inc. 547 Mount Jackson Road One Center 60 New Castle, PA 16102	Hickory Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## 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. 5407501**, Public Water Supply.

Applicant	<b>Lake Wynonah Municipal Authority</b> 686 Berne Road Auburn, PA  Wayne Township
County	<b>Schuylkill County</b>
Type of Facility	Public Water System
Consulting Engineer	Spotts, Stevens, McCoy 1047 North Park Road Reading, PA
Permit to Construct Issued	August 6, 2007

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

**Operations Permit** issued to **Petersburg Water Authority**, 4310019, Petersburg Borough, **Huntingdon County** on July 20, 2007, for the operation of facilities approved under Construction Permit No. 3104502 MA.

**Operations Permit** issued to **Mill Creek Area Municipal Authority**, 4310050, Brady Township, **Huntingdon County** on July 20, 2007, for the operation of facilities approved under Construction Permit No. 3102502.

**Operations Permit** issued to **City of Lebanon Authority**, 7380010, Swatara Township, **Lebanon County** on August 13, 2007, for the operation of facilities approved under Construction Permit No. 3806502 MA.

**Operations Permit** issued to **United States Army Corps of Engineers—Baltimore District, 4310855**, Penn Township, **Huntingdon County** on August 13, 2007, for the operation of facilities approved under Construction Permit No. 3107501.

**Permit No. 3807503**, Public Water Supply.

Applicant **Dutchman's Country Market, Inc., d/b/a Dutch-Way Farm Market**  
Municipality Heidelberg Township  
County **Lebanon**  
Type of Facility Installation of nitrate treatment.  
Consulting Engineer Charles A. Kehew II, P. E., James R. Holley & Assoc., Inc. 18 South George Street York, PA 17401  
Permit to Construct Issued: July 20, 2007

**Permit No. 2207503**, Public Water Supply.

Applicant **United Water Pennsylvania**  
Municipality Susquehanna Township  
County **Dauphin**  
Type of Facility Construction of a booster pumping station for the Deer Path Woods development.  
Consulting Engineer Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111  
Permit to Construct Issued: July 20, 2007

**Permit No. 2207510 MA, Minor Amendment**, Public Water Supply.

Applicant **United Water Pennsylvania**  
Municipality Hummelstown Borough  
County **Dauphin**  
Type of Facility Leak repair of Hummelstown clearwell tank No. 2.  
Consulting Engineer Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111  
Permit to Construct Issued: July 30, 2007

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

**Permit No. 1407502-IT—Construction**, Public Water Supply.

Applicant **Madisonburg Water Works**  
Township or Borough Miles Township  
County **Centre**  
Responsible Official Timothy Snyder, Board President Madisonburg Water Works P. O. Box 50 Madisonburg, PA 16852  
Type of Facility Public Water Supply—Construction  
Consulting Engineer Michael J. Peleschak alfred benesch & company 400 One Norwegian Plaza Pottsville, PA 17901  
Permit Issued Date August 9, 2007  
Description of Action Construction of a Siemens/Mencor 3L10V microfiltration plant, disinfection and a 60,000 gallon finished water storage tank.

**Permit No. M.A.—1896501—Construction**, Public Water Supply.

Applicant **Kettle Creek State Park**  
Township or Borough Leidy Township  
County **Clinton**  
Responsible Official John Norbeck DCNR, Bureau of State Parks P. O. Box 8551 Harrisburg, PA 17105-8551  
Type of Facility Public Water Supply—Construction  
Consulting Engineer Mark Lonergan Senior Civil Engineer DCNR 400 Market Street Harrisburg, PA 17105-8451  
Permit Issued Date August 14, 2007  
Description of Action Addition of Aqua-Mag for corrosion control to the existing system.

**Permit No. 1489511-T1—Transfer**, Public Water Supply.

Applicant **Empire Mobile Home Park**  
Township or Borough Potter Township  
County **Centre**  
Responsible Official Ray A. Walker, Jr. Empire Mobile Home Park P. O. Box 5003 Pleasant Gap, PA 16823  
Type of Facility Public Water Supply—Operation  
Consulting Engineer N/A  
Permit Issued Date August 14, 2007  
Description of Action Transfer of Empire MHP from Charles Guenther to Ray A. Walker, Jr.



**Permit No. 4907501—Construction, Public Water Supply.**

Applicant **The Meadows at Watsonstown**  
 Township or Borough Delaware Township  
 County **Northumberland**  
 Responsible Official Alvin C. Thompson  
 The Meadows at Watsonstown  
 2814 Walbert Avenue  
 Allentown, PA 18104

Type of Facility Public Water  
 Supply—Construction

Consulting Engineer Charles Kehew, P. E.,  
 James R. Holley & Associates,  
 Inc.  
 18 South George Street  
 York, PA 17401

Permit Issued Date August 14, 2007

Description of Action Replacement of Well No. 1 with  
 Well No. 3.

**Permit No. 4496231A6—Construction and Operation, Public Water Supply.**

Applicant **Dutch Valley Food Company, Inc.**  
 Township or Borough Porter Township  
 County **Schuylkill**  
 Responsible Official John T. Lerch  
 Manufacturing and Technical  
 Projects Manager  
 Dutch Valley Food Company, Inc.  
 P. O. Box 471  
 Sunbury, PA 17801-0471

Type of Facility Public Water  
 Supply—Construction and  
 Operation

Consulting Engineer Ralph A. Lamert Jr., P. E.  
 LAR Enterprises  
 363 West High Street  
 Gettysburg, PA 17325-2496

Permit Issued Date August 14, 2007

Description of Action Construction and Operation of  
 Stoney Mountain Springs and  
 the loading station

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

**Permit No. 4300503-T1-MA1, Minor Amendment, Public Water Supply.**

Applicant **Aqua PA Shenango Valley WTP**  
 Borough or Township Wilmington and Shenango  
 Townships  
 County **Lawrence and Mercer  
 Counties**

Type of Facility PWS

Consulting Engineer Peter J. Kusky, P. E.

Permit to Construct August 14, 2007  
 Issued

**Wellhead Protection Program Approval** issued to **Port Allegheny Borough**, 45 West Maple Street, Port Allegheny, PA 16743, PWSID No. 6420021, Port Allegheny Borough, **McKean County** on August 13, 2007.

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

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

*Plan Location:*

Borough or Township	Borough or Township Address	County
Lynn Township	7911 Kings Highway New Tripoli, PA 18066	Lehigh

*Plan Description:* The approved plan provides for a systematic plan to identify and propose corrective measures for portions of the Township's wastewater collection system that may be subject to excessive amounts of infiltration/inflow. The Corrective Action Plan (CAP) also contains time schedules for the implementation of the activities proposed in the CAP. The CAP is now to be considered an integral part of Lynn Township's Official Sewage Facilities Plan.

Should conditions be encountered during the implementation of the CAP, which require the alteration of the approved CAP, Lynn Township shall contact the Department, in writing, and discuss the need to alter the CAP at the earliest possible time. Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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

*Plan Location:*

Borough or Township	Borough or Township Address	County
Middletown Borough	60 West Emaus Middletown, PA 17057	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Middletown Borough, Dauphin County. The proposed Woodland Hills Subdivision consists of 312 residential units with a sewage flow of 70,200 gpd connected to two new pump stations and forcemains tributary to the Middletown Borough Wastewater Treatment Plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

Borough or Township	Borough or Township Address	County
Lower Paxton Township	425 Prince Street Harrisburg, PA 17109	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Lower Paxton Township, Dauphin County. The proposed Stray Winds Farm Subdivision consists of 449 residential units with a sewage flow of 112,250 gpd tributary to the Lower Paxton Township sewer system.

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Granville Township	100 Helen Street Lewistown, PA 17044	Mifflin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Granville Township, Mifflin County. The proposed expansion of the MCIDC Industrial Park consists of a new pump station and forcemain tributary to the Granville Township Wastewater Treatment Plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

**Former Kreller Rental Property**, South Whitehall Township, **Lehigh County**. Jon P. Kleinle, Barry Isett & Associates, Inc., P. O. Box 147, 85 South Route 100 and Kressler Lane, Trexlertown, PA 18087-0147 has submitted a Final Report (on behalf of his client, Robin Osiecki, 1048 Hausman Road, Allentown, PA 18102), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an underground storage tank's poor physical condition including approximately six small pinholes. The report was submitted to document attainment of the Residential Statewide Health Standard. The proposed future use of the property will be residential. A public notice regarding the submittal of the final reports was published in *The Morning Call* on July 23, 2007. A Notice of Intent to Remediate was simultaneously submitted.

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

**William G. Rice Residence**, Manor Township, **Lancaster County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of the following residents in Conestoga, PA 17516: William G. and Shirley Rice, 153 Pittsburg Valley Road; John Schopf, 149 Pittsburg Valley Road; Daniel and Sandra Brown, 138 Pittsburg Valley Road; Gary and Sheryl Ann Brinkman, 133 Pittsburg Valley Road; John McDonald, 128 Pittsburg Valley Road; Brian Hornberger, 127 Pittsburg Valley Road; William Burgess, 108 Pittsburg Valley Road; Richard and Annette Dailey, 75 Pittsburg Valley Road; Wesley Bleacher, 70 Pittsburg Valley Road; Anne Miller, 35 Pittsburg Valley Road; and State Farm Mutual Insurance Company, P. O. Box 13, Concordville, PA 19331, resubmitted a Final Report concerning surface water and sediment contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

**Anvil International, Inc. (former Tyco)**, Columbia Borough, **Lancaster County**. Earth Tech, Inc., Two Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Tyco International, Inc., 9 Roszel Road, Princeton, NJ 08540 and Anvil International, Inc., 1411 Lancaster Avenue, Columbia, PA 17512-1900, submitted a Final Report concerning remediation of site groundwater contaminated with metals and petroleum hydrocarbons. The report is intended to document remediation of the site to the Site-Specific and Statewide Health Standards.

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

**Sunbury Textile Mill Inc. Sites 1, 2 and 3**, City of Sunbury, **Northumberland County**. Geosyntec Consultants, 130 Research Lane, Suite 2, Guelph, Ontario, Canada N1G 5G3 on behalf of Sunbury Textile Mills, 1200 Miller Street, Sunbury, PA 17801 has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Former Anemostat Plant, City of Scranton, Lackawanna County.** Bryon Nickerson, SAIC, 180 Gordon Drive, Suite 110, Exton, PA 19341 submitted a Final Report (on behalf of his client, Keyser Properties, Inc., 260 North Elm Street, Westfield, MA 01085), concerning the characterization and remediation of site soils and groundwater found to have been contaminated with chlorinated solvents. The report demonstrated attainment of the Site-Specific Standard using pathway elimination for soils and groundwater and was approved on August 6, 2007.

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

**Linda Kurtz Residence, Borough of Mechanicsburg, Cumberland County.** Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Linda Kurtz, 102 North Washington Street, Mechanicsburg, PA 17055-3263 and Shipley Energy Group, P. O. Box 1509, York, PA 17405, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on August 7, 2007.

**Eli Fisher Garage, West Cocalico Township, Lancaster County.** Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of Fishers Garage, 5 Creamery Road, Reinholds, PA 17569-9624, submitted a Final Report concerning the remediation of site groundwater contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on August 8, 2007.

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

**Loyal Plaza, Loyalsock Township, Lycoming County.** Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482-0810 on behalf of Glimcher Development Corp., 150 East Gay Street, Columbus, OH 43215 has submitted a Cleanup Plan concerning remediation of site soil, groundwater and indoor air contaminated with solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard. The Cleanup Plan was approved on August 7, 2007.

### HAZARDOUS WASTE TRANSPORTER LICENSE

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**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

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*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### *Hazardous Waste Transporter License Issued*

**Bio-Team Mobile, LLC, 6 E. Kendig Road, Willow Street, PA 17584.** License No. PA-AH 0733. Effective July 24, 2007.

**Care Environmental Corp., 10 Orben Drive, Landing, NJ 07850.** License No. PA-AH 0735. Effective August 6, 2007.

**Interstate Ventruess, Inc., 111 Union Valley Road, Suite B, Oak Ridge, TN 37830.** License No. PA-AH 0732. Effective August 7, 2007.

*Hazardous Waste Transporter License Renewed*

**Auchter Industrial Vac Service, Inc.**, 4801 South Wood Avenue, Linden, NJ 07036. License No. PA-AH 0444. Effective July 11, 2007.

**Quality Carriers, Inc.**, 4041 Park Oaks Boulevard, Suite 200, Tampa, FL 33610. License No. PA-AH 0630. Effective July 11, 2007.

**Sumter Transport Company**, P. O. Box 1060, Sumter, SC 29151-1060. License No. PA-AH 0439. Effective July 16, 2007.

**Barnett Transportation, Inc.**, 1547 51st Avenue, Tuscaloosa, AL 35401. License No. PA-AH 0700. Effective August 1, 2007.

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**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

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**Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Act 93 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated*

**Commodore Medical Service of Pennsylvania, LLC**, 1941 Cement Plant Road, Nashville, TN 37208. License No. PA-HC 0228. Effective June 25, 2007.

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Act 93 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Effective July 10, 2007.

**York Hospital**, 1001 South George Street, York, PA 17405. License No. PA-HC 0017. Effective July 17, 2007.

**Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-HC 0199. Effective July 17, 2007.

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

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. PAD980552848. Newell Rubbermaid, Inc.**, 2707 Butterfield Road, Oak Brook, IL 60523-1267. Approval of a remedial action plan (RAP) for the storage and treatment of hazardous waste at the Palmieri remediation site at 141 Wagner Road in Center Township, **Beaver County**. The 2 year RAP was issued in the Regional Office on August 7, 2007.

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**POSTCLOSURE CARE OF A HAZARDOUS WASTE DISPOSAL FACILITY UNDER THE TERMS OF A CONSENT ORDER AND AGREEMENT**

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**This is a Reposting of a Notice Given at 37 Pa.B. 3321 (July 14, 2007):**

**PAD003026903. Consent Order and Agreement—General Electric Company, Lancaster Facility—**Upper Quarry and Lower Lagoon Areas, Pleasure Road, Lancaster, PA, City of Lancaster, **Lancaster County**. A request from General Electric Company—Lancaster Facility (GE Lancaster) to conduct Post Closure Care activities under the terms of a Consent Order and Agreement (COA) was received by the Department of Environmental Protection (Department) on June 13, 2007. A draft COA has been developed by the Department in response to this request. The COA would allow GE Lancaster to continue implementing Post Closure Care activities for the Upper Quarry and Lower Lagoon Areas, previously provided under Hazardous Waste Permit No. PAD003026903. This COA would serve as an alternate enforceable document to achieve postclosure care requirements, under 40 CFR 270.1(c)(7), incorporated by reference at 25 Pa. Code § 270a.1. The Consent Order and Agreement alternative must provide for administrative procedures required for a postclosure permit including public notice and a public comment period.

Further information on the proposed request and draft COA are available by contacting John Oren, Permitting Manager, Department of Environmental Protection, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706. A copy of the postclosure care documents and draft COA are available for review at the Department's Southcentral Regional Office. File reviews may be scheduled by calling (717) 705-4732.

Persons wishing to comment on the proposed request and draft COA are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this COA. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed COA. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

## HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PAD001643691. Harley-Davidson Motor Company,** 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County.** A request to release the full \$110,000 bond amount for three RCRA interim status storage units located at the Harley-Davidson Facility was received by the Department of Environmental Protection (Department) on April 11, 2007. The request was made in accordance with 25 Pa. Code § 265a.165 of the Department's Hazardous Waste Regulations. Two storage areas (building 51 and 67) and two storage tanks (1-4,000 gallon tank and 1-6,000 gallon tank) were closed in accordance with the approved closure plans. The Department has reviewed the final closure certifications and other data provided to the Department. Any groundwater contamination found at or near these areas will be addressed under a "One Cleanup Program Agreement" between Harley Davidson, the Federal Environmental Protection Agency and the Department.

Further information on the proposed request for bond release is available by contacting John Oren, Permitting Manager, Department of Environmental Protection, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Persons wishing to comment on the proposed request are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the final determination regarding this request for bond release. Responses should include the name, address, and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed request for bond release. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

## 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.*

**48-310-072GP3: Brandenburg Industrial Service Co.** (2217 Spillman Drive, Bethlehem, PA 18015) on August 3, 2007, to construct and operate a Portable

Crushing Operation with watersprays at their site in Bethlehem, **Northampton County.**

**48-329-005GP9: Brandenburg Industrial Service Co.** (2217 Spillman Drive, Bethlehem, PA 18015) on August 3, 2007, to install and operate a Diesel I/C Engine at their site in Bethlehem, **Northampton County.**

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

**GP-25-025: GE Transportation** (2901 East Lake Road, Erie, PA 16531) on August 7, 2007, for an emergency generator in Lawrence Park Township, **Erie County.**

**GP-27-036: Pennsylvania General Energy—Salmon Creek No. 1347** (Forest Route 145, Marienville, PA 16239) on August 10, 2007, for a natural gas fired compressor engine in Jenks Township, **Forest County.**

**GP-27-032: Pennsylvania General Energy—Salmon Creek No. 1346** (Forest Route 145, Marienville, PA 16239) on August 10, 2007, for a natural gas fired compressor engine in Jenks Township, **Forest 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.*

**15-0031A: Henry Co.** (336 Cold Stream Road, Kimberton, PA 19442) on August 14, 2007, to operate an odor control device in East Pikeland Township, **Chester County.**

*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) on August 10, 2007, to install a thermal oxidizer on a graphite resistance furnace at the manufacturing facility in Hayfield Township, **Crawford County.**

**37-257A: Mohawk Area School District** (Mohawk School Road, Bessemer, PA 16112) on August 10, 2007, to change sulfur content of coal allowance from 1.5% Sulfur to 2.0% Sulfur at the Mohawk Elementary School in North Beaver Township, **Lawrence County.** This is not a Title V facility.

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

**AMS 06021: Kinder Morgan Liquid Terminals, LLP** (3300 North Delaware Avenue, Philadelphia, PA 19134) on August 10, 2007, to add a new loading position to one loading rack and switch the vapor recovery from a second loading rack to a third loading rack in the City of Philadelphia, **Philadelphia County.** The project will increase potential VOC emissions from the facility by 2.0 tons per rolling 12-month period.

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

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

**46-0037X: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on August 8, 2007, to operate a powder packaging unit in Douglass Township, **Montgomery County**.

**15-0004E: Alcoa Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) on August 8, 2007, to operate a rotogravure press No. 9 in Downingtown Borough, **Chester County**.

**23-0012: Epsilon Product Co., LLC** (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on August 8, 2007, to operate plant 2 and a thermal oxidizer in Marcus Hook Borough, **Delaware County**.

**46-0037Q: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on August 8, 2007, to operate a wet dust collector in Douglass Township, **Montgomery County**.

**46-0037V: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) On August 8, 2007, to operate a gemco dryer building 19 in Douglass Township, **Montgomery County**.

**46-0242A: BAE Systems Information and Electronics Systems Integration Inc.** (305 Richardson Road, Lansdale, PA 19446) on August 10, 2007, to operate a Federal enforceable emission cap/NOx in Montgomery Township, **Montgomery County**.

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

**65-00726A: Gutchess Hardwoods, Inc.** (150 Mclean Road, P. O. Box 5478, Cortland, NY 13045) on August 7, 2006, to allow time for submission of an operating permit application for their facility in Unity Township, **Westmoreland County**. This plan approval was extended.

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**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

**60-318-012: Q-E Manufacturing Co., Inc.** (809 Market Street, New Berlin, PA 17855) on August 13, 2007, a plan approval to construct a wood stove parts spray booth and modify an existing wood stove parts surface coating operation was terminated at the permittee's request in New Berlin Borough, **Union County**.

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**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.**

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

**09-00056: GE Betz, Inc.** (4636 Somerton Road, Trevose, PA 19053-6783) on July 31, 2007, for a State-only, Synthetic Minor Operating Permit in Bensalem Township, **Bucks County**. Miscellaneous hot water boilers and emergency generators at the facility are a major source of NOx. The company has elected to take appropriate operating and emission restrictions to restrict NOx emissions to below 24.9 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**38-03009: Regal Cast, Inc.** (P. O. Box 1170, Lebanon, PA 17042-1170) on August 6, 2007, to manufacture steel and nonferrous castings at their foundry in the City of Lebanon, **Lebanon County**.

**67-03100: Iris Energy, LLC** (50 Danbury Road, Wilton, CT 06897-4448) on August 8, 2007, to operate a synthetic fuel processing plant at their PPL Brunner Island Steam Electric Station in East Manchester Township, **York County**. This is a renewal of the State-only operating permit.

**67-05062: Gerhard Daniel Worldwide** (34 Barnhart Drive, Hanover, PA 17331-9586) on August 3, 2007, to operate their industrial steel wire cloth manufacturing facility in Hanover Borough, **York County**. This is a renewal of the State-only operating permit.

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**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.**

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

**23-00047: Degussa Corp.** (1200 West Front Street, Chester, PA 19013) on July 31, 2007, for an administrative amendment to State-only (Synthetic Minor) Operating Permit No. 23-00047 for its facility located in the City of Chester, **Delaware County**. The Administrative Amendment incorporates the requirements of Plan Approval Nos. 23-0047D and 23-0047E for the addition of a baghouse to one of the storage silos and the replacement of the burner on one of the spray dryers, respectively, at the facility. The following changes have been addressed in the amended State-only Operating Permit (SOOP):

All source material listings referring to "precipitated silica" and "silica powder," as indicated in Sections A (Site Inventory List) and D, of the SOOP, have been changed to "amorphous precipitated silica" (to provide clarification and consistency).

The following for spray dryer 3, as indicated in Sections A (Site Inventory List) and D, of the SOOP:

The Source ID number has been changed from 112 to 112A to reflect the replacement of the dryer burner.

A source capacity for the spray dryer has been added.

The source capacities for natural gas and propane have been changed.

The Department telephone number at which to report any malfunctions, as specified in Condition No. 014(a), Section C, of the SOOP, has been changed from (610) 832-6241 to (484) 250-5920.

The name of the EPA program division referenced in Condition No. 008, Section D (under Source ID 031), of the SOOP, has been changed from "Air, Toxics, and Radiation Division" to "Air Protection Division."

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.

All citations to 25 Pa. Code § 127.444 have been changed to 25 Pa. Code § 127.441.

The pressure drop restriction for baghouse 2832 has been moved from Subsection I (Emission Restrictions) to Subsection VI (Work Practice Requirements), Section D (under Source ID 103), of the SOOP.

Concentration and rate restrictions on PM emissions from baghouse 6132 have been added as Condition No. 002, Section D (under Source ID 103), of the SOOP.

A requirement to maintain records of the manufacturer's specifications for baghouse 6132 has been added as Condition No. 004(a), Section D (under Source ID 103), of the SOOP.

Work practice requirements for baghouse 6132 have been added as Condition No. 006(a)—(f), Section D (under Source ID 103), of the SOOP.

Baghouse 6132 has been added to the source listing in Condition No. 010(f), Section D (under Source ID 103), of the SOOP.

The number of the baghouse associated with silo 2657, as indicated in Condition No. 006, Section D (under Source ID 108), of the SOOP, has been corrected from 2685 to 2658.

A requirement to operate and maintain the spray dryer in accordance with the manufacturer's specifications has been added as Condition No. 004, Section D (under Source ID 112A), of the SOOP.

The Source ID number for spray dryer 3, as indicated in Section F, of the SOOP, has been changed from 112 to 112A to reflect the replacement of the dryer burner.

Administrative Amendment of SOOP No. 23-00047 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

**36-03080: Rohrer's Quarry, Inc.** (P. O. Box 365, 70 Lititz Road, Lititz, PA 17543) on August 7, 2007, to operate crushing, concrete and lime plants at their existing facility in Warwick Township, **Lancaster County**. This operating permit was administratively amended to incorporate Plan Approval 36-03080A. This is revision No. 1.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### *Coal Permits Actions*

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

**Permit Number 30810703 and NPDES Permit No. PA0092894, Consol Pennsylvania Coal Company**, (1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Coal Refuse Disposal Area No. 1 and No. 2 in Richhill Township, **Greene County** to modify the reclamation plan and add an NPDES discharge point at Disposal Area No. 1, Receiving stream: UNT to Owens Run, classified for the following use: WWF. Application received April 21, 2005. Permit issued August 6, 2007.

**Permit Number 30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville No. 2 Mine in Wayne Township, **Greene County** to perform construction activities to install the 10-S Injection Borehole. Surface Acres Proposed 0.5. No additional discharges. Application received April 26, 2006. Permit issued August 6, 2007.

**Permit Number 32961302 and NPDES Permit No. PA0214949, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** and related NPDES permit. No additional discharges. Application received January 11, 2007. Permit issued August 6, 2007.

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

**65050102 and NPDES Permit No. PA0250830. Bedrock Mines, LP** (101 Emerson Avenue, Pittsburgh, PA 15215). Permit revised to allow additional mining within the permit, submittal of an auger safety permit, stockpiling of alkaline material on site and a land use change at an existing bituminous surface mining site located in Washington and Bell Townships, **Westmoreland County**, affecting 245.0 acres. Receiving streams: UNTs to Beaver Run. Revision application received February 22, 2007. Permit revision issued August 8, 2007.



**63050101 and NPDES Permit No. PA0250694. Muligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit revised to add 9.2 acres to the permit area and change the land use from forestland to pastureland/land occasionally cut for hay at an existing bituminous surface mining site located in Smith Township, **Washington County**, now affecting 55.9 acres. Receiving streams: Raccoon Creek, and UNTs to Little Raccoon Run and Raccoon Creek. Revision application received May 21, 2007. Revised permit issued August 8, 2007.

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

**10010112 and NPDES Permit No. PA0242039. T. C. Mining** (252 Lower Hays Run Road, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Clay and Concord Townships, **Butler County** affecting 181.7 acres. This renewal is issued for reclamation only. Receiving streams: UNT to South Branch Slippery Rock Creek. Application received June 11, 2007. Permit Issued August 1, 2007.

**16060102 and NPDES Permit No. PA0258121. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Transfer of an existing bituminous strip operation from Allegheny Milestone, Inc. in Beaver and Licking Townships, **Clarion County** affecting 29.0 acres. Receiving streams: UNTs to Clarion River. Application received May 23, 2007. Permit Issued August 7, 2007.

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

**17753050 and NPDES No. PA0044822. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine to change land use in Karthaus Township, **Clearfield County**, affecting 687.6 acres. Receiving streams: UNT to Saltlick Run (CWF), to Saltlick Run (CWF), to Mosquito Creek (CWF), to West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007. Permit issued August 3, 2007.

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

**40900204R3. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township and the City of Nanticoke, **Luzerne County** affecting 80.0 acres, receiving stream: none. Application received July 31, 2006. Renewal issued August 6, 2007.

#### *Noncoal Permits Actions*

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

**26070603 and NPDES Permit No. PA0251097. Fayette Coal & Coke, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425). Permit issued for commencement, operation, and reclamation of a noncoal surface mining site located in Georges Township, **Fayette County**, affecting 65.8 acres. Receiving streams: UNTs to York Run. Application received March 15, 2007. Permit issued August 9, 2007.

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

**08070802. David A. Walter** (R. R. 2, Box 241A, New Albany, PA 18833). Transfer of an existing small noncoal (bluestone/flagstone) operation from Walter Flagstone, Inc., in Wilmot Township, **Bradford County**, affecting 3.0 acres. Receiving streams: Sugar Run Creek, tributary to North Branch Susquehanna. Application received February 20, 2007. Permit issued July 31, 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.*

**21074157. Fitz & Smith, Inc.**, P. O. Box 178, Dal-lastown, PA 17313-0178, blasting activity permit issued for residential development in Lower Allen Township, **Cumberland County**. Blasting activity permit end date is August 4, 2008. Permit issued August 1, 2007.

**28074144. Geological Tech Inc.**, P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for residential development in Greencastle Borough, **Franklin County**. Blasting activity permit end date is October 7, 2007. Permit issued August 2, 2007.

**01074113. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for residential development in Germany Township, **Adams County**. Blasting activity permit end date is August 30, 2008. Permit issued August 3, 2007.

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

**27074002. Seneca Resources Corporation** (286 Old Sigel Road, Sigel, PA 15860). Blasting activity permit for gas and oil exploration in Kingsley Township, **Forest County**. This blasting activity permit will expire on August 9, 2008. Application received August 9, 2007. Application issued August 9, 2007.

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

**55074101. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting for commercial development, Monroe Marketplace, located in Monroe Township, **Snyder County**. Permit issued July 24, 2007. Permit expires August 30, 2008.

**18074001. Dykon Explosive Demolition Corp.** (1202 West 36th Street North, Tulsa, OK 74127), explosive felling of the First Quality Tissue plant located in the City of Lock Haven, **Clinton County**. Permit issued July 24, 2007. This blasting permit has an approval for one of the following dates: August 18, 19, 25 or 26, 2008.

**18074002. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), blasting for a water line for the Porter Township Municipal Authority located in Porter Township, **Clinton County**. Permit issued July 24, 2007. Permit expires October 30, 2007.



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

**36074188. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a residential development in Lancaster Township, **Lancaster County** with an expiration date of July 15, 2008. Permit issued August 3, 2007.

**38074119. Keystone Blasting Service,** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Cleona Borough, **Lebanon County** with an expiration date of October 30, 2007. Permit issued August 3, 2007.

**46074116. Allan A. Myers, Inc., d/b/a Independence Construction Materials,** (P. O. Box 98, Worcester, PA 19490), construction blasting for Providence Town Center in Montgomery Township, **Montgomery County** with an expiration date of July 1, 2008. Permit issued August 3, 2007.

**67074138. J. Roy's, Inc.,** (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Eden Road addition in Springettsbury Township, **York County** with an expiration date of August 1, 2008. Permit issued August 3, 2007.

**67074139. J. Roy's, Inc.** (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Gettle Development addition in Manchester Township, **York County** with an expiration date of August 1, 2008. Permit issued August 3, 2007.

**09074120. American Rock Mechanics, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Milford Township Water Authority in Milford Township, **Bucks County** with an expiration date of December 31, 2008. Permit issued August 6, 2007.

**45074147. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for Sunrise Village in Smithfield Township, **Monroe County** with an expiration date of August 31, 2008. Permit issued August 6, 2007.

**45074148. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for South Ridge Estates in Price Township, **Monroe County** with an expiration date of August 31, 2008. Permit issued August 6, 2007.

**45074149. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for Evergreen Estates in Evergreen Estates in Middle Smithfield Township, **Monroe County** with an expiration date of August 31, 2008. Permit issued August 6, 2007.

**52074127. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for Oak Ridge Estates in Dingman Township, **Pike County** with an expiration date of August 31, 2008. Permit issued August 6, 2007.

**66074001. Brainard Explosives,** (R. R. 1, Box 279, Kingsley, PA 18826), construction blasting for Road Fill in Eaton Township, **Wyoming County** with an expiration date of July 31, 2008. Permit issued August 7, 2007.

**09074121. Allan A. Myers, Inc. d/b/a Independence Construction Materials,** (P. O. Box 98, Worcester, PA 19490), construction blasting for Ann's Choice in Warminster Township, **Bucks County** with an expiration date of August 1, 2008. Permit issued August 10, 2007.

**09074122. Newville Construction Services, Inc.,** (408 Mohawk Road, Newville, PA 17241), construction blasting for Woodside Road sewer extension in

Bedminster Township, **Bucks County** with an expiration date of August 6, 2008. Permit issued August 10, 2007.

**15074113. Horst Drilling & Blasting, Inc.,** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Ewing Tract in West Vincent Township, **Chester County** with an expiration date of August 1, 2008. Permit issued August 10, 2007.

**35074118. DC Guelich Explosives, Inc.,** (R. R. 3, Box 125A, Clearfield, PA 16830), construction blasting for Dolf Refuse Mine Fire in Olyphant Borough, **Lackawanna County** with an expiration date of August 1, 2008. Permit issued August 10, 2007.

**35074119. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for commercial development in Jessup Borough, **Lackawanna County** with an expiration date of December 31, 2007. Permit issued August 10, 2007.

**36074189. Newville Construction Services, Inc.,** (408 Mohawk Road, Newville, PA 17241), construction blasting for Paradise Elementary School in Paradise Township, **Lancaster County** with an expiration date of August 1, 2008. Permit issued August 10, 2007.

**40074129. Geological Technologies, Inc.,** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Ruby Tuesday in the City of Hazleton, **Luzerne County** with an expiration date of August 6, 2008. Permit issued August 10, 2007.

**40074130. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Forest Heights Development in Duryea Borough, **Luzerne County** with an expiration date of August 31, 2007. Permit issued August 10, 2007.

**54074106. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Sharp Mountain Phase IV in the City of Pottsville, **Schuylkill County** with an expiration date of August 31, 2007. Permit issued August 10, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal

form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E48-362. Kemmerer Corporation**, 3220 Valley View Drive, Bath, PA 18014. Lehigh and Moore Townships, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a road crossing consisting of an open-bottom arch culvert having a span of 12.0 feet and minimum underclearance of approximately 2.0 feet in a tributary to Hockendauqua Creek (CWF) and in approximately 0.12 acre of adjacent EV wetlands for the purpose of constructing an access road to serve Phase IV of Cottonwood Crest planned residential development. The permittee is required to provide 0.12 acre of replacement wetlands. The project is located approximately 1,500 feet east of the intersection of Murphy Road and South Cottonwood Road (Kunkletown, PA Quadrangle N: 2.8 inches; W: 14.6 inches). (Subbasin: 2C)

**E39-469. Upper Saucon Township**, 5500 Camp Meeting Road, Center Valley, PA 18034. Upper Saucon Township, **Lehigh County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-inch diameter DIP waterline crossing of two tributaries to Saucon Creek (CWF) and through approximately 650 feet of adjacent EV wetlands. The project is located along Liberty Road (T415), North Main Street (SR 2045) and Passer Road (SR 2028) (Allentown East, PA Quadrangle N: 4.4 inches; W: 2.2 inches). (Subbasin: 2C)

**E39-468. Upper Saucon Township**, 5500 Camp Meeting Road, Center Valley, PA 18034. Upper Saucon Township, **Lehigh County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-inch diameter DIP waterline crossing of a tributary to Saucon Creek (CWF) and 0.01 acre of adjacent EV wetlands. The project is located between the Curly Horse Road cul-de-sac and Hopewell Road (Allentown East, PA Quadrangle N: 6.0 inches; W: 8.5 inches). (Subbasin: 2C)

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

**E07-409: Team Ten, LLC**, American Eagle Paper Mill, 1600 Pennsylvania Avenue, Tyrone, PA 16686, Snyder Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a 14-foot high by 40-foot long concrete wall and related work along the right bank of Bald Eagle Creek (TSF) located at the American Eagle Paper Mill (Tyrone, PA Quadrangle N: 8.99 inches; W: 16.00 inches, Latitude: 40° 40' 28.2"; Longitude: 78° 14' 25.63") in Snyder Township and Tyrone Borough, Blair County.

**E67-824: Harry Becker and Claude Rohrbaugh**, 3963 and 3967 Little John Drive, York, PA 17408-8985, North Codorus Township, **York County**, ACOE Baltimore District.

To construct and maintain a 6-inch sanitary sewer lateral crossing in a UNT to Codorus Creek (CWF) at a point just west of Route 616 (West York, PA Quadrangle N: 5.2 inches; W: 6.0 inches, Latitude: 39° 54' 13"; Longitude: 76° 47' 34") in North Codorus Township, York County.

**E36-827: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Manheim Township, **Lancaster County**, ACOE Baltimore District.

To: (1) remove an existing single span T-Beam bridge having a total span of 25.0 feet, a width of 30 feet, and minimum underclearance of 5.0 feet, with associated dam structure located directly under the bridge; (2) remove an existing single-lane single span T-Beam bridge having a total span of 12.0 feet, a width of 30 feet, and minimum underclearance of 5.0 feet, with associated emergency spillway structure located directly under the bridge; (3) remove approximately 9,240 cubic feet of roadway fill between the two bridge structures; and to (4) construct and maintain a single span Spread Box Beam Bridge having a total span of 48.5 feet, a width of 50 feet, and minimum underclearance of 4.0 feet carrying Oregon Road (SR 0722) over Lititz Run (WWF) at a point approximately 200 feet west of its intersection with Creek Road (TR-620) (Leola, PA Quadrangle N: 20.2 inches; W: 17.2 inches, Latitude 40° 06' 40"; Longitude: 76° 14' 54") in Manheim Township, Lancaster County. The applicant is proposing to use rock-vein structures to control the streambed elevation and maintain the pool level within the lake that was created by the dam.

**E22-509: Hershey Trust Company**, 1201 Homestead Lane, Hershey, PA 17033, South Hanover Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain an 8-inch PVC sanitary sewer pipe wetland crossing temporarily impacting .013 acre PEM wetland; four, 4-inch and 8-inch PVC sanitary sewer pipe wetland crossings temporarily impacting .007 acre, .021 acre, .006 acre and .43 acre PEM wetlands, respectively; a 40-foot long 4-inch and 8-inch PVC sanitary sewer pipes crossing of a UNT to the Swatara Creek (WWF); a 4-inch and 8-inch sanitary sewer pipe crossing the Swatara Creek (WWF); an 80-foot long by 24-inch

HDPE sewer pipe wetland crossing permanently impacting .036 acre PEM wetland; a 35-foot long by 34-foot, 8.25-inch wide concrete arch bridge with a 9-foot, 2-inch clearance over the water crossing a UNT to the Swatara Creek (WWF) permanently impacting .021 acre of PEM wetland. Other utilities are located within the fill of the roadway crossings. The project is located at the northeast corner of the intersection of SR 0039 and East Canal Street (SR 2010) (Hershey, PA Quadrangle; N: 9 inches, W: 6.9 inches; Latitude: 40° 18' 00"; Longitude: 76° 40' 40") in South Hanover Township, Dauphin County. The .057-acre of permanent PEM wetland impact will be replaced onsite with a .085-acre of PEM wetland mitigation area.

**E36-813: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA, East Cocalico and West Cocalico Townships, **Lancaster County**, ACOE Baltimore District.

To reconstruct and widen SR 0897 Section 012 in East and West Cocalico Townships, Lancaster County for the purpose of improving traffic safety involving the following:

1. Remove an existing 39.0-foot long, 54.0-inch by 36.0-inch corrugated metal arch culvert and to construct and maintain 40.0-foot long, 38.0-inch by 60.0-inch elliptical concrete culvert pipe with D-W end section depressed six-inches within the channel of Stony Run (WWF) at Station 833+08 (Sinking Springs, PA Quadrangle; N: 20.60 inches; W: 11.40 inches, Latitude: 40° 14' 15"; Longitude: 76° 04' 51"). Net permanent channel impact is 40.0 lineal feet.
2. Remove an existing 36.0-foot long, 15.0-inch corrugated metal culvert and to construct and maintain 40.0-foot long, 18.0-inch reinforced concrete culvert pipe within the channel of a UNT to Little Cocalico Creek (TSF) at Station 860+15 (Sinking Springs, PA Quadrangle; N: 21.80 inches; W: 11.80 inches, Latitude: 40° 14' 42"; Longitude: 76° 05' 04"). Net permanent channel impact is 40.0 lineal feet and the net PEM wetland impact is 0.03 acre.
3. Maintain fill within 0.03 acre of PEM wetland to widen SR 0897 between Stations 860+30 to 862+40 (Sinking Springs, PA Quadrangle; N: 21.80 inches; W: 11.80 inches, Latitude: 40° 14' 42"; Longitude: 76° 05' 04").
4. Relocate and maintain 26.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 876+15 and 877+40 (Sinking Springs, PA Quadrangle; N: 22.60 inches; W: 12.00 inches, Latitude: 40° 14' 55"; Longitude: 76° 05' 08"). The proposed relocation will permanently impact 125-feet of stream channel.
5. To construct and maintain a 16.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 876+15 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches; Latitude: 40° 14' 58"; Longitude: 76° 05' 07"). Net permanent channel impact is 16.0 lineal feet.
6. Relocate and maintain 247.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 875+10 and 877+57 (Sinking Springs, PA Quadrangle; N: 22.60 inches; W: 12.00 inches, Latitude: 40° 14' 55"; Longitude: 76° 05' 08"). The proposed relocation will permanently impact 247-feet of stream channel.
7. Remove an existing 18.0-foot long, 18.0-inch reinforced concrete culvert and to construct and maintain 24.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 877+25 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches, Latitude: 40° 14' 58"; Longitude: 76° 05' 07"). Net permanent channel impact is 24.0 lineal feet.
8. Remove an existing 40.0-foot long, 24.0-inch corrugated metal culvert and to construct and maintain 40.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 877+39 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches, Latitude: 40° 14' 58"; Longitude: 76° 05' 07"). Net permanent channel impact is 40.0 lineal feet.
9. Relocate and maintain 290.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 877+60 and 880+50 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches, Latitude: 40° 14' 58"; Longitude: 76° 05' 08"). The proposed relocation will permanently impact 290-feet of stream channel.
10. Remove an existing 52.0-foot long, 36.0-inch corrugated metal culvert and to construct and maintain a 56.0-foot long, 29.0-inch by 45.0-inch elliptical concrete culvert pipe within the channel of a UNT to Little Cocalico Creek (TSF) at Station 880+34 (Terre Hill, PA Quadrangle; N: 0.00 inch; W: 11.90 inches, Latitude: 40° 15' 00"; Longitude: 76° 05' 07"). Net permanent channel impact is 56.0 lineal feet.
11. Relocate and maintain 385.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 880+90 and 884+85 (Terre Hill, PA Quadrangle; N: 0.00 inch; W: 11.90 inches, Latitude: 40° 15' 00"; Longitude: 76° 05' 08"). The proposed relocation will permanently impact 385-feet of stream channel.
12. To construct and maintain a 40.0-foot long, 29.0-inch by 45.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 884+36 (Terre Hill, PA Quadrangle; N: 0.30 inch; W: 12.0 inches, Latitude: 40° 15' 05"; Longitude: 76° 05' 08"). Net permanent channel impact is 40.0 lineal feet.
13. Remove an existing 46.0-foot long, 22.0-inch by 33.0-inch corrugated metal arch culvert and to construct and maintain 44.0-foot long, 29.0-inch by 45.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 884+84 (Terre Hill, PA Quadrangle; N: 0.30 inch; W: 12.00 inches, Latitude: 40° 15' 05"; Longitude: 76° 05' 08"). Net permanent channel impact is 46.0 lineal feet.
14. Relocate and maintain 270.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 885+15 and 887+95 (Terre Hill, PA Quadrangle; N: 0.30 inch; W: 12.00 inches, Latitude: 40° 15' 06"; Longitude: 76° 05' 09"). The proposed relocation will permanently impact 270-feet of stream channel.
15. Relocate and maintain 540.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 887+95 and 893+35 (Terre Hill, PA Quadrangle; N: 0.40 inch; W: 12.10 inches, Latitude: 40° 15' 10"; Longitude: 76° 05' 09"). The proposed relocation will permanently impact 540-feet of stream channel.
16. Remove an existing 38.0-foot long, 24.0-inch diameter corrugated metal culvert and to construct and maintain 40.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a PEM wetland at Station 887+69 (Terre Hill, PA Quadrangle; N: 0.40 inch; W: 12.10 inches, Latitude: 40° 15' 08"; Longitude: 76° 05' 09"). Net permanent PEM wetland impact is 0.002 acre.

17. Remove an existing 19.0-foot long, steel I-beam bridge with an average underclearance of 4.8-feet and a span of 8.0-foot and to construct and maintain a one-foot depressed 36.0-foot long, concrete box culvert with an underclearance of 5.0-foot and a span of 8.0-foot within a UNT to Little Cocalico Creek (TSF) at Station 893+35 (Terre Hill, PA Quadrangle; N: 0.60 inch; W: 12.10 inches, Latitude: 40° 15' 13"; Longitude: 76° 05' 08"). Net permanent channel impact is 36.0 lineal feet.

18. Maintain fill within 0.034 acre of PEM wetland at Station 894+15 (Terre Hill, PA Quadrangle N: 0.70 inch; W: 12.10 inches, Latitude: 40° 15' 14"; Longitude: 76° 05' 09").

19. Remove an existing 40.0-foot long, 15.0-inch corrugated metal culvert and to construct and maintain 40.0-foot long, 14.0-inch by 23.0-inch elliptical concrete culvert pipe within a PEM wetland at Station 904+26 (Terre Hill, PA Quadrangle; N: 1.10 inches; W: 12.40 inches, Latitude: 40° 15' 21"; Longitude: 76° 05' 19"). Net permanent PEM wetland impact is 0.001 acre.

20. Maintain fill within 0.001 acre of PEM wetland at Station 904+85 (Terre Hill, PA Quadrangle N: 1.10 inches; W: 12.40 inches, Latitude: 40° 15' 21"; Longitude: 76° 05' 19").

21. Remove an existing 22.1-foot long, concrete slab bridge with an average underclearance of 4.2-feet and a span of 14.0-foot and to construct and maintain a one-foot depressed 34.9-foot long, concrete box culvert with an underclearance of 5.0-foot and a span of 18.0-foot within a UNT to Little Cocalico Creek (TSF) at Station 905+50 (Terre Hill, PA Quadrangle; N: 1.10 inches; W: 12.40 inches, Latitude: 40° 15' 21"; Longitude: 76° 05' 19"). Net permanent channel impact is 34.9 lineal feet.

22. Relocate and maintain 375.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 934+55 and 938+50 (Terre Hill, PA Quadrangle N: 1.90 inches; W: 13.70 inches, Latitude: 40° 15' 38"; Longitude: 76° 05' 53"). The proposed relocation will permanently impact 375-feet of stream channel.

23. Remove an existing 35.0-foot long, 18.0-inch corrugated metal culvert and to construct and maintain 36.0-foot long, 14.0-inch by 23.0-inch elliptical concrete culvert pipe within a PEM wetland at Station 938+28 (Terre Hill, PA Quadrangle; N: 1.90 inches; W: 13.80 inches, Latitude: 40° 15' 39"; Longitude: 76° 05' 53"). Net permanent PEM wetland impact is 0.002 acre.

The project will result in 2,525 linear feet of permanent channel impacts, 0.05 acre of temporary PEM wetland impacts and 0.07 acre of permanent PEM wetland impacts. The applicant is required to replace 0.07 acre of PEM wetlands and has proposed to create 0.31 acre of PEM wetlands along the UNT to Little Cocalico Creek (TSF) between Stations 903+00 and 906+50. The applicant has proposed 625 linear feet of stream channel stabilization, riparian plantings and streambank fencing along the UNT to Little Cocalico Creek (TSF) at Station 905+50 as stream impact compensation.

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

**E41-576. Department of Transportation, Engineering District 3-0**, P. O. Box 218 Montoursville, PA 17754-0218. SR 1005 Section 011 Bridge Replacement Project in Plunketts Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Barbours, PA Quadrangle N: 7.95 inches; W: 7.40 inches).

To remove an existing concrete encased steel I-beam bridge and replace with a 48-inch by 39-inch P/S concrete box-beam bridge on a skew of 50.25°, which carries SR 1005 over Plunketts Creek (HQ-CWF). This project is located approximately 4 miles from the intersection of SR 0087 and SR 1005 in Plunketts Creek Township, Lycoming County.

This project proposes to have a minimal impact on Plunkett's Creek, which is designated a HQ-CWF. This project does not propose to impact any jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

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

**E02-1556. Allegheny County Airport Authority**, Landside Terminal, 4th Floor Mezzanine, Pittsburgh, PA 15231. To place and maintain fill in Findlay Township, **Allegheny County**, Pittsburgh ACOE District. (Aliquippa, PA Quadrangle; N: 0.5 inches; W: 2.5 inches; Latitude: 40° 30' 14"; Longitude: 80° 16' 16"). To place and maintain fill in 0.04 acre of wetlands (PEM) and to place and maintain fill in 246 feet of a UNT to Raredon Run (TSF) for the purpose of extending the runway 10L safety area (RSA). The project is located approximately 1.5 miles northeast of Clinton. To compensate for the wetland impacts the permittee will construct and maintain 0.04 acre of replacement wetlands on site. The permittee has previously constructed stream mitigation in and along Raredon Run to compensate for the stream impacts.

**E02-1557. Allegheny County Airport Authority**, Pittsburgh International Airport, Landside Terminal, Suite 4000, P. O. Box 12370, Pittsburgh, PA 15230. To fill wetlands in Findlay Township, **Allegheny County**, Pittsburgh ACOE District. (Oakdale, PA Quadrangle N: 17.5 inches; W: 15.6 inches; Latitude: 40° 28' 19"; Longitude: 80° 14' 17"). To place and maintain fill in 0.02 acre of wetlands as part of remediating a landslide located along an existing gas line within the Pittsburgh International Airport. To compensate for the 0.02 acre of wetland impacts, the applicant has constructed 0.2 acre of replacement wetlands at their Moon Clinton Road wetland mitigation site authorized with Permit No. E02-1451.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA05-007: Ernest Fuller, Broad Top Township**, SX8A-D2 AMD Discharge Remediation Growing Greener Project, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633, **Bedford County**, ACOE Baltimore District.

To remediate an existing abandoned mine drainage discharge (SX8A-D2) adjacent to Brewster Hollow Run (WWF). Site location: at a point just north of Coaldale on Township Road 596 (Saxton, PA Quadrangle N: 11 inches; W: 11.5 inches, Latitude: 40° 11' 08" N; Longitude: 78° 12' 27" W) in Broad Top Township, Bedford County. To create a passive treatment system to provide additional detention and filtration for the net alkaline, iron-stained water from the abandoned mine discharge to. The Applicant proposes 0.13 acre of wetland impacts and anticipates reduction in pollutant loading by 75%.

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D06-034EA. Ken R. Gehris**, 1500 Conrad Weiser Parkway, Womelsdorf, PA 19567. Centre Township, **Berks County**, ACOE Philadelphia District.

To remove remnants of the previously breached Dauberville Dam across Irish Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 300 feet north of the intersection of Railroad Road and Bellemans Church Road (Temple, PA Quadrangle; Latitude: 40° 27' 30", Longitude: 75° 58' 53").

**D19-076EA. Department of Transportation Engineering District 3-0**, 715 Jordan Avenue, Montoursville, PA, Mount Pleasant and Scott Townships, **Columbia County**, ACOE Baltimore District.

Project proposes to breach and remove an unnamed dam across Fishing Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also involve the removal of an abandoned railroad trestle bridge approximately 200 feet upstream from the dam. The project will restore approximately 750 linear feet of stream channel. The dam is located approximately 1.1 miles northeast of the intersection of Back Branch Road (SR4008) and Millertown Road (SR4011) (Bloomsburg, PA Quadrangle; Latitude: 41° 01' 45", Longitude: 76° 26' 47").

**D49-027EA and D49-028EA. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110. Lewis Township, **Northumberland County**, ACOE Baltimore District.

Project proposes to breach an unnamed dam and Intake Dam across a tributary to Glade Run (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 100 linear feet of stream channel. The dams are located approximately 1 1/4 mile southwest of the intersection of Glade Run Road and Muncy Exchange Road (Muncy, PA Quadrangle Latitude: 41° 10' 15", Longitude: 76° 46' 18"). (Muncy, PA Quadrangle Latitude: 41° 10' 6", Longitude: 76° 46' 20").

**D46-344EA. Cheltenham Township**, 8230 Old York Road, Elkins Park, PA 19027-1589. Cheltenham Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Cheltenham Dam across Tacony Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 310 linear feet of stream channel. The dam is located approximately 300 feet north of the intersection of Shoemaker Road and Forrest Avenue (Germantown, PA Quadrangle; Latitude: 40° 4' 36", Longitude: 75° 7' 33").

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-65-008	Commonwealth Renewable Energy, Inc. 777 Technology Drive Mt. Pleasant, PA 15666 Attn: Richard Walker	Westmoreland	Hempfield Township	3 ASTs storing Petroleum Products	8,250,000 gallons total
				9 ASTs storing Hazardous Substances	95,310 gallons total

**SPECIAL NOTICES**

**PUBLIC NOTICE**

**Notice of Public Hearing for NPDES Permit Application No. PAI023907010**

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on Individual National Pollutant Discharge Elimination System (NPDES) Permit Application No. PAI023907010 for the discharge of stormwater from construction activities at the proposed Stone Ridge Estates project, in Upper Milford Township, Lehigh County.

The public hearing will be conducted on October 17, 2007, at 7 p.m. in the Upper Milford Township Municipal Building at 5831 Kings Highway South, Old Zionsville, PA 18068-0210, by the Department, Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570)

826-2511. The hearing is in response to an application submitted by PAI023907010. The NPDES permit application proposes the discharge of stormwater from construction activities associated with the proposed Stone Ridge Estates project to the Saucon Creek (CWF) and a tributary to Saucon Creek (CWF with Exceptional Value Wetlands) watersheds.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to: PAI023907010 NPDES Public Hearing, PA Department of Environmental Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to ten minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI023907010. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will

have the opportunity to testify if they so desire, however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid; service or other accommodation should contact Christine Domashinski of the Department at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Lehigh County Conservation District Office located at the Lehigh County Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, (610) 391-9583.

For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

### Special Notice

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

**EGS03001. Armstrong Conservation District** (124 Armsdale Road, Suite B-2, Kittanning, PA 16201). A project to abate a mine discharge by constructing a wetland system in Parks Township, **Armstrong County**, affecting 3.5 acres. Receiving stream: Carnahan Run. Project received April 23, 2007.

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

### Act 181 Solicitation Notice

Under the act of October 12, 1984 (P. L. 916, No. 181), the Department of Environmental Protection solicits letters of interest/reclamation proposals from landowners, licensed mine operators, and/or eligible reclamation contractors for the reclamation of the following abandoned strip mine project:

<i>Project</i>	<i>Municipality</i>	<i>County</i>	<i>Acres</i>
Cambria Mills Co., Inc. Lyncroft Mine SMP: 17803034	Beccaria	Clearfield	100

Letters of interest must be received by Tom Koptchak, Geologic Specialist at the Moshannon District Office, Department of Environmental Protection, 186 Enterprise Drive Philipsburg, PA 16866, no later than 4 p.m., local time, September 15, 2007, to be considered.

Telephone inquiries shall be directed to Tom Koptchak, Moshannon at (814) 342-8140.

*Project Overview:* Reclamation of site includes regrading to eliminate two sedimentation ponds, two coal stockpile areas, planting of trees on 100 acres, backfilling and grading of two pit areas (~67 acres), reclamation of preexisting haul road, removal and disposal of on site trash, and the construction of one drainage channel measuring 700 ft. in length. Actual activities may vary depending on property owner preferences.

[Pa.B. Doc. No. 07-1556. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the

link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

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

### Ordering Paper Copies of Department Technical Guidance

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

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

### Changes to Technical Guidance Documents

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

### Draft Technical Guidance—Substantive Revision

DEP ID: 562-2112-503. Title: Bituminous Coal Surface Mining Near Underground Utility Lines and Blasting Near Underground Utility Lines on All Mining and Construction Sites. Description: This guidance document, formerly titled "Coal Surface Mining and Blasting Near Underground Utility Lines and Pipelines," establishes procedures mine operators should follow when conducting mining and blasting activities near underground utility lines. The procedures identified in the guidance serve to not only ensure the integrity of underground utility lines, but to also protect the safety of workers and the interests of utility line owners. Substantive changes were recently made to the guidance to further enhance the procedures for limiting the effects blasting may have on underground utility lines. These revisions result in a guidance document that more clearly follows the regulatory requirements for blasting activities. The document also includes guidance on the regulation of blasting near underground utility lines in anthracite coal mining, noncoal mining and on construction sites. Written Comments: The Department is seeking comments on the substantive revisions to draft technical guidance #562-2112-503. Interested persons may submit written comments on this draft technical guidance document by September 24, 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 Richard Lamkie, Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, P. O. Box 8461, Harrisburg, PA 17105-8461; [rlamkie@state.pa.us](mailto:rlamkie@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to Richard Lamkie at (717) 787-5103, [rlamkie@state.pa.us](mailto:rlamkie@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

### Notice To Rescind Technical Guidance

DEP ID: 700-5600-001. Title: Guidance for Pollution Prevention and Energy Efficiency Site Assessments. Description: This guidance document was formerly issued by the Department to identify the policy and procedures for

which it would conduct pollution prevention and energy efficiency site assessments. Since the guidance document was finalized, the Department has determined that there is insufficient need to maintain the protocol in the guidance document, as it does not reflect current program goals and priorities of the Department and is therefore outdated and invalid. Contact: Questions concerning the rescission of technical guidance document #700-5600-001 should be directed to Richard Illig, Department of Environmental Protection, Office of Energy and Technology Deployment, Rachel Carson State Office Building, 15th Floor, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-5834, rillig@state.pa.us. Effective Date: August 25, 2007.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1557. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Bid Opportunities

**S14-024-101.1, Wallace Run Stream Rehabilitation Project, Boggs Township, Centre County.** The principal items of work and approximate quantities include 700 linear feet of Restoration of Stream Channel, 122 linear feet of Existing Drainage Pipe Extension and Realignment and Stabilizing Channel Using a Combination of six Rock Vane Structures and Biotextile Bank Stabilization. This project issues on August 24, 2007, and bids will be opened on September 25, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A mandatory prebid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the prebid. Failure to attend will be cause for rejection of the bid. Please contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1558. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Recycling Fund Advisory Committee Meeting and Solid Waste Advisory Committee Meeting

The Solid Waste Advisory Committee (SWAC) meeting is scheduled for Thursday, September 13, 2007, and the Recycling Fund Advisory Committee (RFAC) will hold a special meeting on that date from 10 a.m. to 12 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to provide the RFAC with details of past expenditures from the Recycling Fund and to solicit input on proposed expenditures, including recycling market development. The SWAC will meet in the same location from approximately 12 p.m. to 3 p.m.

Questions concerning this meeting should be directed to Lawrence Holley at (717) 787-7381, lholley@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Depart-

ment) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Helen Powell at (717) 787-7381 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1559. Filed for public inspection August 24, 2007, 9:00 a.m.]

### State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss various technical issues impacting the development of the State Water Plan. The meeting will be held Tuesday, August 28, 2007, at 10 a.m., Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1560. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Lehigh County

State-owned real estate for sale in the City of Allentown, Lehigh County, PA. The Department of General Services, through its Broker, Studley, Inc., will accept bids for the purchase of 4.2471 gross acres +/- of improved land zoned B-3 Highway Business District located at 1713 Lehigh Street in the City of Allentown. Bids are due September 6, 2007. Interested parties wishing to receive a copy of Solicitation No. 94141 should call Bradford Mills, Studley, Inc., at (267) 256-7575, bmills@studley.com.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 07-1561. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Paoli Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Paoli Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-1562. Filed for public inspection August 24, 2007, 9:00 a.m.]

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### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, September 12, 2007, at 10 a.m., in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Lewis Wolkoff, Bureau of Health Planning at (717) 772-5298 or lwolkoff@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1563. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Deal Or No Deal™ Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Deal Or No Deal™.

2. *Price:* The price of a Pennsylvania Deal Or No Deal™ instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Deal Or No Deal™ instant lottery game ticket will contain one play area featuring a "WINNING CASE NUMBERS" area, a "YOUR CASE NUMBERS" area and a separate "BANKER'S BOX" play area containing a play symbol and a prize symbol. The play symbols and their captions located in the "WINNING CASE NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR CASE NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and a TV SET symbol (TV SET). The play symbols and their captions, one of which will be located in the "BANKER'S BOX" play area are: DEAL symbol (DEAL), NO BONUS symbol (TRY AGAIN) and TRY AGAIN symbol (NO BONUS). The "BANKER'S BOX" is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR CASE NUMBERS" area are: FREE (TICKET), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO). The prize symbols and their captions, located in the "BANKER'S BOX" play area are: FREE (TICKET), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$5 Ticket, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000, \$5,000 and \$50,000. The prizes that can be won in "BANKER'S BOX" area are: Free \$5 Ticket, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$5,000. A player can win up to ten times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct Second-Chance Drawings for nonwinning Deal Or No Deal™ instant lottery tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 7,680,000 tickets will be printed for the Pennsylvania Deal Or No Deal™ instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR CASE NUMBERS" play symbols matches any of the "WINNING CASE NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR CASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR CASE NUMBERS" play symbols matches any of the "WINNING CASE NUMBERS" play symbols and a





(z) Holders of tickets upon which any one of the "YOUR CASE NUMBERS" play symbols is a TV SET symbol (TV SET), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the TV SET symbol (TV SET), on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$5.

(bb) Holders of tickets upon which any one of the "YOUR CASE NUMBERS" play symbols matches any of the "WINNING CASE NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears under the matching "YOUR CASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Deal Or No Deal™ instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(cc) Holders of tickets upon which any one of the "YOUR CASE NUMBERS" play symbols is a TV SET symbol (TV SET), and a prize symbol of FREE (TICKET) appears under the TV SET symbol (TV SET), on a single ticket, shall be entitled to a prize of one Pennsylvania Deal Or No Deal™ instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(dd) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of FREE (TICKET) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Deal Or No Deal™ instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Case Numbers Match Any Of The Winning Case Numbers, Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 7,680,000 Tickets</i>
DEAL w/FREE	FREE \$5 TICKET	128,000
FREE w/TV SET	FREE \$5 TICKET	128,000
FREE	FREE \$5 TICKET	128,000
DEAL w/\$5	\$5	76,800
\$5 w/TV SET	\$5	76,800
\$5	\$5	128,000
DEAL w/\$10	\$10	128,000
\$10 w/TV SET	\$10	128,000
\$5 × 2	\$10	128,000
\$10	\$10	128,000
DEAL w/\$20	\$20	64,000
\$20 w/TV SET	\$20	64,000
\$5 × 4	\$20	64,000
\$20	\$20	64,000
DEAL w/\$40	\$40	12,800
\$40 w/TV SET	\$40	12,800
\$5 × 8	\$40	12,800
\$10 × 4	\$40	12,800
\$20 × 2	\$40	12,800
\$40	\$40	12,800
DEAL w/\$50	\$50	12,800
\$50 w/TV SET	\$50	12,800
\$5 × 10	\$50	12,800
\$10 × 5	\$50	12,800
\$50	\$50	25,600
DEAL w/\$100	\$100	5,120
\$100 w/TV SET	\$100	5,120
\$10 × 10	\$100	5,120
\$50 × 2	\$100	5,120
\$100	\$100	5,120
DEAL w/\$400	\$400	512
\$400 w/TV SET	\$400	512
\$40 × 10	\$400	512
\$100 × 4	\$400	512
\$400	\$400	512
DEAL w/\$1,000	\$1,000	192
\$1,000 w/TV SET	\$1,000	192
\$100 × 10	\$1,000	192
(\$400 × 2) + (\$100 × 2)	\$1,000	192
\$1,000	\$1,000	256

When Any Of Your Case Numbers Match Any Of The Winning Case Numbers, Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 7,680,000 Tickets
DEAL w/\$5,000	\$5,000	240,000	32
\$5,000	\$5,000	240,000	32
\$50,000	\$50,000	768,000	10

PA DEAL OR NO DEAL™ Second-Chance Drawing  
PA DEAL OR NO DEAL™ Bonus Second-Chance Drawing

TV SET (TV SET) = Win prize shown under it automatically

DEAL = Get a "DEAL" (DEAL) symbol in the BANKER'S BOX and win the prize shown under it automatically.

Lottery will award 9 trips to Hollywood in PA DEAL OR NO DEAL™ Second-Chance Drawing. One entrant is guaranteed to play DEAL OR NO DEAL™ for a chance to win up to \$1 million cash. All costs are included in licensing fee. Estimated value of each trip is \$12,500 and includes Federal Withholding Credit. There is no cash equivalent for trip.

Lottery will select 9 contestants in the PA Bonus Second-Chance Drawing. A final drawing consisting of entrants from all lotteries offering the DEAL OR NO DEAL™ game will determine winner of the \$1 million cash prize.

Note: 4.25% maximum deducted from prize fund for licensing fee.

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

10. Deal Or No Deal™ Second-Chance Drawings Requirements:

(a) To be eligible for the Second-Chance Drawings, players must mail exactly three nonwinning Pennsylvania Deal Or No Deal™ instant lottery tickets in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery, Deal Or No Deal™ Second-Chance Drawings, P. O. Box 999, Middletown, PA 17057-0999. The player shall affix proper postage to the entry.

(b) Envelopes containing less than or more than three nonwinning Pennsylvania Deal Or No Deal™ instant lottery tickets shall be disqualified.

(c) Nonwinning Pennsylvania Deal Or No Deal™ instant lottery tickets received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for nonwinning Pennsylvania Deal Or No Deal™ instant lottery tickets received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Deal Or No Deal™ instant lottery tickets submitted to the Deal Or No Deal™ Second-Chance Drawings address will not be paid or honored. Entries into the Second-Chance Drawings containing winning Pennsylvania Deal Or No Deal™ instant lottery tickets will be disqualified.

(e) The back of each nonwinning Pennsylvania Deal Or No Deal™ instant lottery ticket entered in the Second-Chance Drawings must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature. Only one claimant per ticket allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. Second-Chance Drawings Procedures:

(a) The Lottery will conduct a Pennsylvania Deal Or No Deal™ Second-Chance Drawing and a Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing. All Pennsylvania Deal Or No Deal™ Second-Chance Drawing entries received at Lottery Headquarters on or before February 22, 2008, will be eligible to participate in the Pennsylvania Deal Or No Deal™ Second-Chance Drawing which will be held at Lottery Headquarters the week of February 25, 2008. All Pennsylvania Deal Or No

Deal™ Second-Chance Drawing entries received at Lottery Headquarters on or before August 15, 2008, including those eligible to participate in the Pennsylvania Deal Or No Deal™ Second-Chance Drawing, will be eligible to participate in the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing which will be held at Lottery Headquarters the week of August 18, 2008. The odds of an entry being selected in either the Pennsylvania Deal Or No Deal™ Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing depend upon the number of entries received.

(b) To be eligible for either the Deal Or No Deal™ Second-Chance Drawing or the Deal Or No Deal™ Bonus Second-Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery assumes no responsibility for a lost or misplaced entry not entered into the Pennsylvania Deal Or No Deal™ Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing.

(2) If a Pennsylvania Deal Or No Deal™ Second-Chance Drawing entry or a Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing entry is rejected during or following the Pennsylvania Deal Or No Deal™ Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) Manner of conducting the Deal Or No Deal™ Second-Chance Drawing.

(1) All entries received at Lottery Headquarters on or before February 22, 2008, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected, one from each container. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has

been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to the Deal Or No Deal™ Trip Package Prize described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(d) Manner of conducting the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing.

(1) All entries received at Lottery Headquarters on or before August 15, 2008, will be placed in numbered containers, each containing approximately 500 envelopes. These numbered containers along with the numbered containers containing entries from the Pennsylvania Deal Or No Deal™ Second-Chance Drawing will be eligible to participate in the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected, one from each container. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner's name to be entered into another drawing, further described in section 13.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(e) The payment of a prize awarded in either the Pennsylvania Deal Or No Deal™ Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code §§ 811.16 (relating to prizes payable after death of prize winner).

12. *Deal Or No Deal™ Trip Package Prize Description:*

(a) Each Deal Or No Deal™ Second-Chance Drawing prize will have an average value of approximately \$12,500 including a \$3,125 Federal Withholding Credit. The Trip Package consists of the following:

(1) Round-trip coach airfare for four to a major southern California airport. Departure cities include Harrisburg, PA, Philadelphia, PA, Pittsburgh, PA and Baltimore, MD.

(2) Hotel accommodations include two double rooms (double occupancy), each for four nights at a first class hotel selected by the Lottery.

(3) Ground transportation in California from and to airport/hotel and hotel/studio throughout the duration of the trip and all fulfillment and hosting services are included.

(4) One opportunity to participate in a random drawing to play Deal Or No Deal™. Each Deal Or No Deal™ Trip Package winner selected by the Pennsylvania Lottery, in accordance with section 11, will in the order in which they were selected by the Pennsylvania Lottery, randomly select a briefcase. All of the briefcases except one will contain a dollar amount of \$5,000, \$10,000 or \$25,000. The winners who select a briefcase containing a dollar amount will win the amount noted in their briefcase, less required Federal withholding. The Pennsylvania Deal Or No Deal™ Trip Package winner who selects the briefcase not containing a dollar amount will play Deal Or No Deal™ and will win a guaranteed prize of between \$.01 and \$1 million, less required Federal withholding, in accordance with the Deal Or No Deal™ Television Game Show rules. There is no guarantee that the Deal Or No Deal™ show will be aired on television.

(b) Deal Or No Deal™ Trip Package prize restrictions:

(1) The Deal Or No Deal™ Trip Package prize winner must be at least eighteen years of age.

(2) The Deal Or No Deal™ Trip Package prize is not redeemable for cash.

(3) Each Deal Or No Deal™ Trip Package prize winner will be responsible for the following expenses: applicable travel expenses to and from the departure airport or any airport parking fees; entertainment including alcoholic beverages; fees (such as, departure fees, excess baggage fees, and the like); additional gratuities; hotel incidentals (such as, telephone calls, valet services, laundry, gift shop, and the like); additional transportation in addition to that described herein; travel accident, baggage and trip cancellation insurance. The winner will be responsible for any additional costs incurred by the following changes to the trip package: change of travel companions; staying additional nights; adding additional travelers; upgrading transportation; upgrading hotel room; upgrading class of airline; or any other applicable trip details.

(4) The Deal Or No Deal™ Trip Package prize is transferable one time. Name changes are not permitted once the Deal Or No Deal™ trip is booked. If the winner cancels the trip, the trip package will be void. There will be no extensions and the winner will not receive any reimbursement for the unused trip package. Airline tickets are nonrefundable and all airline rules and restrictions apply. Other restrictions may apply.

(5) Federal withholding tax on cash prizes will be deducted directly from cash prizes in accordance with Internal Revenue Service rules.

(c) Pennsylvania Deal Or No Deal™ Trip Package Winner Proxy:

(1) In the event that a Pennsylvania Deal Or No Deal™ Trip Package winner does not wish to or cannot participate in Deal Or No Deal™ activities related to the selection of the winner to play the Deal Or No Deal™ game, the Deal Or No Deal™ Trip Package winner may select a proxy to act on his or her behalf. All proxy selections must be approved by the Lottery or its designee. If a Pennsylvania Deal Or No Deal™ Trip Package winner fails to select a proxy that is acceptable to the Lottery, or its designee, the Lottery shall appoint a proxy to act on behalf of that Deal Or No Deal™ Trip Package winner.

(2) A proxy appointed by a Pennsylvania Deal Or No Deal™ Trip Package winner, or the Lottery shall act on behalf of the Deal Or No Deal™ Trip Package winner. By participating in the Pennsylvania Deal Or No Deal™

instant lottery game, the Pennsylvania Deal Or No Deal™ Trip Package winner agrees to accept all decisions made by the proxy. Any prize won by the proxy will be awarded to the Pennsylvania Deal Or No Deal™ Trip Package winner.

(3) In the event that the Pennsylvania Deal Or No Deal™ Trip Package winner selected to play Deal Or No Deal™ does not wish to or cannot participate on the game show, the finalist may select a proxy to act on his behalf. All proxy selections must be approved by the Lottery or its designee. If the Pennsylvania Deal Or No Deal™ Trip Package winner selected to play Deal Or No Deal™ fails to select a proxy that is acceptable to the Lottery, or its designee, the Lottery shall appoint a proxy to act on behalf of the finalist selected to play Deal Or No Deal™.

(4) In the event that the Pennsylvania Deal Or No Deal™ Trip Package winner selected to play Deal Or No Deal™ or the winner's designated proxy does not appear by the required time prior to the television game show taping, the Lottery, or its designee, will appoint a proxy to act on behalf of the winner selected to play Deal Or No Deal™. In the event the Pennsylvania Deal Or No Deal™ Trip Package winner selected to play Deal Or No Deal™ is unable to continue play during the taping of the game show, the Lottery, or its designee, will appoint a proxy to act on behalf of the winner.

(5) A proxy appointed by the Pennsylvania Deal Or No Deal™ Trip Package winner selected to play Deal Or No Deal™, or the Lottery, or its designee, shall act on behalf of the winner. By participating in the Pennsylvania Deal Or No Deal™ instant lottery game, the Pennsylvania Deal Or No Deal™ Trip Package winner agrees to accept all game show decisions made by the proxy. Any prize won by the proxy during the television game show will be awarded to the Pennsylvania Deal Or No Deal™ Trip Package winner selected to play Deal Or No Deal™.

13. *Deal Or No Deal™ Bonus Second-Chance Drawing Prize Description:*

(a) Each Deal Or No Deal™ Bonus Second-Chance Drawing Prize shall consist of the opportunity for each Deal Or No Deal™ Bonus Second-Chance Drawing winner selected by the Pennsylvania Lottery to be entered into a final drawing for a cash prize of \$1 million. The final winner will be selected from among all entries submitted by participating lotteries. A computer-generated randomizer or mechanical device may be used to select the final drawing winner.

(b) The odds of an entry being selected in the Pennsylvania Deal Or No Deal™ Bonus Second-Chance Drawing depends upon the number of entries received.

(c) Federal withholding tax on this prize will be deducted directly from cash prize in accordance with Internal Revenue Service rules.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Deal Or No Deal™ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

15. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Deal Or No Deal™, prize money from winning Pennsylvania Deal Or No Deal™ 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 Deal Or No Deal™ 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.

16. *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.

17. *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 Deal Or No Deal™ or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 07-1564. Filed for public inspection August 24, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Request for Proposals

The Department of Transportation is issuing a Request for Proposals (RFP) 6R-01, "Outdoor Advertising Devices and Automotive Recycling Salvage Surveillance Update." The purpose of this RFP is to select an Offeror to gather data and information on all outdoor advertising devices (OAD), junkyards and automotive dismantlers and recyclers in Westmoreland, Washington, Fayette and Greene Counties for Engineering District 12-0. Efforts will be focused on field inspection and logging all OADs (approximately 7,000 devices) in an approved spreadsheet format. The scope of work and the required information to be submitted are discussed in the RFP, which may be downloaded from the Department of General Services (Department) website at [www.dgsweb.state.pa.us/comod/main.asp](http://www.dgsweb.state.pa.us/comod/main.asp). Updates will be posted as they occur, check the website often.

Not all Bidding Opportunities are advertised in the *Pennsylvania Bulletin* for State government agencies. Generally, Bidding Opportunities over \$20,000 for materials and \$250,000 for services are advertised on the Department, Bureau of Procurement website at [www.dgsweb.state.pa.us/comod/main.asp](http://www.dgsweb.state.pa.us/comod/main.asp). The Bidding Opportunities website is updated on a daily basis.

Suppliers interested in doing business with Commonwealth agencies are strongly encouraged to register as a portal supplier at [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us).

For more information, contact the Department Supplier Services and Support, (717) 346-2676, (877) 435-7363 (toll free), [rasrmhelp@state.pa.us](mailto:rasrmhelp@state.pa.us).

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 07-1565. Filed for public inspection August 24, 2007, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

In order for a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff have documented the following stream sections to have Class A Wild Trout populations (ST = Brook Trout, BT = Brown Trout). The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on October 1 and 2, 2007.

County	Stream	Limits	ST (kg/ha)	BT (kg/ha)	Length (miles)
Luzerne	Wapwallopen Creek	Headwaters downstream to confluence with Big Wapwallopen Creek		49.10	3.61
Luzerne	Wapwallopen Creek	Confluence with Big Wapwallopen Creek downstream to 380 meters downstream of SR 3012		41.28	1.78
Luzerne	Big Wapwallopen Creek	Headwaters downstream to powerline crossing upstream of Nuangola Road SR 2042	46.07	51.84	4.68
Luzerne	Balliet Run	Headwaters downstream to the mouth		59.73	3.71
Luzerne	Bow Creek	Headwaters downstream to the mouth	15.90	41.15	4.52

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.  
*Executive Director*

[Pa.B. Doc. No. 07-1566. Filed for public inspection August 24, 2007, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Scheduled

The Health Care Cost Containment Council has scheduled the following meeting: Wednesday, August 29, 2007, Payment Data Advisory Group—10:30 a.m. The meeting 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 meeting should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101,

(717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Directory*

[Pa.B. Doc. No. 07-1567. Filed for public inspection August 24, 2007, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on September 11, 2007, at 9:45 a.m. in Program Room 2 of Fort Hunter, 100 Fort Hunter Road, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

#### Anthracite Region and Poconos

1. *Shawnee-Minisink Site*, along the Delaware River, Smithfield Township, Monroe County.

#### Southwestern Pennsylvania

2. *Try Street Terminal*, 600—620 2nd Avenue, Pittsburgh, Allegheny County.

3. *Charleroi Historic District*, Between Crest Avenue and PA Railroad Tracks, from 1st Street to Northern Borough Line, Charleroi, Washington County.

4. *Shade Furnace*, along Dark Shade Creek, near junction with Clear Shade Creek Road, Shade Township, Somerset County.

#### Great Valley and Piedmont Region

5. *Springtown Historic District*, East Route 212, Route 412, Hickory Lane, Church Street, South Walnut Street, Springfield Township, Bucks County.

6. *Budd, Edward G.*, Manufacturing Company, 2450 Hunting Park Avenue, Philadelphia.

#### Allegheny Plateau

No nominations.

#### Ridge and Valley

No nominations.

BARBARA FRANCO,  
*Executive Director*

[Pa.B. Doc. No. 07-1568. Filed for public inspection August 24, 2007, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-64	Pennsylvania Gaming Control Board Manufacturer Designees; Principal Licenses; Employees; Vendor Certification and Registration; Slot Machine Licenses 37 Pa.B. 2695 (June 16, 2007)	7/16/07	8/15/06

### Pennsylvania Gaming Control Board Regulation #125-64 (IRRC #2614)

#### Manufacturer Designees; Principal Licenses; Employees; Vendor Certification and Registration; Slot Machine Licenses

August 15, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the June 16, 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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

### Chapter 429a. Manufacturer Designees

#### 1. General.—Reasonableness; Clarity.

The term “manufacturer designee” is the subject of this Chapter, but it is not defined. This term should be defined in the final-form regulation.

Also, the regulation requires manufacturer designees to submit applications to the Board, but provides no guidance on how soon the Board will act on the application or what recourse the applicant has if the application is denied. We recommend that those details be included in the final-form regulation.

#### 2. Section 429a.6. Manufacturer designee as agent.—Statutory authority.

Under Subsection (b), a licensed manufacturer “shall be jointly and severally liable for any act or omission by the

licensed manufacturer designee in violation of the act or this part, regardless of actual knowledge by the licensed manufacturer of the act or omission." What is the Board's statutory authority for this provision?

### Chapter 433a. Principal Licenses

#### 3. Section 433a.1. Definitions.—Consistency with statute; Clarity.

##### *Applicant*

This definition differs from the definition found in Section 1103 the Pennsylvania Race Horse Development and Gaming Act (Act) (4 Pa.C.S. § 1103). It also differs from the definition found in Section 401.4 of the Board's regulations. A consistent definition should be used. A similar concern is found in Section 441a.1.

##### *Holding company*

This definition references at least 20% of the power or right to control or vote outstanding voting securities of a corporation or other entity. The definition in the Act only references "any significant part." What is the basis for the 20%?

##### *Principal*

Since this term is used throughout this chapter, we recommend that it be defined.

#### 4. Section 433a.3. Individual ownership.—Need; Reasonableness.

Subsection (g) states, "The Board may require any individual who has a financial interest in, or receives an economic benefit from, an applicant or licensee to be licensed as a principal." Why is it necessary to require these individuals to be licensed as a principal? A similar question applies to Sections 433a.4(h) and 433a.6(d).

#### 5. Section 433a.7. Trusts.—Clarity.

The term "similar business entity" is used in this section, but it is not defined. We recommend that it be defined in Section 433a.1 (relating to Definitions).

### Chapter 435a. Employees

#### 6. General.—Reasonableness; Clarity.

Sections 435a.2 (relating to Key employee license), 435a.3 (relating to Occupation permit) and 435a.5 (relating to Nongaming employee registration) outline the requirements for obtaining licenses, permits and registrations. These sections and this chapter do not provide detail on how long the Board has to review the applications, how the applicant will be notified of the Board's decision and how the applicant can appeal the Board's decision. These details should be included in the final-form regulation.

#### 7. Section 435a.1. General provisions.—Statutory authority; Reasonableness; Clarity.

Under Subsection (k), what is the Board's statutory authority for requiring applicants for licenses or permits to demonstrate that they are current on any financial obligation owed to the Commonwealth or any subdivision thereof, including court-ordered child support payments? Additionally, if the Board has the statutory authority, the regulation should specify what documentation must be submitted to the Board to demonstrate compliance with this provision.

#### 8. Section 435a.6. Board credentials.—Reasonableness; Clarity.

This section requires certain individuals to obtain Board credentials. The final-form regulation should include the process for obtaining Board credentials.

### Chapter 437a. Vendor Certification and Registration

#### 9. Section 437a.1. General vendor requirements.—Reasonableness; Clarity.

Subsection (b) explains when a vendor will be required to apply for certification. Subsection (b)(4) states that vendor certification will be required "based on the Board's analysis of the vendor's services." This criterion is vague. The final-form regulation should include the criteria the Board will use to determine if certification is needed.

#### 10. Section 437a.2. Vendor registration applications.—Statutory authority.

Subsection (c) requires an applicant for a vendor registration to reimburse the costs incurred by the Board in conducting the review of the application *up to a maximum amount of \$2,000*. Section 1208(1)(iii) of the Act requires the Board to recoup *all* expenses relating to investigations. What is the Board's statutory authority for imposing the cap of \$2,000? Further, does an applicant for a vendor registration fall within the definition of an "applicant, licensee, permittee or registrant" as referenced in Section 1208(1)(iii) of the Act? Additionally, the term "vender" in Subsection (a) should be amended to use the proper term "vendor."

#### 11. Section 437a.11. Slot machine applicants' and licensees' duty to investigate.—Need; Reasonableness; Clarity.

Subsection (a) requires slot machine licensees and applicants to investigate the background and qualifications of potential vendors. It states that "Certification or registrations by the Board may not be relied upon as the sole criterion for entering into an agreement with a certified or registered vendor." We question the reasonableness of and need for this provision. If the Board finds a vendor to be suitable for registration or certification after its extensive investigation, that should be sufficient to allow a licensee or applicant to conduct business with the vendor. We recommend that this provision be deleted.

If the Board elects to retain this provision, we recommend that the final-form regulation specifically include the other criteria that an applicant or licensee must use when deciding to enter into an agreement with a certified or registered vendor.

### Chapter 441a. Slot Machine Licensing

#### 12. Section 441a.1. Definitions.—Consistency with statute and existing regulations.

Under the definition of "guest rooms under common ownership," do time share units equal common ownership? How is this provision consistent with the Section 1305 of the Act, which requires Category 3 licensed facilities to be in a "well-established" resort hotel having no fewer than 275 guest rooms under common ownership?

#### 13. Section 441a.7. Licensing hearings for slot machine licenses.—Clarity.

Subsection (b) references prehearing conferences, but the regulation does not provide any detail on when or how those conferences are conducted. The final-form regulation should include, or provide a cross-reference to, this information.

Subsection (u) states that a final order and written decision will be served on the applicants for slot machine licenses. After the conclusion of the licensing hearings, within what time frame will the Board issue the final order?



**14. Section 441a.16. Slot machine license term and renewal.—Consistency with statute; Fiscal impact; Reasonableness; Clarity.**

Under this section, slot machine licenses will be valid for 1 year, and renewal applications must be submitted to the Board at least 60 days prior to the expiration of the license. Commentators note that this section does not provide details on the renewal requirements and are concerned that the lack of specificity could result in an unreasonable, burdensome and expensive renewal process.

We agree that this section is vague and recommend that the final-form regulation include the application requirements for license renewal.

**15. Section 441a.20. Slot machine license agreements.—Reasonableness; Clarity.**

Subsection (a) requires agreements or noncontractual relationships between a person and a slot machine licensee to receive Board approval. The process that the Board will use to approve these agreements and relationships is not included in the regulations. This information, including timelines for review, should be included in the final-form regulation.

**16. Section 441a.21. Management contracts.—Statutory authority.**

Under section, a slot machine licensee “shall be jointly and severally liable for any act or omission by the management company in violation of the act or this part, regardless of actual knowledge by the slot machine licensee of the act or omission.” What is the Board’s statutory authority for this provision?

**17. Section 441a.23. Category 3 slot machine licenses.—Statutory authority; Clarity.**

Under Subsection (a), amenities offered by a resort hotel must be on the premises of that hotel. Would a satellite location or property owned by the hotel qualify as “premises?” This should be clarified in the final-form regulation.

Subsection (d) allows a patron of the amenities at a Category 3 slot machine licensee’s facility unlimited access to the gaming floor for one 24-hour period within 72 hours of use of the amenity. What is the Board’s statutory authority for this provision?

**18. Miscellaneous Clarity.**

Under Section 437a.1.(c)(4), the term “associates” should be changed to “associations.”

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1569. Filed for public inspection August 24, 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. 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, IRRC will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-56	Pennsylvania Gaming Control Board Practice and Procedure	8/8/07	9/20/07
125-61	Pennsylvania Gaming Control Board General Revisions; Applications; Licensed Entity Representatives; Manufacturer Licenses; Supplier Licenses; Horsemen’s Organizations; Labor Organizations; Junket Enterprises; Management Companies	8/8/07	9/20/07
125-54	Pennsylvania Gaming Control Board Compulsive and Problem Gambling; Self Exclusion	8/8/07	9/20/07
125-57	Pennsylvania Gaming Control Board Persons Required to be Excluded; Underage Gaming	8/8/07	9/20/07

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-415	Environmental Quality Board Alternative Fuels Incentive Grant Program (AFIG) Regulation	8/13/07	9/20/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1570. Filed for public inspection August 24, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Blue Cross of Northeastern Pennsylvania; Major Medical Nongroup Rate Filing; Filing No. 1353-MM-NON-GR-1/1/2008; Rate Filing

On August 14, 2007, the Insurance Department (Department) received from Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield a filing for a rate increase for its Major Medical Nongroup product.

The company requests a 9.8% increase or on average \$15.29 per contract per month. This will affect about 4,650 contractholders and will produce additional revenue of about \$853,835 annually. The requested effective date of the change is January 1, 2008.

Unless formal administrative action is taken prior to November 8, 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). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

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

JOEL SCOTT ARIO,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1571. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Capital Advantage Insurance Co.; Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Plan; Filing No. 07-W; Rate Filing

On August 9, 2007, the Insurance Department (Department) received from Capital Advantage Insurance Co. a filing for a rate increase for the medical-surgical and major medical portion of its Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Plan.

The company requests a 9.9% increase or about \$44.76 per contract per month on average. This will affect about 661 contractholders and will produce additional income of about \$29,589 annually. The requested effective date of the change is January 1, 2008.

Unless formal administrative action is taken prior to November 8, 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). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

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

JOEL SCOTT ARIO,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1572. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Contract for the Non-HIPAA and HCTC Programs with a \$750 Deductible (Form No. IA-COMP750-C) and \$1,500 Deductible (Form No. IA-COMP1500-C); Rate Filing

By filing No. 07-X, Capital Advantage Insurance Company requests approval to increase rates for its Individual Direct Pay Comprehensive Major Medical Benefit Contract with a \$750 Deductible for the Non-HIPAA and HCTC Programs (Form No. IA-COMP750-C) and Individual Direct Pay Comprehensive Major Medical Benefit Contract with a \$1,500 Deductible for HIPAA and HCTC Eligible Individuals (Form No. IA-COMP1500-C). The filing requests an overall increase of 9.9%. The current and requested rates are as follows:

Contract Type	Current Rates	Proposed Rates	Percent Increase
<i>Tier I—\$750 Deductible</i>			
Single	\$355.63	\$390.84	9.9%
Husband and Wife	\$711.26	\$781.67	9.9%
Parent and Child	\$510.86	\$561.44	9.9%
Parent and Children	\$510.86	\$561.44	9.9%
Family	\$745.78	\$819.61	9.9%
<i>Tier II—\$1,500 Deductible</i>			
Single	\$303.18	\$333.19	9.9%
Husband and Wife	\$606.36	\$666.39	9.9%
Parent and Child	\$439.73	\$483.26	9.9%
Parent and Children	\$439.73	\$483.26	9.9%
Family	\$641.93	\$705.48	9.9%

The proposed rate increase will affect about 4,284 contracts and will produce additional revenue of about \$2.27 million annually. The requested effective date of the change is January 1, 2008.

Unless formal administrative action is taken prior to November 8, 2007, the subject filing may be deemed approved by operation of law.

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

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

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, csandersjo@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1573. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Capital Advantage Insurance Company; Special Care Individual Direct Pay Medical-Surgical Contract Rate Increase; Filing No. 07-U; Rate Filing**

Capital Advantage Insurance Company submitted to the Insurance Department (Department), for its review and approval, adjusted rates for the medical-surgical portion of its Special Care Individual Direct Pay Basic Hospitalization/Medical-Surgical Program. The requested average rate increase is 9.9%. An effective date of January 1, 2008, has been requested. The proposed rate increase would affect approximately 3,616 contracts and would produce additional annual premium income of \$440,940. The current and requested rates are as follows:

*Special Care Medical/Surgical Program Health Services—  
Nongroup*

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>% Increase</i>
<i>Tier I</i>			
Single	\$84.56	\$92.93	9.9%
Husband and Wife	\$169.12	\$185.86	9.9%
Parent and Child	\$140.54	\$154.45	9.9%
Parent and Children	\$140.54	\$154.45	9.9%
Family	\$225.10	\$247.38	9.9%
<i>Tier II</i>			
Single	\$84.56	\$92.93	9.9%
Husband and Wife	\$169.12	\$185.86	9.9%
Parent and Child	\$140.54	\$154.45	9.9%
Parent and Children	\$140.54	\$154.45	9.9%
Family	\$225.10	\$247.38	9.9%

Unless formal administrative action is taken prior to November 8, 2007, the subject filing may be deemed approved by operation of law.

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

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

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

JOEL SCOTT ARIO,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1574. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Capital BlueCross and Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Contract for HIPAA and HCTC Eligible with a \$750 Deductible (Form No. IA-COMP750h-C) and \$1,500 Deductible (Form No. IA-COMP1500h-C); Rate Filing**

By filing No. 07-Y Capital BlueCross and Capital Advantage Insurance Company requests approval to increase rates for its Individual Direct Pay Comprehensive Major Medical Benefit Contract with a \$750 Deductible for HIPAA and HCTC Eligible Individuals (Form No. IA-COMP750h-C) and Individual Direct Pay Comprehensive Major Medical Benefit Contract with a \$1,500 Deductible for HIPAA and HCTC Eligible Individuals (Form No. IA-COMP1500h-C). The filing requests an overall increase of 9.9%. The current and requested rates are as follows:

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percent Increase</i>
<i>Tier I—\$750 Deductible</i>			
Single	\$522.56	\$574.29	9.9%
Husband and Wife	\$1,045.12	\$1,148.59	9.9%
Parent and Child	\$734.94	\$807.70	9.9%
Parent and Children	\$734.94	\$807.70	9.9%
Family	\$1,072.92	\$1,179.14	9.9%
<i>Tier II—\$1,500 Deductible</i>			
Single	\$440.60	\$484.22	9.9%
Husband and Wife	\$881.20	\$968.44	9.9%
Parent and Child	\$624.13	\$685.92	9.9%
Parent and Children	\$624.13	\$685.92	9.9%
Family	\$911.16	\$1,001.36	9.9%

The proposed rate increase will affect about 526 contracts and will produce additional revenue of about \$395,880 annually. The requested effective date of the change is January 1, 2008.

Unless formal administrative action is taken prior to November 8, 2007, the subject filing may be deemed approved by operation of law.

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

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

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

JOEL SCOTT ARIO,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1575. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Capital BlueCross; Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Plan; Filing No. IA-Trad-C; Rate Filing**

On August 9, 2007 the Insurance Department (Department) received from Capital BlueCross a filing for a rate increase for the hospital portion of its Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Plan.

The company requests a 9.9% increase or about \$41.78 per contract per month on average. This will affect about 661 contractholders and will produce additional income of about \$27,615 annually. The requested effective date of the change is January 1, 2008.

Unless formal administrative action is taken prior to November 8, 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). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

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

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1576. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Capital BlueCross; Special Care Individual Direct Pay Basic Hospitalization Rate Increase; Filing No. 07-T; Rate Filing**

Capital Blue Cross submitted to the Insurance Department (Department), for its review and approval, adjusted rates for the hospitalization portion of its Special Care Individual Direct Pay Basic Hospitalization/Medical-Surgical Program. The requested average rate increase is 9.9%. An effective date of January 1, 2008, has been requested. The proposed rate increase would affect approximately 3,616 contracts and would produce additional annual income of \$392,184. The current and requested rates are as follows:

*Special Care Hospital Program Health Services—  
Nongroup*

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percentage Increase</i>
<i>Tier I</i>			
Single	\$74.58	\$81.96	9.9%
Husband and Wife	\$149.16	\$163.93	9.9%
Parent and Child	\$126.79	\$139.34	9.9%
Parent and Children	\$126.79	\$139.34	9.9%
Family	\$201.37	\$221.31	9.9%

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percentage Increase</i>
<i>Tier II</i>			
Single	\$113.66	\$124.91	9.9%
Husband and Wife	\$227.32	\$249.82	9.9%
Parent and Child	\$193.22	\$212.35	9.9%
Parent and Children	\$193.22	\$212.35	9.9%
Family	\$306.88	\$337.26	9.9%

Unless formal administrative action is taken prior to November 8, 2007, the subject filing may be deemed approved by operation of law.

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

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

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

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1577. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Philip Coff, M. D.; Prehearing**

**Appeal of Philip Coff, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM07-07-048**

On or before August 30, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 8, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 21, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 6, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 13, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1578. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Conseco Senior Health Insurance Company; 25% Rate Increase Filing for Several LTC Home Health Policy Forms; Rate Filing**

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25% on several Long-Term Care home health policy forms. The company is requesting a 25% increase on the following forms which were originally issued by American Travelers: ATL-HHC-1, ATL-HHC-2, ATL-HHC-3, ATL-HHC-4, ATL-HHC-6 and ATL-HHC-87. A total of 1,950 Commonwealth policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to November 8, 2007, the subject filing may be deemed approved by operation of law.

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

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

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

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1579. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Pamela A. Crilley, D. O.; Prehearing**

**Appeal of Pamela A. Crilley, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-07-015**

On or before August 21, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 28, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 12, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 7, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 28, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 4, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1580. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Exxon Service Station 9899; Prehearing**

**Appeal of Exxon Service Station 9899 under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2005-0109(M); Doc. No. UT07-07-021**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on September 13, 2007. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before August 30, 2007. Answers to petitions to intervene, if any, shall be filed on or before September 6, 2007.

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1581. Filed for public inspection August 24, 2007, 9:00 a.m.]

**52nd Street Gas, Inc.; Prehearing**

**Appeal of 52nd Street Gas, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2006-0176(F); Doc. No. UT07-07-018**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on September 13, 2007. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before August 30, 2007. Answers to petitions to intervene, if any, shall be filed on or before September 6, 2007.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1582. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Direct Pay Medical/Surgical Products; Blue Cross of Northeastern PA and Independence Blue Cross Plan Areas; Rate Filing**

By filing No. 1-DPMS (MIDA)-07-HBS Highmark, Inc. requests approval to increase rates for its Direct Pay Medical/Surgical Products in the Blue Cross of Northeastern PA (1800S student and nonstudent, Plan C, 5000S, UCR 100 and UCR 80/20) and Independence Blue Cross (1800S, Plan C, 5000S, UCR 100 and UCR 80/20) plan areas. The filing requests an overall increase of 15% or \$17.74 per contract per month. Increases may vary by plan area and program, reflecting differences in claim costs and expenses. This will affect about 10,300 contractholders and will produce additional revenue of about \$2.196 million annually. The requested effective date of the change is January 1, 2008.

Unless formal administrative action is taken prior to November 8, 2007, the subject filing may be deemed approved by operation of law.

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

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

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

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1583. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-DPMG (MIDA)-07-HBS; Application for Approval of Revised Rates for Direct Pay Medicare Supplement (Security65) Programs, Providing Medical/Surgical Benefits for Standardized Benefit Packages A, B, C and H, in the Blue Cross of Northeastern Pennsylvania and Independence Blue Cross Service Areas; Rate Filing**

Highmark Inc., d/b/a Highmark Blue Shield, has filed for approval revised rates for its Security65 medical/surgical programs for the Blue Cross of Northeastern Pennsylvania and Independence Blue Cross service areas. The aggregate rate increase requested is 9.9% for the Blue Cross of Northeastern Pennsylvania service area and 15.0% for the Independence Blue Cross service area. The requested effective date of the revised rates is January 1, 2008. The most recent prior rate adjustment for these programs took effect on September 1, 2005. The current and requested rates for First Eligible issues, and the requested rate adjustments, are as follows:

*Blue Cross of  
Northeastern PA  
Service Area  
Benefit Plan*

<i>Benefit Plan</i>	<i>Policy Number</i>	<i>Current Rate</i>	<i>Proposed Rate</i>	<i>Rate Adjustment</i>
Plan A	MDGAP-A	\$63.80	\$63.80	0.0%
Plan B	MDGAP-B	\$70.15	\$76.95	9.7%
Plan C	MDGAP-C	\$70.15	\$76.95	9.7%
Plan H	MDGAP-H	\$78.70	\$86.80	10.3%

*Independence Blue  
Cross Service Area  
Benefit Plan*

<i>Benefit Plan</i>	<i>Policy Number</i>	<i>Current Rate</i>	<i>Proposed Rate</i>	<i>Rate Adjustment</i>
Plan A	5450	\$104.15	\$119.75	15.0%
Plan B	5451	\$104.15	\$119.75	15.0%
Plan C	5452	\$104.15	\$119.75	15.0%
Plan H	5453	\$112.95	\$129.85	15.0%

These rate adjustments would affect approximately 42,945 members and would produce approximately \$4.0 million in additional premium annually in the Blue Cross of Northeastern Pennsylvania service area, and would affect approximately 47,468 members and would produce approximately \$9.4 million in additional premium annually in the Independence Blue Cross service area.

Unless formal administrative action is taken prior to November 8, 2007, the subject filing may be deemed approved by operation of law.

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

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg and Pittsburgh.

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

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1584. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Ann Keenan, M. D.; Prehearing****Appeal of Ann Keenan, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-07-005**

On or before September 4, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 15, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 25, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 14, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 11, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 18, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1585. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Stephen Mechanick, M. D.; Prehearing****Appeal of Stephen Mechanick, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-07-011**

On or before August 21, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 11, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 11, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 7, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 28, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 4, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1586. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Pottstown Medical Center; Prehearing****Appeal of Pottstown Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-07-047**

On or before August 30, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 22, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 21, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 6, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 13, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1587. Filed for public inspection August 24, 2007, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of James and Young Hinchliffe; file no. 07-265-37853; Erie Insurance Exchange; doc. no. P07-07-043; September 19, 2007, 11 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Sharon Aurednik; file no. 07-302-37314; State Farm Insurance Co.; doc. no. P07-07-013; September 11, 2007, 11 a.m.

Appeal of Linda Rumbaugh; file no. 07-302-37352; Erie Insurance Exchange; doc. no. P07-07-001; September 11, 2007, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party

must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1588. Filed for public inspection August 24, 2007, 9:00 a.m.]

claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1589. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. §§ 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Beatrice Crawford; file no. 07-266-35785; Fair Plan of Pennsylvania; doc. no. PH07-07-020; September 19, 2007, 10 a.m.

Appeal of Marilyn White; file no. 07-215-36248; Harleysville Insurance Company; doc. no. P07-06-020; September 18, 2007, 9 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Alexandra Petilla; file no. 07-302-35219; Homesite Insurance Company; doc no. P07-07-007; September 11, 2007, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings,

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurers have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. §§ 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Erie Insurance Exchange; file no. 07-265-36842; James Anderson and Marianne Cavello; doc. no. PH07-07-002; September 18, 2007, 4 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all



instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1590. Filed for public inspection August 24, 2007, 9:00 a.m.]

#### Robert M. Rogers, Jr., M. D.; Prehearing

**Appeal of Robert M. Rogers, Jr., M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM07-07-017**

On or before August 21, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 14, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 11, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 7, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 28, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 4, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1591. Filed for public inspection August 24, 2007, 9:00 a.m.]

#### Keith E. Sadel, M. D.; Prehearing

**Appeal of Keith E. Sadel, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM07-07-016**

On or before August 21, 2007, the appellant shall file a concise statement setting forth the factual and/or legal

basis for the disagreement with MCARE's July 3, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 11, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 7, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 28, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 4, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1592. Filed for public inspection August 24, 2007, 9:00 a.m.]

#### William Sauer, M. D.; Prehearing

**Appeal of William Sauer, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM07-07-010**

On or before September 4, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 20, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 25, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 14, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 11, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 18, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1593. Filed for public inspection August 24, 2007, 9:00 a.m.]

#### James E. Spicher, M. D.; Prehearing

**Appeal of James E. Spicher, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM07-07-038**

On or before September 4, 2007, the appellant shall file a concise statement setting forth the factual and/or legal

basis for the disagreement with MCARE's June 26, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 25, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 14, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 11, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 18, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1594. Filed for public inspection August 24, 2007, 9:00 a.m.]

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### David Topolsky, M. D.; Prehearing

#### **Appeal of David Topolsky, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-07-014**

On or before August 21, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 28, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 12, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 7, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 28, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 4, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1595. Filed for public inspection August 24, 2007, 9:00 a.m.]

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### Saul D. Wolfson, M. D.; Prehearing

#### **Appeal of Saul D. Wolfson, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-07-049**

On or before August 30, 2007, the appellant shall file a concise statement setting forth the factual and/or legal

basis for the disagreement with MCARE's June 22, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 20, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 6, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 13, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1596. Filed for public inspection August 24, 2007, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on October 3, 2007, at 12:45 p.m. in Meeting Rooms 1 and 2 of the Commonwealth Technology Center, 1 Technology Park, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2006 and 2007; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 3. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 3.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 5, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 5, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 7, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 21, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on September 28, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 13, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 07-1597. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Pennsylvania Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on October 3, 2007, commencing at 12:15 p.m. in Meeting Rooms 1 and 2 of the Commonwealth Technology Center, 1 Technology Park, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2006 and 2007; consideration

of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 6. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 5, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 5, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 7, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 21, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on September 28, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 13, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
Secretary

[Pa.B. Doc. No. 07-1598. Filed for public inspection August 24, 2007, 9:00 a.m.]

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### Application for the Volunteer Fire Company and Volunteer Ambulance Services Grant Program

This notice provides updated information about the Volunteer Fire Company and Volunteer Ambulance Services Grant Program. Volunteer fire companies and volunteer ambulance services seeking grants under this act shall submit completed applications no later than 4 p.m. Eastern Daylight Saving Time on October 11, 2007. The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application. Written instructions and guidelines for the grant program will be available on line at the Office of State Fire Commissioner website [www.osfc.state.pa.us](http://www.osfc.state.pa.us) no later than August 7, 2007. Grant applications will be available on line at the Office of State Fire Commissioner website [www.osfc.state.pa.us](http://www.osfc.state.pa.us) no later than August 28, 2007.

This notice is provided in accordance with the Volunteer Fire Company and Volunteer Ambulance Services Grant Act (72 P. S. §§ 3943.1—3944.5).

ROBERT P. FRENCH,  
Director

[Pa.B. Doc. No. 07-1599. Filed for public inspection August 24, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-125127F0004. PPL Gas Utilities Corporation. Application of PPL Gas Utilities Corporation for approval to offer, render, furnish or supply gas utility service to the public in the additional territories of Pocono and Hamilton Townships in Monroe County, PA.**

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 10, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Gas Utilities Corporation

*Through and By Counsel:* Daniel P. Delaney, Esquire, Kirkpatrick and Lockhart, Preston Gates Ellis, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 07-1600. Filed for public inspection August 24, 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 September 17, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin* operating as *common carriers* for transportation of persons as described under each application.

**A-00123795, F.2. Meeghan A. Scott** (252 West Roosevelt Boulevard, Philadelphia, Philadelphia County, PA 19120)—persons, in paratransit service, from points in the County of Philadelphia, to State Correctional Institutions, and return.

**A-00124036. John L. Ehrisman** (R. R. 1, Box 91-A, Thompsettown, Juniata County, PA 17094)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Juniata County, to points in Pennsylvania, and return.

**A-00124038. Robert Auxier** (P. O. Box 143, Sharpsville, Mercer County, PA 16150)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mercer to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Camp, Charles E., t/a Mad Dog Transport; Doc. No. A-00117285C0701*

### COMPLAINT

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

1. That all authority issued to Camp, Charles E. (respondent) is under suspension effective 06/02/2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at Camp, Charles E., t/a Mad Dog Transport, 1274 Old State Road, Apollo, PA 15613.

3. That respondent was issued a Certificate of Public Convenience by this Commission on 1/03/2001 at Application Docket No. A-00117285.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00117285 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes 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, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the Compliance Office, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. *Acord Certificates of Insurance and Faxed Form Es and Hs are Unacceptable as Evidence of Insurance.*

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

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 07-1601. Filed for public inspection August 24, 2007, 9:00 a.m.]

#### **Telecommunications**

**A-310555F7000. Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and RCN Telecom Services, Inc. and RCN Telecom Services of Philadelphia, Inc.** Joint petition of Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and RCN Telecom Services, Inc. and RCN Telecom Services of Philadelphia, Inc. for approval of amendment no. 6 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and RCN Telecom Services, Inc. and RCN Telecom Services of Philadelphia, Inc., by its counsel, filed on August 10, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for

approval of amendment no. 6 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) and RCN Telecom Services, Inc. and RCN Telecom Services of Philadelphia, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1602. Filed for public inspection August 24, 2007, 9:00 a.m.]

### 2008 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102

Under 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) the Pennsylvania Public Utility Commission (Commission) annually publishes a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2008 schedule of filing dates is as follows:

February 1, 2008: National Fuel Gas Distribution Corporation—PA Division; T.W. Phillips Gas and Oil Company

March 1, 2008: Philadelphia Gas Works

April 1, 2008: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2008: UGI Penn Gas, Inc.; PECO—Gas Division; UGI Corporation; PPL Gas Utilities, Corp.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1603. Filed for public inspection August 24, 2007, 9:00 a.m.]

### Wastewater Service

**A-230066F2000. Rostraver Preferred Properties, Inc.** Application of Rostraver Preferred Properties, Inc., for approval of the abandonment or discontinuance of wastewater service to the residents of the area known as Todd Manor in Belle Vernon, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 10, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Rostraver Preferred Properties, Inc.

*Through and By Counsel:* Mark Ramsier, Esquire, 823 Broad Avenue, Belle Vernon, PA 15012

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1604. Filed for public inspection August 24, 2007, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 07-081.S, Maintenance for Boiler, TMT (LMSR Project), until 2 p.m. on Thursday, September 20, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available August 28, 2007. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 07-1605. Filed for public inspection August 24, 2007, 9:00 a.m.]







