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PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Agriculture
Department of Banking
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Revenue
Department of State
Environmental Hearing Board
Insurance Department
Legislative Reference Board
Milk Marketing Board
Pennsylvania Infrastructure Investment
Authority
Pennsylvania Public Utility Commission
State Board of Certified Real Estate Appraisers
State Board of Nursing
State Board of Physical Therapy
State Board of Veterinary Medicine
State Conservation Commission
Detailed list of contents appears inside.



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

No. 418, September 2009

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CONTENTS

CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of suspension 5413

JUDICIAL CONDUCT

Amendment to the rules of procedure of the court of
judicial discipline; doc. no. 1 JD 94 5412

JUDICIAL SYSTEM GENERAL PROVISIONS

Order amending rule 111 of the Pennsylvania rules
of continuing legal education; no. 478; supreme
court rules 5412

RULES OF CIVIL PROCEDURE

Proposed amendment of rule 1006(a.1) governing
venue in medical professional liability actions;
proposed recommendation no. 242 5412

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

Interstate/international and general quarantine or-
der; importation and intrastate movement of
swine 5442

DEPARTMENT OF BANKING

Proposed Rulemaking

Mortgage licensee education 5423

Notices

Actions on applications 5447

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

Action plan for the distribution and use of Commu-
nity Development Block Grant—recovery
funds 5449

DEPARTMENT OF EDUCATION

Notices

Index calculation required by special session act 1 of
2009 5449

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Rules and Regulations

Bluff recession and setback 5415

Proposed Rulemaking

Control of NOx emissions from glass melting fur-
naces 5423

Proposed amendments to radioactive material regu-
lations 5423

Notices

Applications, actions and special notices 5450

Clear Water and Drinking Water State Revolving
Fund Programs; public meeting on Federal Fiscal
Year 2009 intended use plans 5525

Nutrient and Sediment Reduction Credit Trading
Program 5502

Temporary radioactive material regulation relief .. 5503

DEPARTMENT OF GENERAL SERVICES

Notices

Real estate for sale 5503

DEPARTMENT OF HEALTH

Notices

Department authorized infant formula manufactur-
ers, wholesalers, distributors and retailers 5503

Long-term care nursing facilities; request for excep-
tion 5504

Special Supplemental Nutrition Program of women,
infants and children (WIC Program); maximum
allowable prices and competitive prices 5504

DEPARTMENT OF PUBLIC WELFARE

Notices

Pharmacy; prior authorization list 5512

DEPARTMENT OF REVENUE

Notices

Pennsylvania Big Winner Spectacular instant lot-
tery game 5512

Pennsylvania Winner Take All '09 instant lottery
game 5515

Public Utility Realty Tax Act; surcharge rate notice
for the tax year beginning January 1, 2010 5518

DEPARTMENT OF STATE

Notices

Statewide Uniform Registry of Electors Advisory
Board and State Plan Advisory Board
meetings 5518

ENVIRONMENTAL HEARING BOARD

Notices

Milton Regional Sewer Authority v. DEP; EHB
doc. no. 2009-121-R; NPDES permit; no.
PA0020273 5518

INSURANCE DEPARTMENT

Notices

Application and request for a certificate of authority
to provide a continuing care retirement commu-
nity by Grandview Health Homes, Inc. 5519

Capital Advantage Insurance Company; filing no.
09-JJJ; filing for approval of revised rates for
nongroup Medicare Supplemental Security Plan
A, hospital benefits; rate filing 5519

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Capital Advantage Insurance Company; filing no. 09-KKK; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan F, medical benefits; rate filing 5519

Capital Advantage Insurance Company; filing no. 09-RRR; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan B, medical benefits; rate filing 5519

Capital Advantage Insurance Company; filing no. 09-SSS; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan C, medical benefits; rate filing 5520

Capital Advantage Insurance Company; filing no. 09-TTT; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan H, medical benefits; rate filing 5520

Capital BlueCross; filing no. 09-EEE; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan A, hospital benefits; rate filing 5520

Capital BlueCross; filing no. 09-FFF; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan F, hospital benefits; rate filing 5521

Capital BlueCross; filing no. 09-OOO; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan B, hospital benefits; rate filing 5521

Capital BlueCross; filing no. 09-PPP; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan C, hospital benefits; rate filing 5521

Capital BlueCross; filing no. 09-QQQ; filing for approval of revised rates for nongroup Medicare Supplemental Security Plan H, hospital benefits; rate filing 5522

Review procedure hearings; cancellation or refusal of insurance 5522

The Travelers Home and Marine Insurance Company; private passenger automobile; rate revisions; rate filing 5523

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published 5523

MILK MARKETING BOARD

Notices

Hearing and presubmission scheduled; milk marketing area no. 1 5523

Hearing and presubmission scheduled; milk marketing area no. 2 5524

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Notices

Clear Water and Drinking Water State Revolving Fund Programs; public meeting on Federal Fiscal Year 2009 intended use plans 5525

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications 5526

Smart Meter Technology Plan; notice of technical conference (5 documents) 5526, 5527, 5528

Tentative order (2 documents) 5529

Wastewater service 5530

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Proposed Rulemaking

Appraisers trainees; initial and continuing education; supervised experience; practice standards 5523

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v. Martha Serbin Hudson, R.N., doc. no. 0308-51-08 5530

STATE BOARD OF PHYSICAL THERAPY

Proposed Rulemaking

Continuing education providers 5435

STATE BOARD OF VETERINARY MEDICINE

Proposed Rulemaking

Biennial renewal fees 5436

Responsibility to clients and patients 5438

STATE CONSERVATION COMMISSION

Notices

Action on Odor Management Plans for concentrated animal operations, and concentrated animal feeding operations and volunteers complying with Pennsylvania's Facility Odor Management Program 5531

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

4 Pa. Code (Administration)

Adopted Rules

| | |
|-----------|------|
| 6 | 406 |
| 191 | 2947 |
| 250 | 5292 |

Statements of Policy

| | |
|---|------|
| 1 | 4760 |
| 9 ... 427, 1008, 1212, 1970, 2116, 3327, 3471, 4903, 5164 | |

7 Pa. Code (Agriculture)

Adopted Rules

| | |
|------------|------|
| 111 | 2573 |
| 113 | 2584 |
| 115 | 2577 |
| 130f | 1859 |
| 143 | 308 |

Proposed Rules

| | |
|-----------|------------|
| 28 | 5315 |
| 28a | 5315 |
| 59 | 4677, 5131 |
| 59a | 4677, 5131 |

Statements of Policy

| | |
|----------|-----|
| 28 | 310 |
|----------|-----|

10 Pa. Code (Law)

Proposed Rules

| | |
|----------|------------------|
| 44 | 2805, 2951, 5423 |
|----------|------------------|

Statements of Policy

| | |
|----------|------|
| 48 | 3172 |
|----------|------|

12 Pa. Code (Commerce Trade and Local Government)

Proposed Rules

| | |
|-----------|------|
| 145 | 4423 |
|-----------|------|

Statements of Policy

| | |
|----------|------|
| 31 | 1306 |
|----------|------|

22 Pa. Code (Education)

Adopted Rules

| | |
|-----------|----------|
| 14 | 17, 4750 |
| 711 | 4752 |

25 Pa. Code (Environmental Protection)

Adopted Rules

| | |
|------------|------------------|
| 78 | 1982 |
| 85 | 5415 |
| 93 | 2523, 2949 |
| 109 | 2334, 2661, 5119 |
| 218 | 1201 |
| 260a | 201 |
| 261a | 201 |
| 262a | 201 |
| 263a | 201 |
| 264a | 201 |
| 265a | 201 |
| 266a | 201 |
| 266b | 201 |
| 267a | 201 |
| 269a | 201 |
| 270a | 201 |
| 806 | 19 |

Proposed Rules

| | |
|-----------|------------------|
| 78 | 838 |
| 93 | 3043 |
| 102 | 5131 |
| 121 | 1636, 5318, 5423 |
| 129 | 1636, 5318, 5423 |
| 130 | 1636 |
| 215 | 5423 |
| 252 | 3050 |
| 301 | 3591 |
| 302 | 3591, 5015 |
| 303 | 3591 |
| 305 | 3591 |
| 806 | 3467 |
| 808 | 3467 |
| 901 | 4892 |

Statements of Policy

| | |
|----------|------------|
| 16 | 2543, 2594 |
|----------|------------|

28 Pa. Code (Health and Safety)

Adopted Rules

| | |
|------------|------|
| 1101 | 5292 |
| 1103 | 5292 |
| 1105 | 5292 |
| 1107 | 5292 |
| 1113 | 5292 |

31 Pa. Code (Insurance)

Adopted Rules

| | |
|-----------|------|
| 89 | 2086 |
| 139 | 996 |

Proposed Rules

| | |
|-----------|-----|
| 147 | 841 |
|-----------|-----|

34 Pa. Code (Labor and Industry)

Proposed Rules

| | |
|-----------|------------|
| 13 | 4340, 5015 |
| 125 | 2331 |

37 Pa. Code (Law)

Adopted Rules

| | |
|-----------|------|
| 79 | 2780 |
| 221 | 5303 |

Proposed Rules

| | |
|-----------|------|
| 411 | 2591 |
|-----------|------|

Statements of Policy

| | |
|-----------|------|
| 96 | 1674 |
| 96a | 3067 |

40 Pa. Code (Liquor)

Adopted Rules

| | |
|----------|-----|
| 13 | 682 |
|----------|-----|

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

| | |
|-----------------------|----------|
| 7 | 219 |
| 13 (correction) | 414, 523 |
| 16 | 1625 |
| 18 | 1625 |
| 21 | 2103 |

5410

25 4754
 27 5309, 5312
 31 1985
 47 417

Proposed Rules

5 1004
 11 2208
 13 2210
 31 5436, 5438
 36 5423
 37 2218
 39 1005
 40 5435
 41 2211
 43b 2205, 2206, 2345

51 Pa. Code (Public Officers)

Adopted Rules

31 2204
 33 2204
 35 2204
 37 2204
 39 2204
 41 2204
 43 2204
 45 2204
 51 1939
 53 1939
 55 1939
 57 1939
 59 1939
 61 1939
 63 1939
 65 1939
 67 1939
 69 1939

52 Pa. Code (Public Utilities)

Adopted Rules

54 2707

Proposed Rules

56 925
 62 1657, 1870, 3461

Statements of Policy

69 1676, 3471

55 Pa. Code (Public Welfare)

Proposed Rules

501 1114
 1187 4428
 1189 4428

Statements of Policy

1223 1991
 2600 26, 2346
 3270 1011, 2347
 3280 1011, 2347
 3290 1011, 2347
 6000 3174
 6200 2714

58 Pa. Code (Recreation)

Adopted Rules

29 523
 51 1860
 53 1860
 56 1860
 61 1201

63 1860
 65 1860
 69 1859, 1860
 75 1202, 1860, 3442
 101 1860
 113 1860
 131 2791
 135 5119, 5120, 5121
 139 2792
 141 1110, 2798, 2800, 2801, 5122
 143 1388, 1990, 2802
 147 1205, 1388, 2802, 5122, 5123
 401 2113
 401a 235, 2588, 3446
 403a 3446, 5125
 405a 3446
 431a 2588
 435a 2588, 5125
 437a 2588, 4891
 439a 1868, 2113
 441a 3451, 5125
 443a 21
 451a 2588
 461a 4338, 4422, 5125
 463a 4338, 4422
 465a 1868, 2113, 2588, 5125
 491a 3446
 493a 3446
 494a 3446
 495a 3446
 497a 3446
 499a 3446
 511a 3446

Proposed Rules

53 1870
 61 3455
 73 3458
 91 1870
 97 1870
 101 1870
 105 1870
 109 1870
 111 1870
 131 1531
 135 2811, 2812, 2951
 139 1532, 5016
 141 1391, 1392, 1393, 1668, 2809, 5016, 5153
 143 1529, 5152
 147 1529, 2809, 2813, 5153, 5163
 401a 2113, 3459
 403a 418
 435a 418, 3459, 4894, 5018
 437a 1003, 4894
 439a 1662, 2113
 441a 418, 3459
 461a 418, 423, 1662, 5018
 463a 423, 1662, 5018
 465a 418, 1662, 2113, 5018, 5022
 499a 1662
 501a 5018

Statements of Policy

461b 685

61 Pa. Code (Revenue)

Proposed Rules

53 1209
 151 1207
 153 1207

67 Pa. Code (Transportation)**Proposed Rules**

| | |
|-----|------|
| 171 | 5016 |
| 229 | 997 |
| 231 | 999 |
| 233 | 4435 |
| 427 | 4104 |

101 Pa. Code (General Assembly)**Statements of Policy**

| | |
|---|------|
| 1 | 5321 |
|---|------|

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

| | |
|----|------|
| 40 | 1293 |
| 50 | 1293 |

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

| | |
|----|------------------------------------|
| 71 | 2433 |
| 81 | 1980, 3431 |
| 82 | 5412 |
| 83 | 1846, 1980, 2193, 2318, 4737, 4887 |
| 85 | 4725 |
| 87 | 2687 |
| 89 | 4725 |
| 91 | 2687, 4725 |
| 93 | 2687, 4725 |

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

| | |
|----|------------|
| 5 | 4419, 5412 |
| 51 | 675 |

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

| | |
|----|-----------|
| 1 | 508, 1094 |
| 9 | 508, 1094 |
| 11 | 508, 1094 |
| 19 | 508, 1094 |
| 21 | 508, 1094 |
| 25 | 508, 1094 |
| 37 | 508, 1094 |
| 65 | 1615 |

Proposed Rules

| | |
|----|------|
| 9 | 2693 |
| 15 | 2691 |
| 17 | 2691 |

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

| | |
|--------|-----|
| ART. I | 410 |
|--------|-----|

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

| | |
|------|-----------|
| 200 | 304, 4738 |
| 1000 | 676 |
| 2950 | 304 |

Proposed Rules

| | |
|------|------------|
| 200 | 4739 |
| 1000 | 4740, 5412 |
| 3000 | 1849 |
| 4000 | 4742 |

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

| | |
|----|-----------------------|
| 1 | 829, 1106, 2434, 2567 |
| 4 | 8 |
| 10 | 2568 |

Proposed Rules

| | |
|----|-----------------------|
| 4 | 983, 2318, 2435, 4332 |
| 5 | 991 |
| 6 | 2324 |
| 7 | 983, 4332 |
| 9 | 2694 |
| 10 | 2435 |

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

| | |
|----|-----------|
| 1 | 4743 |
| 2 | 676 |
| 3 | 676, 4743 |
| 5 | 4743 |
| 8 | 1614 |
| 11 | 1614 |
| 13 | 1614 |
| 16 | 4887 |
| 18 | 1614 |

Proposed Rules

| | |
|-----------------|---------------|
| 3 | 3319 |
| 4 | 1850 |
| 8 | 3319 |
| 16 (correction) | 9, 1854, 1981 |

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

| | |
|-----|------|
| 100 | 1856 |
|-----|------|

249 Pa. Code (Philadelphia Rules)

| | |
|--------------|---|
| Unclassified | 189, 192, 830, 1199, 2327, 2571, 2929, 5115 |
|--------------|---|

252 Pa. Code (Allegheny County Rules)

| | |
|--------------|-----|
| Unclassified | 994 |
|--------------|-----|

255 Pa. Code (Local Court Rules)

| | |
|--------------|---|
| Unclassified | 10, 16, 306, 306, 513, 514, 517, 520, 679, 680, 832, 833, 835, 994, 995, 1107, 1199, 1200, 1386, 1478, 1522, 1523, 1524, 1525, 1526, 1527, 1621, 1857, 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699, 2703, 2705, 2929, 2946, 3040, 3041, 3165, 3321, 4096, 4102, 4337, 4419, 4420, 4749, 4889, 5115, 5231 |
|--------------|---|

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[204 PA. CODE CH. 82]

Order Amending Rule 111 of the Pennsylvania Rules of Continuing Legal Education; No. 478; Supreme Court Rules

Order

Per Curiam:

And Now, this 31st day of August, 2009, upon the recommendation of the Pennsylvania Continuing Legal Education Board; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(b):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 111 of the Pennsylvania Rules for Continuing Legal Education is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITEL 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter A. PROFESSIONAL RESPONSIBILITY

Rule 111. Lawyer Noncompliance.

* * * * *

(b) *Sanctions.* If the Board finds the lawyer not in compliance with these rules or the regulations of the Board, it shall so report to the Supreme Court and recommend that the lawyer be placed on [**inactive status**] **administrative suspension.**

[Pa.B. Doc. No. 09-1712. Filed for public inspection September 18, 2009, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 5]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 1st day of September, 2009, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution

of Pennsylvania, having adopted the amendment to Rule of Procedure No. 504(B), as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Rule 504(B) shall become effective immediately.

STEWART L. KURTZ,
President Judge

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 5. TRIAL PROCEDURES

Rule 504. Sanctions.

* * * * *

(B) Following the sanction hearing, the Court shall enter an order in writing on the issue of sanctions. This order shall constitute a final order of discipline pursuant to Article V, § 18 of the Pennsylvania Constitution.

[Pa.B. Doc. No. 09-1713. Filed for public inspection September 18, 2009, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Proposed Amendment of Rule 1006(a.1) Governing Venue in Medical Professional Liability Actions; Proposed Recommendation No. 242

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1006(a.1) governing venue in medical professional liability actions be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than October 30, 2009 to:

Karla M. Shultz, Esquire
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

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

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

Rule 1006. Venue. Change of Venue.

(a) Except as otherwise provided by subdivisions (a.1), (b) and (c) of this rule, an action against an individual may be brought in and only in a county in which

(1) the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law, or

Official Note: For a definition of transaction or occurrence see *Craig v. W. J. Thiele & Sons, Inc.*, 395 Pa. 129, 149 A.2d 35 (1959).

(2) the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose. **This provision does not apply to causes of action that arise outside Pennsylvania for which jurisdiction properly exists in Pennsylvania.**

Official Note: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c) for the definitions of "health care provider," "medical professional liability action" and "medical professional liability claim."

(b) Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

Official Note: Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

(c)(1) Except as otherwise provided by paragraph (2), an action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).

(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1).

(d)(1) For the convenience of parties and witnesses the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

(2) Where, upon petition and hearing thereon, the court finds that a fair and impartial trial cannot be held in the county for reasons stated of record, the court may order that the action be transferred. The order changing

venue shall be certified forthwith to the Supreme Court, which shall designate the county to which the case is to be transferred.

Official Note: For the recusal of the judge for interest or prejudice, see Canon 3C of the Code of Judicial Conduct.

(3) It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred, certified copies of the docket entries, process, pleadings, depositions and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

(e) Improper venue shall be raised by preliminary objection and if not so raised shall be waived. If a preliminary objection to venue is sustained and there is a county of proper venue within the State the action shall not be dismissed but shall be transferred to the appropriate court of that county. The costs and fees for transfer and removal of the record shall be paid by the plaintiff.

(f)(1) Except as provided by paragraph (2), if the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

(2) Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).

Explanatory Comment

Currently, a lawsuit based on medical treatment furnished in another state cannot be brought in Pennsylvania even if the defendants have substantial contacts with the state whereas Pennsylvania defendants can be sued in any state in which they have at least minimum contacts. The amendment to subdivision (a.1) would eliminate this discrepancy.

By the Civil Procedural Rules Committee

STEWART L. KURTZ,
Chair

[Pa.B. Doc. No. 09-1714. Filed for public inspection September 18, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Stephen Russell Kasmar, having been suspended from the practice of law in the State of New Hampshire for a period of 6 months by Order of the Professional Conduct Committee of the New Hampshire Supreme Court dated April 15, 2009, the Supreme Court of Pennsylvania issued an Order dated August 31, 2009, suspending Stephen Russell Kasmar from the practice of law in this Commonwealth for a period of 6 months, effective September 30, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this for-

merly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 09-1715. Filed for public inspection September 18, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 85]

Bluff Recession and Setback

The Environmental Quality Board (Board) amended Chapter 85 (relating to bluff recession and setback), to make minor editorial changes, clarify municipal response on designation, add the City of Erie to the list of municipalities having a bluff recession hazard area (BRHA), clarify minimum setback distances and delete requirements for specific supporting documentation.

This order was adopted by the Board at its meeting of June 16, 2009.

A. *Effective Date*

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

B. *Contact Persons*

For further information contact Andrew Zemba, Assistant Director, Water Planning Office, Rachel Carson State Office Building, 2nd Floor, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785, or William S. Cumings, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, wcummings@state.pa.us. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

C. *Statutory Authority*

These amendments are made under the Bluff Recession and Setback Act (act) (32 P. S. §§ 5201—5215) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which grant the Board the authority to develop and adopt rules and regulations to implement the provisions of the act.

D. *Background of the Amendments*

In response to a 2001 petition to the Board by Millcreek Township, Erie County, to clarify the designation of Bluff Recession Hazard Areas along Lake Erie, the Department conducted a study of Pennsylvania's entire Lake Erie shoreline to determine BRHAs. Considering the results of this study and other related studies and data, and responses from the coastal municipalities along Lake Erie concerning tentative designations of BRHAs, the Department recommended including the City of Erie as a municipality identified as having a BRHA.

A majority of the shoreline of the City of Erie is along the southern edge of Presque Isle Bay, sheltered from open lake wave energies by the protective land feature of Presque Isle Peninsula. However, approximately 1.5 miles of the City's eastern shoreline are outside Presque Isle Bay and are exposed to open lake wave energies. The bluffs adjacent to this section of shoreline are undercut by wave attack, have steep slopes, are periodically devoid of vegetation, and have experienced active bluff recession or

have been heavily protected. If left unregulated with setbacks and improvement limitations, existing and future development in this area will be subject to property damage from bluff recession. Therefore, this portion of the City of Erie is designated as having a BRHA and the City of Erie should be included as a regulated municipality in Chapter 85.

The compelling public need for this rulemaking is based on the six basic purposes stated in the act and Chapter 85. Those purposes are:

- To encourage planning and development in bluff areas that is consistent with sound land use practices.
- To protect people and property in bluff areas from the dangers and damages associated with the inevitable recession of bluffs.
- To prevent and eliminate urban and rural blight which results from the damages of bluff recession.
- To minimize the expenditure of public and private funds for shoreline protection and bluff stabilization structures and activities.
- To authorize a comprehensive and coordinated program to regulate development activities through the use of setback ordinances in BRHAs to preserve and restore the natural ecological systems, and to prevent continuing destruction of property and structures.
- To encourage local administration and management of bluffs consistent with the duty of the Commonwealth as trustee of natural resources, and the constitutional right of the people to the preservation of the natural, scenic, aesthetic and historic values of the environment.

E. *Summary of Changes to the Proposed Rulemaking*

A brief description of the amendments follows:

Subchapter A. General Provisions

Minor clarification changes to: § 85.1. (relating to definition of persons), and in §§ 85.26(d) and 85.35.

Subchapter B. Procedure for Designation of Areas with Bluff Recession Hazards

In § 85.12(c) the following language was added, "In accordance with section 4(c) of the act (32 P. S. § 5204(c)), the geographic areas identified as Tentatively Identified BRHAs in Sections I and II of the Department's 'Study to Tentatively Designate BRHAs', dated November 2004, are designated as BRHAs. The Department will make the November 2004 Study available to the public." This change was made in response to comments made during the public comment period, and comments made at the Water Resource Advisory Committee meeting April 8, 2009.

Section 85.26(c) was modified read, "Except as provided in subsection (e), regardless of any other provision of law or ordinance to the contrary, the minimum Bluff setback distances in the named municipalities that possess a BRHA, as designated in § 85.12, shall be in accordance with the following table:" This was a change that helps clarify that § 85.12 was added.

Subchapter D. Municipal Bluff Setback Ordinance and Regulations

The new requirements proposed in § 85.37(7)(i) and (ii) for every deed or plat within the BRHA to include an appropriate BRHA notice were removed. It was decided

that this notification task could be accomplished through the technical assistance element of the program and did not require regulatory change. The change was made as a result of a comment received during the public comment period, and comments made at the Water Resource Advisory Committee meeting April 8, 2009.

F. Summary of Comments and Responses on the Proposed Rulemaking

Twelve sets of comments were received, addressing the following areas:

Vegetation management requirements

In the preamble to the rulemaking, the Department sought comments on the possible inclusion of a section on proper vegetation management. Two comments were submitted, and both opposed a regulatory approach to vegetation management. The final-form rulemaking does not contain requirements for vegetation management. Through the Coastal Resources Management Program, the Department will continue the current practice of working with partners to provide outreach and workshops regarding management of vegetation.

Specific Location of BRHAs

Several comments questioned whether the proposed regulatory language clearly identified the location of BRHAs. Another questioned whether the City of Erie Bayfront was included in the areas identified as BRHAs. The Department has considered the commentators' recommendations and has amended the proposed rulemaking to clarify that the 2004 study identifies the specific locations of BRHAs. The changes also include a requirement for the Department to make the study publicly available. The changes to the regulations were the addition of § 85.12(c), and a modification of § 85.26(c), as follows:

§ 85.12.(c). IN ACCORDANCE WITH SECTION 4(c) OF THE ACT, 32 P.S. § 5204(c), THE GEOGRAPHIC AREAS IDENTIFIED AS "TENTATIVELY IDENTIFIED BLUFF RECESSION HAZARD AREAS" IN SECTIONS I AND II OF THE DEPARTMENT'S "STUDY TO TENTATIVELY DESIGNATE BLUFF RECESSION HAZARD AREAS," DATED NOVEMBER 2004, ARE DESIGNATED AS BLUFF RECESSION HAZARD AREAS. THE DEPARTMENT SHALL MAKE THE NOVEMBER 2004 STUDY AVAILABLE TO THE PUBLIC.

§ 85.26(c) [Designated municipalities and setback distances in feet.] EXCEPT AS PROVIDED IN SUBSECTION (e), regardless of any other provision of law or ordinance to the contrary, the minimum BLUFF setback distances in the named municipalities THAT POSSESS A BLUFF RECESSION HAZARD AREA, AS DESIGNATED IN SECTION 85.12, shall be in accordance with the following table:

Also, the City of Erie Bayfront was not included in the areas tentatively designated as BRHAs.

Methodology for tentatively designating BRHAs

Several comments questioned the methodology, science and data utilized to tentatively identify BRHAs. Several comments suggested that specific sites in the City of Erie and Millcreek Township be designated as outside of BRHAs. Others questioned whether the data from the 2004 study was utilized.

The Department utilized the following sources of data to conduct its study to make recommendations to tentatively designate BRHAs: a report contracted through a

third party; high altitude aerial photography; low altitude oblique-angle color prints; and control point measurement data. Some of the photography dated back to 1938. Based on the analysis of this data, the Department recommends no changes to the proposed amendments regarding the tentative designations. The methodology was also discussed in-depth at several advisory committees that supported the regulatory package. Regarding the question of whether data from the 2004 study was employed, the changes to §§ 85.12 and 85.26 help clarify that the study formed the basis for the designations.

Support for the rulemaking

Two comments expressed support for the rulemaking.

Minimum setback distance

One comment supported reducing the minimum possible setback distance from 50 to 25 feet, and suggested that the setback distances established for North East Township be reduced. The regulations establish a setback of 25 feet only for the City of Erie. Based on the analysis of data and employment of a methodology in the 2004 study, the setback distances for North East Township are not changed. Setback distances for each municipality are listed in § 85.26.

Setback distances

One comment questioned the data utilized to calculate setback distances. Another comment suggested variable setback distances in a municipality. Two sources of data were employed to determine setback distances: Photogrammetric analysis of high altitude aerial photography and control point monitoring. Some of the high altitude aerial photography dated as far back as 1938. The control point measurement data involves onsite measurement of bluff recession from fixed monuments in the ground. Based on the analysis of this data, no changes to the setback distances in the proposed rulemaking were made.

Deed notices

One comment suggested removing the proposed language in § 85.37 requiring that deeds and plats include appropriate notice of BRHAs. Based upon further research, the intent of this language can be better addressed by developing a voluntary training program that would bring together realtors, municipalities, and the like. The language in the proposed rulemaking has been deleted.

Time frame for future updates

One comment asked for a time frame to be established regarding future updates, so that the entities required to comply have ample time to incorporate changes to their zoning and other local codes.

Section 85.12 requires that studies will be conducted when necessary to identify BRHAs. The Department's Coastal Resources program performs on-going monitoring and evaluation of bluff recession that helps identify when studies are necessary. Regarding the allotment of ample time for entities to make changes to local codes, section 6(a) of the act provides that "[w]ithin 6 months following designation by the [EQB] of an area and municipality subject to bluff recession hazards, each designated municipality shall adopt or amend, and shall implement, such ordinances and regulations as are necessary to regulate construction and development activities in areas

subject to bluff recession hazards . . .” Section 4 of the act also requires that the Department notify the chief executive officer of each municipality prior to submitting the report, and the municipality comments, to the EQB. Based on these requirements, the Department does not recommend any changes to the proposed rulemaking regarding time frames.

EQB Scope of Authority

The Independent Regulatory Review Commission (IRRC) questioned why specific BRHAs were not identified. This comment is related to previous comments that the rulemaking package did not clearly indicate the location of BRHAs. The Department has considered the commentator’s recommendations, and the previously mentioned amendments to §§ 85.12 and 85.26 address that concern.

G. Benefits, Costs and Compliance

Benefits

The benefit of this rulemaking is the protection of the health and safety of coastal property owners, the prevention of the destruction of property and structures in designated BRHAs, and the prevention of the introduction of debris and hazardous materials into the coastal environment. Federal funds will be available through the Coastal Resources Management (CRM) Program to help develop and implement any necessary ordinance. Future monitoring, training and technical assistance will also be provided by the CRM Program.

Also of interest to the public is the availability of Technical Advisory Services (TAS) provided by the Department to coastal property owners along the Lake Erie shoreline. The TAS is a free service implemented by the staff of the CRM Program and has been in existence for 25 years. The TAS provides technical advice to existing and prospective shoreline and bluff property owners on the causes and effects of shoreline erosion and of progressive bluff recession. This service is highly successful and is credited with saving millions of dollars in property values. The TAS also provides information regarding best management practices for the proper management of bluff and shoreline properties along Lake Erie. Under a Direct Action Policy in the Federal and State approved and jointly funded CRM Program, “. . . the Program shall provide technical assistance and advice concerning the design of structural and non structural methods of shore protection and bluff stabilization.”

Compliance Costs

Because the regulations impact only new construction within the designated hazard area, there is estimated to be minimal cost to the regulated community since any new construction can be designed or located outside the designated hazard area. Furthermore, costs associated with the adoption of zoning ordinances by affected municipal governments are also anticipated to be minimal.

Compliance Assistance Plan

Federal funding is available through the CRMP to assist municipalities with the development and implementation of ordinances that are compliant with this rulemaking. In addition, training and technical assistance will be provided by the CRMP to affected municipalities and property owners along the Lake Erie shoreline.

Paperwork Requirements

These regulatory revisions should have no significant paperwork impact on the Commonwealth, its political subdivisions, or the private sector.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This rulemaking promotes a multimedia pollution prevention approach for the proposed regulated area of the City of Erie. The construction setbacks in Chapter 85 for new construction and improvements to existing structures within the BRHAs will promote safe and sensible practices by placing new construction outside and away from BRHAs, making all new construction moveable and minimizing improvements to existing structures in BRHAs. The proposed minimum setbacks for new construction in the proposed BRHA of the City of Erie are (from the bluff crest) 25 feet for residential, 25 feet for commercial and 25 feet for industrial. Regulating new construction to keep it out of and away from the BRHA will in effect prevent pollution of Lake Erie waters by avoiding collapse of structures into the waters of Lake Erie caused by erosion and progressive bluff recession.

I. Sunset Review

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

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 13, 2008, the Department submitted a copy of the proposed rulemaking, published at 38 Pa.B. 4617 (August 23, 2009), and a copy of a Regulatory Analysis Form to the IRRC and the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on August 5, 2009, these final-form regulations were deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 6, 2009, and approved the final-form regulations.

K. Findings of the Board

The Board finds that:

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

and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

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

(3) These regulations do not enlarge the purpose of the proposal published at 38 Pa.B. 4617.

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

L. Order of the Board

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

(a) The regulations of the Department, 25 Pa. Code Chapter 85, are amended by amending §§ 85.1, 85.2, 85.11—85.15, 85.22, 85.23, 85.25, 85.26, 85.32, 85.35, 85.37, 85.42, 85.52, 85.55 and 85.61 and by deleting § 85.41 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately.

JOHN HANGER, Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 5096 (August 22, 2009).)

Fiscal Note: Fiscal Note 7-404 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subchapter C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 85. BLUFF RECESSION AND SETBACK

Subchapter A. GENERAL PROVISIONS

§ 85.1. Definitions.

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

Act—The Bluff Recession and Setback Act (32 P. S. §§ 5201—5215).

* * * * *

Person—An individual, partnership, public or private association or corporation, firm, trust estate, municipality, governmental unit, public utility or other legal entity which is recognized by law as the subject of rights and duties. Whenever used in any section prescribing or imposing a penalty, the term "person" includes the members of a partnership, the officers, members, servants and agents of an association, officers, agents and servants of a

corporation, but excludes any department, board, bureau or agency of the Commonwealth.

Plat—A map, drawing or print accurately drawn to scale showing the proposed or existing location of all structures.

* * * * *

§ 85.2. Scope.

This chapter is adopted in accordance with the duties relating to bluff recession placed on the Department by the act, and applies to all municipalities designated as having bluff recession hazard areas and to all persons constructing, installing or engaging in substantial improvement to any structure or utility facility within bluff recession hazard areas.

Subchapter B. PROCEDURE FOR DESIGNATION OF AREAS WITH BLUFF RECESSION HAZARDS

§ 85.11. General requirements.

The Department is authorized under section 4 of the act (32 P. S. § 5204) to identify areas in this Commonwealth that contain bluff recession hazard areas. Prior to formal designation by the EQB, the tentatively identified municipality will be invited to submit comments to the Department concerning the designation.

§ 85.12. Identification of bluff recession hazards.

(a) Under section 4 of the act (32 P. S. § 5204), studies will be conducted when necessary to identify bluff recession hazard areas in this Commonwealth. Studies prepared for these purposes must do all of the following:

(1) Identify the geographic location of the potential hazard area; county, township, and so forth.

(2) Define and evaluate the bluff recession hazard in relation to geophysical processes such as recession and erosion related phenomena and examine the causative factors.

(3) Review and evaluate existing and potential damage to property and structures caused by progressive bluff recession.

(4) Develop a recession rate based on historical evidence.

(5) Develop conclusions and recommendations based on the findings of the studies.

(b) To prevent the unnecessary expenditure of public funds, the Department will inventory, identify and evaluate previous studies that may have already been completed. If the studies meet the requirements of this chapter, the studies may be utilized for purposes of section 4 of the act.

(c) In accordance with section 4(c) of the act, the geographic areas identified as "tentatively identified bluff recession hazard areas" in Sections I and II of the Department's "Study to Tentatively Designate Bluff Recession Hazard Areas," dated November 2004, are designated as bluff recession hazard areas. The Department will make the November 2004 study available to the public.

§ 85.13. Department notification to municipalities.

Following completion of the study, the Department will, by certified letter, notify the governing body of the municipality that it has been tentatively designated as possessing a bluff recession hazard area. The letter will contain the following information:

- (1) The geographic location of the hazard area.
- (2) A summary of the findings of the study by the Department.
- (3) The historic recession rate and the process used to calculate this rate.
- (4) The minimum bluff setback distances that will be required by the Department.
- (5) A request for comments from the municipality concerning the tentative designation and setback distances.
- (6) Specification of a 60 day time limit for comment.
- (7) Notice that one or more public hearings will be held concerning the designation of bluff recession hazard areas by the EQB prior to formal designation.

§ 85.14. Municipal response on designation.

- (a) Each municipality tentatively identified by the Department as possessing a bluff recession hazard area will be invited to submit written comments concerning the tentative designation to the Department within 60 days of receiving the notification letter of the Department.
- (b) If a municipality disagrees with the letter of the Department tentatively designating it as possessing a bluff recession hazard area and the required setback distances, the appropriate representatives of the Department will contact and offer to meet with representatives of the municipality to review, discuss, and attempt to resolve the differences. This meeting will be scheduled within 30 days from the date the letter is received from the municipality.
- (c) If a municipality does not comment within the time prescribed in § 85.13(6) (relating to Department notification to municipalities), it will be presumed that the municipality is in agreement with the designation and the required setback distance.

§ 85.15. Department notification to the EQB.

- (a) Following the close of the municipal comment period on the tentative designation, the Department will prepare and transmit to the EQB a proposed rulemaking proposing formal designation of the bluff recession hazard area of the municipality and the establishment of bluff setback distances in the bluff recession hazard area. The proposed rulemaking will contain the following:
 - (1) The findings of the Department concerning the location and determination of the bluff recession hazard area in the municipality.
 - (2) The nature of the existing and potential damage to property and structures.
 - (3) Comments received from the affected municipality.
 - (4) A recommendation, incorporating consideration of the comments received from the municipality, that the area be designated as a bluff recession hazard area and subject to Subchapter D (relating to municipal bluff setback ordinance and regulations).
- (b) Following transmittal of the proposed rulemaking by the Department to the EQB, the EQB will give public notice and hold one or more public hearings on the proposed rulemaking to formally designate areas within municipalities as bluff recession hazard areas.
- (c) Following public hearings, the Department will consider the comments received and make appropriate revisions to the proposed rulemaking. The Department will then submit the proposed rulemaking to the EQB for

final action. Following adoption by the EQB and publication of the formal designation, the Department will notify the municipality that it must within 6 months comply with the act and this chapter.

Subchapter C. BLUFF RECESSION HAZARD AREAS SETBACK REQUIREMENTS

§ 85.22. Methods of determining minimum bluff setback distances.

(a) The Department will develop minimum bluff setback distances for each municipality tentatively designated as having a bluff recession hazard area by applying the following formula:

| | | | | |
|-------------------------------|---|--|---|--------------------------------------|
| Rate of Bluff Recession | × | Appropriate Life Span of Structure | = | Minimum Bluff Setback Distance |
|-------------------------------|---|--|---|--------------------------------------|

- (1) The rate of bluff recession is the average annual rate of recession for all the municipality's bluffs as calculated by the Department.
- (2) The appropriate life span of a structure is 50 years for residential homes, 75 years for commercial structures, and 100 years for light and heavy industrial structures.
- (b) The minimum bluff setback distance may not be less than 25 feet. When use of the formula identified in subsection (a) would produce a minimum bluff setback distance of less than 25 feet, the formula does not apply and 25 feet shall be the minimum bluff setback distance.

§ 85.23. Modification of minimum bluff setback distances.

A minimum bluff setback distance for a municipality may be modified upon presentation of formal studies acceptable to the Department documenting annual recession rates at variance with the recession rate data of the Department. Upon Department review and acceptance of the data as accurate and compatible with the objectives of the act, a new minimum bluff setback distance will be calculated. The Department will request that the EQB amend the designation in accordance with this subchapter concerning the minimum bluff setback distances.

§ 85.25. Variances granted by the Department.

- (a) During the period between EQB designation of a bluff recession hazard area and the approval of the Department of a bluff setback ordinance and regulations of a municipality, the Department may grant variances to the bluff setback requirements for all construction in a designated bluff recession hazard area. A property owner shall file an application with the Department for a variance to allow construction on his property.
- (b) When the Department receives the completed application for a variance, it will review the application based on the criteria for a variance under § 85.37(4) (relating to contents of ordinance and regulations submitted by municipality) within 45 days, and send a certified letter to the applicant approving or disapproving the variance. A copy of this letter will be sent to the municipality for its permanent record. If the Department does not take action regarding the application within 45 days of receipt of this application, the application will be deemed approved.

§ 85.26. Designated municipalities and minimum bluff setback distances for identified categories of structures.

(a) Under § 85.15 (relating to Department notification to the EQB), the municipalities identified in subsection (c) have been designated as possessing a bluff recession hazard area.

(b) The municipalities designated in subsection (c) are required to adopt and implement a bluff setback ordinance and regulations which incorporate the bluff setback distances listed in subsection (c).

(c) Except as provided in subsection (e), regardless of any other provision of law or ordinance to the contrary, the minimum bluff setback distances in the named municipalities that possess a bluff recession hazard area, as designated in § 85.12 (relating to identification of bluff recession hazards), must be in accordance with the following table:

| <i>Municipality (by geographic location)</i> | <i>Light and Heavy</i> | | |
|--|------------------------|-------------------|-------------------|
| | <i>Residential</i> | <i>Commercial</i> | <i>Industrial</i> |
| Springfield Township | | | |
| Erie County | 100' | 150' | 200' |
| Girard Township | | | |
| Erie County | 60' | 90' | 120' |
| Lake City Borough | | | |
| Erie County | 60' | 90' | 120' |
| Fairview Township | | | |
| Erie County | 50' | 75' | 100' |
| Millcreek Township | | | |
| Erie County | 50' | 75' | 100' |
| Erie City | | | |
| Erie County | 25' | 25' | 25' |
| Lawrence Park Township | | | |
| Erie County | 50' | 75' | 100' |
| Harborcreek Township | | | |
| Erie County | 50' | 75' | 100' |
| North East Township | | | |
| Erie County | 50' | 75' | 100' |

(d) The setback distances listed in subsection (c) are minimum distances. The actual distance of the area subject to bluff recession may be greater in certain areas. Nothing in this chapter shall be construed to guarantee that bluff recession will not occur beyond the specified setback distances during the usable life span of a structure originally installed or constructed in accordance with the setback requirements at the time of installation or construction. Because of variations in the bluff recession rates, municipalities may adopt more restrictive ordinances in accordance with § 85.35 (relating to municipal adoption of more restrictive ordinances).

(e) If the setback distance for the placement of structures regulated under another law or ordinance, such as the Uniform Construction Code or zoning regulation, is greater than that specified in subsection (c), the greater setback distance shall apply within the bluff recession hazard area.

Subchapter D. MUNICIPAL BLUFF SETBACK ORDINANCE AND REGULATIONS

§ 85.32. Time limit for municipal adoption of bluff setback ordinance and regulations.

Each municipality, following publication of the formal EQB designation of a bluff recession hazard area, shall within 6 months of receiving notification amend or adopt and implement a bluff setback ordinance and regulations which are consistent with § 85.37 (relating to contents of ordinance and regulations submitted by municipality).

§ 85.35. Municipal adoption of more restrictive ordinance.

No provision of the act may be construed as in any way limiting the power of any municipality to adopt more restrictive ordinances, codes or regulations governing

construction and development in bluff recession hazard areas that are established under Subchapter C (relating to bluff recession hazard areas setback requirements).

§ 85.37. Contents of ordinance and regulations submitted by municipality.

The ordinance and regulations submitted by a municipality to the Department must include at a minimum the following components:

(1) A setback ordinance and regulations must meet the minimum requirements and contain a minimum setback distance for each class of structure under this chapter.

(2) The municipality must provide a mechanism for permitting all proposed construction, installation, or substantial improvement of structures, or utility facilities such as water, sewage, electric, gas and telephone facilities in designated bluff recession hazard areas. This bluff setback permitting process may be incorporated into any existing permitting process administered by a municipal building code or zoning officer. At the request of the municipality, the Department will provide assistance to the municipality in developing this procedure.

(3) The municipality must provide a procedure, as a part of the ordinance and regulations, that enables monitoring of substantial improvements to structures bisected by or within the bluff setback distance. The procedure must ascertain the market value of the structure prior to the first improvement and document subsequent improvements to the structure to ensure that they do not exceed 50% of the market value for a consecutive 5-year period. At the request of the municipality, the Department will provide assistance to the municipality in developing this procedure.

(4) The municipality must provide a variance to its bluff setback ordinance and regulations only in the following cases:

(i) When a parcel established prior to a bluff recession hazard area designation does not have adequate depth considering the minimum bluff setback requirements to provide for any reasonable use of the land, a variance may be applied for. The variance shall be authorized when the following standards and criteria are met:

(A) The structure and all associated structures and utility facilities shall be located on the property as far landward of the bluff line as allowed by other municipal ordinances.

(B) The structure shall be designed and constructed to be movable. Construction activities must meet the minimum erosion and sediment control practices established by Chapter 102 (relating to erosion and sediment control) and reflect guidance contained in municipal stormwater ordinances or county watershed stormwater management plans. As part of the moving operation, all construction materials, including foundations, shall be removed and disposed of in accordance with the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the regulations promulgated thereto. Access to and from the structure must be of sufficient width and acceptable grade to allow for moving of the structure.

(ii) When a proposed structure or utility facility requires access to the body of water and there is no feasible alternative for obtaining access, a variance may be applied for. The variance will be authorized only when the following standards and criteria are met:

(A) The variance may be granted only for bluff recession control devices designed to reduce bluff recession; water withdrawal lines or discharge lines; power cables; natural gas or oil pipelines; or communication cables; or other public service lines which require access through the bluff recession hazard area to the body of water.

(B) To achieve adequate protection of the bluff, the construction activity must occur in a manner that minimizes potential short-term and long-term disruption of the bluff recession hazard area, must be in conformance with Chapter 102 and reflect guidance contained in municipal stormwater ordinances or county watershed stormwater management plans.

(C) To help ensure that increased turbidity levels on the lake are not caused, all construction activities must comply with the erosion and sedimentation control practices established under Chapter 102.

(D) The area of the construction site shall be reestablished to ensure that subsequent erosion will not damage the structure or harm the environment or adjacent properties.

(5) The municipality must provide a procedure to amend municipal setback ordinances. The Department will, at the request of the affected municipality, provide assistance in incorporating revisions to this chapter into the municipal ordinance and regulations.

(6) The municipality must provide an administrative procedure for maintaining records of all correspondence, applications for permits, and issuance and denial of the permits. The Department will assist if requested. On February 28 of each year, a copy of the records from the preceding calendar year shall be submitted to the Department for its review and permanent record. This procedure must require that necessary records include the name and address of the applicant and the location and description for the following activities:

(i) Construction, installation or engagement in any substantial improvement to structures affected by the minimum bluff setback distance including the information collected as a result of the monitoring procedure established in paragraph (3).

(ii) Improvement projects for an existing structure located within the minimum bluff setback distance.

(iii) Variances granted by the municipality in bluff recession hazard areas.

(7) When an applicant submits an application for a permit for any construction or development activities in areas subject to bluff recession hazards, the municipality shall alert the applicant of the minimum bluff setback prescribed in § 85.26(c) (relating to designated municipalities and minimum bluff setback distances for identified categories of structures).

Subchapter E. DEPARTMENT OVERSIGHT OF MUNICIPAL COMPLIANCE

§ 85.41. (Reserved).

§ 85.42. Department review and approval of a municipality setback ordinance and regulations.

(a) The Department will, within 90 days of receiving a written request to approve a bluff setback ordinance and regulations of a municipality, review the proposal pursuant to § 85.37 (relating to contents of ordinance and regulation submitted by municipality).

(b) The Department will, upon ascertaining that the proposed bluff setback ordinance and regulations meet the minimum requirements in § 85.37, notify the municipality of the approval of the ordinance and regulations.

(c) If the Department fails to respond within the allotted 90-day time limit, the ordinance and regulations will be deemed to be approved, and the municipality shall use the ordinance and regulations to enforce the act.

(d) If the Department, during the review of the proposed ordinance and regulations, finds that the ordinance and regulations do not meet the minimum requirements of this chapter, the Department will disapprove the ordinance and regulations and will notify the municipality. The letter will contain the reasons for disapproval and suggestions for correcting the problem. Upon receipt of this letter, the municipality shall have 30 days to correct the problem and resubmit the proposed ordinance and regulations. If the municipality disagrees with the findings of the Department, the municipality may appeal the decision of the Department under the procedures in § 85.61 (relating to appeals).

(e) If the municipality fails to adopt or submit a bluff setback ordinance and regulations to the Department, the Department may institute an action in mandamus to compel the municipality to comply with the act and this chapter.

Subchapter F. GRANTS AND REIMBURSEMENTS TO MUNICIPALITIES

§ 85.52. Limitation of grants and reimbursements.

Grants will be available from the Department to municipalities to reimburse them for allowable costs incurred in complying with the act. Grants will be limited to:

(1) Seventy-five percent of the costs incurred for the development and implementation of a bluff setback ordinance and regulations required under this chapter as well as 75% for the costs incurred by a municipality in revising a setback ordinance and regulations established prior to the act to comply with this chapter.

(2) Fifty percent of the allowable costs for the ongoing administration of an ordinance incurred by a municipality. Allowable costs for administration of a bluff setback ordinance do not include those costs that are offset by reasonable permit fees imposed by the municipality.

§ 85.55. Records and audits.

(a) Municipalities shall maintain books, records, documents, correspondence and other evidence pertaining to the costs and expenses incurred under § 85.52 (relating to limitation of grants and reimbursements) to the extent and in detail that will properly reflect the costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which funding has been provided under the grant. The records shall be maintained in accordance with generally accepted accounting principles.

(b) A municipality shall maintain accounting records and supporting documentation which identify the revenue and costs from the effective date to expiration date of the grant. The accounting records shall be maintained in accordance with generally accepted accounting practices.

Subchapter G. APPEALS**§ 85.61. Appeals.**

(a) A person or municipality aggrieved by an action of the Department shall have the right within 30 days of the receipt of the notice of the action to appeal the action to the Environmental Hearing Board (EHB), under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(b) An appeal of an action under the act does not act as a supersedeas. A supersedeas may be granted by the EHB upon a showing by the petitioner that:

(1) Irreparable harm to the petitioner or other interested parties will result if supersedeas is denied.

(2) There is a likelihood of the success of the petitioner on the merits.

(3) The grant of a supersedeas will not result in irreparable harm to the Commonwealth.

[Pa.B. Doc. No. 09-1716. Filed for public inspection September 18, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 44]

Mortgage Licensee Education

The Department of Banking hereby withdraws the notice of proposed rulemaking, which would have amended the Mortgage Licensee Education regulations in 10 Pa. Code Chapter 44 (relating to mortgage bankers and brokers and consumer equity protection). This proposed regulation was published at 39 Pa.B. 2805 (June 6, 2009).

Further information is available by contacting the Office of Chief Counsel at (717) 787-1471.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1717. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CHS. 121 AND 129]

Control of NOx Emissions from Glass Melting Furnaces

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends be made to the glass melting furnaces proposed rulemaking published at 38 Pa.B. 1831 (April 19, 2008). A notice was printed under the wrong heading (Environmental Quality Board) at 39 Pa.B. 5318—5320 (September 12, 2009). The text of the notice remains the same.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1683. Filed for public inspection September 11, 2009, 9:00 a.m.]

[25 PA. CODE CH. 215]

Proposed Amendments to Radioactive Material Regulations

Pennsylvania is a U.S. Nuclear Regulatory Commission (NRC) Agreement State and has incorporated by reference many NRC regulations. The NRC is proposing to amend 10 CFR Part 31 (relating to general domestic licenses for product material), described as follows, and any amendments made to it will be incorporated into Pennsylvania's under 25 Pa. Code § 215.1(e) (relating to purpose and scope). Proposed changes to 10 CFR Part 31.5 (relating to certain detection, measuring, gauging, or controlling devices and certain devices for producing light to an ionized atmosphere) were published in the *Federal Register* at 74 FR 38372 (August 2, 2009). Limiting the quality of byproduct material in a generally licensed device.

The NRC is proposing to amend its regulations to limit the quantity of byproduct material contained in a generally licensed device to below 1/10 of the International Atomic Energy Agency (IAEA) Category 3 thresholds. Should this amendment a final rule, individuals in this Commonwealth possessing devices with byproduct material meeting or exceeding these thresholds would be required to apply for and obtain a specific license from the Department of Environmental Protection. Examples of such devices include certain gauges for measuring the thickness of materials, the density of solutions and slurries, the composition of bulk materials, and the level of fluids in industrial processes. The NRC is also proposing to further clarify the requirements that apply when a device authorized to be used under the general license is instead held under a specific license. The proposed amendments would also modify the Compatibility Categories contained in the current regulations.

For further information, contact Joseph M. Melnic, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-3720; or Andrew Bockis, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1718. Filed for public inspection September 18, 2009, 9:00 a.m.]

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[49 PA. CODE CH. 36]

Appraiser Trainees; Initial and Continuing Education; Supervised Experience; Practice Standards

The State Board of Certified Real Estate Appraisers (Board) proposes to amend Chapter 36 (relating to State Board of Certified Real Estate Appraisers) to read as set forth in Annex A.

Purpose

The proposed rulemaking is intended to: (1) Establish a regulatory scheme for the appraiser trainee license, which was added to the Real Estate Appraisers Certification Act (REACA) (63 P. S. §§ 457.1—457.19) by the act of July 8, 2008 (P. L. 833, No. 59) (Act 59 of 2008) and the act of October 9, 2008 (P. L. 1380, No. 103) (Act 103 of 2008); (2) Revise and clarify initial education, continuing education and supervised experience requirements for certified appraisers, consistent with Federal criteria that are binding on the Board under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) (Pub. L. No. 101-173, 103 Stat. 183); (3) Clarify appraiser practice standards relating to supervision and use of titles; and (4) Harmonize requirements for certified Pennsylvania evaluators with those for certified appraisers.

*Description of the Proposed Rulemaking**§ 36.1 (relating to definitions)*

Section 36.1 defines words and phrases used in Chapter 36, including the certified real estate appraiser classifications of “certified broker/appraiser,” “certified residential real estate appraiser” and “certified general real estate appraiser.”

The proposed rulemaking would define “licensed appraiser trainee” as “[A] person who holds a license issued under section 6(a.1) of the [REACA] and § 36.12a (relating to qualifications for licensure as appraiser trainee) and who is authorized to assist a certified residential real estate appraiser or certified general real estate appraiser in the performance of an appraisal.” Consistent with the form of the definitions of the three certified appraiser classifications, the definition of licensed appraiser trainee sets forth the statutory and regulatory basis of the license and the scope of practice under the license.

§ 36.2 (relating to application process)

Section 36.2 establishes the procedure for applying for certification as a residential or general real estate appraiser. Section 36.2(a) requires an applicant to submit an application on a form furnished by the Board and provides contact information for obtaining an application form. Section 36.2(b) requires an applicant to pay a nonrefundable application fee. Section 36.2(c) provides that approval of an application is valid for 1 year and that if the applicant does not pass the certification examination within the 1-year period, the applicant must submit a new application that will be reviewed under the requirements in effect at the time the new application is received. Section 36.2(d) provides that an applicant whose application has been disapproved has 1 year to correct the deficiencies and that if the applicant fails to correct the deficiencies within the 1-year period, the applicant must submit a new application that will be reviewed under the requirements in effect at the time the new application is received. Section 36.2(e) states that except as otherwise provided in §§ 36.11 and 36.12 (relating to qualifications for certification as residential real appraiser; and qualifications for certification as general real estate appraiser), an applicant shall comply with new requirements that take effect between the applicant’s initial filing of an application and the applicant’s passing the certification examination.

The proposed rulemaking would amend § 36.2(a), (b) and (d) to make those provisions applicable to an applicant for licensure as an appraiser trainee. The proposed rulemaking would revise § 36.2(d) to clarify that an applicant for licensure as an appraiser trainee must comply with any increased education requirement that takes effect between the applicant’s filing of an application that is disapproved and the applicant’s filing of a new application. The proposed rulemaking also would make editorial changes to § 36.2(c) to emphasize that it is applicable only to an applicant for certification as a residential or general real estate appraiser; an approved applicant for licensure as an appraiser trainee is not required to pass an examination as a condition of licensure.

§ 36.3 (relating to examinations)

Section 36.3(a) sets forth information about the examinations for certification as a residential and general real estate appraiser. Section 36.3(b) explains how interested parties can obtain additional information about the examinations from the professional testing organization that administers the examinations. The proposed rule-

making would amend § 36.3(a) to clarify that no examination is required for licensure as an appraiser trainee.

§ 36.6 (relating to fees)

Section 36.6 sets forth the schedule of fees charged by the Board. The proposed rulemaking would add an application fee of \$75 for licensure as an appraiser trainee. The fee would offset the projected cost to the Board of reviewing and processing the license application as well as defray a portion of the Board’s administrative overhead.

Section 5(6) of the REACA (63 P.S. § 457.5(6)), as amended by Act 59 of 2008, authorizes the Board to assess fees for the issuance and biennial renewal of an appraiser trainee license. At the request of the Department of State’s Bureau of Finance and Operations (BFO), the Board has deferred promulgation of a biennial renewal fee for the appraiser trainee license until after BFO has had an opportunity to provide updated projections about the Board’s revenue needs in future fiscal years. The biennial renewal fee does not have to be in place until the spring of 2011, when the Board will begin processing biennial renewal applications for the 2011-2012 biennial renewal period that begins July 1, 2011.

§§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser)

Sections 36.11 and 36.12 are identically structured regulations that set forth the qualifications for certification as a residential and general real estate appraiser, respectively. Section 6(d) and (e) of the REACA (63 P.S. § 457.6(d) and (e)), provides that an applicant for certification as a residential or general real estate appraiser must, as a prerequisite to taking the certification examination, meet the education and experience requirements prescribed under the FIRREA. The Appraisal Foundation’s Appraiser Qualifications Board (AQB) is the independent body charged under the FIRREA with establishing the minimum initial education, continuing education, experience and examination requirements for state-credentialed real estate appraisers. Sections 36.11 and 36.12 incorporate the AQB’s education and experience requirements for residential and general real estate appraisers. Sections 36.11 and 36.12 were last amended July 21, 2007, to implement the AQB’s new requirements that took effect January 1, 2008.

Sections 36.11(b) and 36.12(b), subtitled “Appraisal classroom hours,” prescribe the appraisal education requirement for initial certification as a residential and general real estate appraiser, respectively. Section 36.11(b) provides that effective January 1, 2008, an applicant for residential real estate appraiser certification must have completed 200 classroom hours in the appraisal curriculum set forth in § 36.11(c)(2), except that the new requirement does not apply to an applicant who satisfied the former requirement of 120 classroom hours before January 1, 2008. Section 36.12(b) provides that effective January 1, 2008, an applicant for general real estate appraiser certification must have completed 300 classroom hours in the appraisal curriculum set forth in § 36.12(c)(2), except that the new classroom hour requirement does not apply to an applicant who satisfied the former requirement of 180 classroom hours before January 1, 2008. Sections 36.11(b)(1) and 36.12(b)(2) reflect a “segmented” approach, rather than a “firm date” approach, to implementation of the AQB’s new education requirements. Under the “firm date” approach, no appraiser certificate would be issued to an applicant on or

after January 1, 2008, unless the applicant has satisfied the increased classroom hour requirement. The AQB allowed states the option of implementing the new education requirements through either the firm date approach or the segmented approach. The Board opted for the segmented approach to minimize the potential disruption to the career plans of those persons who, at the time of the adoption of new regulations, were then taking steps to satisfy the education and experience requirements for appraiser certification.

The proposed rulemaking would amend §§ 36.11(b) and 36.12(b) to provide that the increased classroom hour requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that includes evidence of the applicant's having satisfied the former classroom hour requirement before January 1, 2008. The purpose of the amendments is to establish a reasonable period of time after January 1, 2008, such as, 4 years during which an applicant who satisfied the former classroom hour requirement may qualify for appraiser certification without having to complete the increased classroom hour requirement. Because the experience requirement for residential and general real estate appraiser certification can be completed in as little as 24 months and 30 months, respectively, 4 years should be an adequate period of time for an applicant who satisfied the former classroom hour requirement before January 1, 2008, to obtain qualifying experience; moreover, it is likely that such an applicant would have already obtained some qualifying experience before January 1, 2008, because qualifying experience may be earned after 75 classroom hours have been completed. The Board believes that placing a reasonable limitation on the grandfathering effect of the segmented approach to implementation of the increased classroom hour requirement is desirable because it eliminates the possibility that persons could be credentialed as residential or general real estate appraisers in the distant future who lack the level of appraisal education that users of appraisal services would have come to expect of newly credentialed appraisers.

Sections 36.11(b)(2) and 36.12(b)(2), subtitled "Teaching credit," provide that classroom hours may be earned through the teaching of appraisal courses. Sections 36.11(b)(3) and 36.12(b)(3), subtitled "Providers of appraisal courses," identify the categories of acceptable providers of appraisal classroom hours. Sections 36.11(b)(4) and 36.12(b)(4), subtitled "Distance education," set forth the criteria by which appraisal courses may be offered by means of distance education (such as, online learning, videoconferencing, CD or DVD ROM). Sections 36.11(b)(5) and 36.12(b)(5), subtitled "Credit for challenge examination," state that classroom hours may be earned for an appraisal course in which the applicant obtained credit from the course provider by challenge examination without attending the course, so long as the course provider granted credit before January 1, 1990, and the Board is satisfied with the quality of the challenge examination.

The Appraisal Subcommittee (ASC) is the Federal agency charged, in part, with overseeing the activities of states in carrying out the requirements of the FIRREA. In July 2008, during its most recent field review of the Board's operations, the ASC advised the Board that the AQB has eliminated the awarding of classroom hours based on the teaching of appraisal courses or the successful completion of challenge examinations. Accordingly, the proposed rulemaking would delete §§ 36.11(b)(2), 36.11(b)(5), 36.12(b)(2) and 36.12(b)(5) and would redesignate

§§ 36.11(b)(3), 36.11(b)(4), 36.12(b)(3) and 36.12(b)(4) as §§ 36.11(b)(2), 36.11(b)(3), 36.12(b)(2) and 36.12(b)(3), respectively.

Sections 36.11(d) and 36.12(d), subtitled "Postsecondary education," set forth the postsecondary education requirement for initial certification as a residential and general real estate appraiser, respectively. Section 36.11(d)(1) provides that effective January 1, 2008, an applicant for residential real estate appraiser certification must either possess at least an associate's degree from an accredited college or university or have completed at least 21 semester credits in prescribed subject areas, while § 36.12(d)(1) provides that effective January 1, 2008, an applicant for general real estate appraiser certification must either possess at least a Bachelor's Degree from an accredited college or university or have completed at least 30 semester credits in prescribed subject areas. During its July 2008 field review, the ASC advised the Board that the AQB had changed the description of one of the prescribed subject areas from "Introduction to computers—word processing/spreadsheets" to "Computer science." The proposed rulemaking would amend §§ 36.11(d)(1) and 36.12(d)(1) to reflect the changed description.

Sections 36.11(d)(2) and 36.12(d)(2) provide that the postsecondary education requirement set forth in §§ 36.11(d)(1) and 36.12(d)(1), respectively, does not apply to an applicant who, as of January 1, 2008, had satisfied the appraisal classroom hour requirement that was in effect before January 1, 2008. These provisions reflect the "segmented" approach to implementation of the AQB's new education requirements discussed previously. Consistent with the proposed amendments to §§ 36.11(b) and 36.12(b), the proposed rulemaking would amend §§ 36.11(d)(2) and 36.12(d)(2) to provide that the postsecondary education requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that includes evidence of the applicant's having satisfied the former appraisal classroom hour requirement before January 1, 2008.

§ 36.12a (relating to qualifications for licensure as appraiser trainee)

Section 36.12a is a new section that would set forth the requirements for licensure as an appraiser trainee. Section 6(a.1) of the REACA, which was added by Act 59 of 2008, establishes the appraiser trainee license. The Board anticipates that, depending upon the timing of the publication of final-form rulemaking, it likely will begin processing applications for appraiser trainee licenses between January 1, 2010, and April 1, 2010.

Proposed § 36.12a(a), subtitled "Overview," would provide that an applicant for licensure as an appraiser trainee must be a person of good moral character and have completed the prescribed education. Proposed § 36.12a(a) would further provide that licensure as a real estate broker or salesperson under the Real Estate Licensing and Registration Act (RELRA) (63 P. S. §§ 455.101—455.902) is not a prerequisite for licensure as an appraisal trainee.

Section 6(a.1) and (c)(1) of the REACA reference education and moral character requirements, respectively, for an appraiser trainee, while a statement regarding the absence of any prerequisites under the RELRA currently appears in §§ 36.11(a) and 36.12(a) regarding the requirements for certification as a residential and general real estate appraiser, respectively.

Proposed § 36.12a(b), subtitled “Appraisal classroom hours,” would require an applicant for licensure as an appraiser trainee to have completed 75 classroom hours in the appraisal curriculum set forth in § 36.12a(b)(1), except that the requirement would not apply to an applicant who had satisfied the education requirement for certification as a residential real estate appraiser that was in effect immediately prior to January 1, 2008.

Section 6(a.1) of the REACA vests the Board with discretion in establishing the education requirement for licensure as an appraiser trainee. The proposed 75-hour requirement is the same as that recommended by the AQB for appraiser trainees. (Under the FIRREA the AQB’s education qualifications for appraiser trainees are not binding on state appraiser regulatory bodies.) The exemption for an applicant who had satisfied the pre-2008 education requirement for certification as a residential real estate appraiser before January 1, 2008, takes into account the amount of education—such as, completion of 120 classroom hours in appraisal subjects—as well as the need to avoid unnecessary disruption of the applicant’s apprenticeship activities that may be in progress as of the implementation of the appraiser trainee license.

Proposed § 36.12a(b)(1), subtitled “Content of appraisal education,” would require an applicant for licensure as an appraiser trainee to have completed the following three-course appraisal curriculum: basic appraisal principles (30 hours), basic appraisal procedures (30 hours), and Uniform Standards of Professional Appraisal Practice (USPAP) (15 hours). The proposed curriculum, including the subtopics listed for each course, is identical to that recommended by the AQB for appraiser trainees as of January 1, 2008. The same three courses also comprise part of the AQB’s new core curriculum required for certification as a residential and general real estate appraiser, as set forth in §§ 36.11(c)(2) and 36.12(c)(2), respectively.

Proposed § 36.12a(b)(2), subtitled “Examination requirement; length of classroom hour,” would define a classroom hour as 50 minutes out of each 60-minute segment and would require that an applicant for licensure as an appraiser trainee pass an examination pertinent to the course material as a condition of being awarded classroom hours. These provisions are the same as those applicable to an applicant for certification as a residential and general real estate appraiser, as set forth in §§ 36.11(b)(1) and 36.12(b)(1), respectively.

Proposed § 36.12a(3), subtitled “Providers of appraisal courses,” would permit an applicant for licensure as an appraiser trainee to receive credit for classroom hours obtained from an accredited college or university or, subject to prior approval from the Board under § 36.31 (relating to provider registration/appraisal courses), from an appraisal or real estate organization, a state or Federal agency, a proprietary school, or other provider. This provision is identical to those applicable to an applicant for certification as a residential and general real estate appraiser, as set forth in §§ 36.11(b)(3) and 36.12(b)(3), respectively.

Proposed § 36.12a(b)(4), subtitled “Distance education,” would permit an applicant for licensure as an appraiser trainee to utilize a distance education course if the course: (1) is approved by the Board; (2) is presented either by an accredited college or university that offers distance education courses in other disciplines or by a course provider that has received approval of course content from the Board or the AQB through its Course

Approval Program and approval of course design and delivery mechanism from the International Distance Education Certification Center; (3) requires completion of a written examination proctored by an official approved by the college, university or other course provider; and (4) meets the course content and classroom hour requirements prescribed by the Board. These requirements are the same as those applicable to an applicant for certification as a residential and general real estate appraiser, as set forth in §§ 36.11(b)(4) and 36.12(b)(4), respectively.

Proposed § 36.12a(c), subtitled “Noneligibility for licensure,” would provide that a certified real estate appraiser is not eligible for licensure as an appraiser trainee. This prohibition tracks section 6(a.1) of the REACA, which provides that the holder of a real estate appraiser certification is not eligible for an appraiser trainee’s license.

Proposed § 36.12a(d), subtitled “Limitation on license renewal,” would provide that an appraiser trainee license may not be biennially renewed more than 4 times unless the Board, for good cause shown and on a case-by-case basis, should determine that one or more additional renewals is warranted.

Section 10(a) of the REACA (63 P.S. § 457.10(a)), as amended by Act 103 of 2008, empowers the Board to prescribe a limitation on the number of times that an appraiser trainee may renew a license. The purpose of such a limitation is to prevent persons from becoming “permanent” appraiser trainees, a circumstance which, if allowed to occur, would contribute to a lessening of appraiser standards by making the trainee license the *de facto* entry-level appraiser credential. The proposed limitation of four biennial renewals, when combined with the initial license period, would allow an appraiser trainee to practice for between 8 and 10 years under ordinary circumstances. This time frame, which takes into account the fact that an appraiser trainee may elect to practice on a part-time basis for personal or economic reasons, should provide an appraiser trainee with an adequate opportunity to obtain the qualifying education and experience needed for certification as a residential or general real estate appraiser. The provision allowing the Board to grant additional renewals on a case-by-case basis permits the Board to address extraordinary circumstances, such as a serious, extended illness, that would prevent an appraiser trainee from obtaining qualifying education and experience for appraiser certification in a more timely fashion.

§ 36.13 (relating to experience options for preparation of appraisal reports)

Section 36.13 establishes the standards by which the Board evaluates experience acquired by appraiser candidates in the preparation of appraisal reports. Under §§ 36.11(e)(1) and 36.12(e)(1), at least one-half of the qualifying hours of experience required for certification as a residential and general real estate appraiser, respectively, must be in the preparation of appraisal reports.

Section 36.13(a)(1) provides that with regard to experience acquired before September 3, 1998, the Board will accept experience in preparing an appraisal report that has been acquired by: (1) a licensed real estate broker under the RELRA; (2) an elected officer, director or employee of a Federally or state-regulated banking or savings institution, savings bank, credit union or trust company, in connection with a loan transaction; (3) a certified broker/appraiser; or (4) an assistant to a residential or general real estate appraiser, subject to the

requirements of § 36.13(b). Section 36.13(a)(2) provides that with regard to experience acquired on or after September 3, 1998, the Board will accept experience in preparing an appraisal report that has been acquired by: (1) a certified broker/appraiser; or (2) an assistant to a residential or general real estate appraiser, subject to the requirements of § 36.13(b).

The proposed rulemaking would amend §§ 36.13(a)(1) and (2) to include appraisal report preparation experience acquired by a residential real estate appraiser while assisting a general real estate appraiser in an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units, subject to the requirements of proposed § 36.13(d). These amendments, which were inadvertently omitted when the Board last revised § 36.13 in July 2007, address the acceptability of appraisal report preparation experience acquired by a residential real estate appraiser who is seeking to upgrade to general real estate appraiser status. (As set forth in § 36.1, a residential real estate appraiser's scope of authority is the appraisal of residential property of 1-to-4 dwelling units.)

The proposed rulemaking would further amend § 36.13(a)(2) to include appraisal report preparation experience acquired as an appraiser trainee assisting a residential or general real estate appraiser, subject to the requirements of proposed § 36.13(c), and to cut off the acceptability of experience acquired as an assistant to a residential or general real estate appraiser after June 30, 2010. These amendments would establish July 1, 2010, as the date by which a person who is not a broker/appraiser or residential real estate appraiser must be licensed as an appraiser trainee to receive qualifying experience in the preparation of appraisal reports.

Section 36.13(b) provides that for an assistant to a residential or general real estate appraiser to acquire qualifying experience in the preparation of an appraisal report, the assistant shall: (1) perform an interior and exterior inspection of the subject property; (2) not arrive at an independent determination of value; and (3) sign the appraisal report as "assistant to the certified real estate appraiser" or be referenced in the certification section of the appraisal report, or in an addendum to the report, as having provided significant professional assistance.

The proposed rulemaking would amend § 36.13(b) to require the appraisal assistant to comply with USPAP and to complete and co-sign a Board-approved assistant checklist that relates to the assistant's work on the appraisal report. These amendments are consistent with §§ 36.11(e)(2) and 36.12(e)(2), which require all qualifying experience for certification as a residential and general real estate appraiser, respectively, to be USPAP-compliant, and with § 36.54 (relating to supervision of appraisal assistant), which requires a residential or general real estate appraiser who utilizes an appraisal assistant to sign an appraisal assistant checklist that has been completed by the assistant and that relates to the assistant's work on the appraisal report. The proposed rulemaking would also amend § 36.13(b) to include the clarifications that an appraisal assistant may be a co-signatory, rather than the sole signatory, to the appraisal report, and that the nature of the assistance being acknowledged in the report is "significant real property appraisal assistance"—the terminology currently used in USPAP—rather than "significant professional assistance." The proposed rulemaking would further amend § 36.13(b) to relieve an appraisal assistant of the obligation to

co-sign or otherwise be referenced in the certification section of the appraisal report if the appraisal assistant checklist is made part of the appraisal report.

Proposed § 36.13(c) would determine that an appraiser trainee planning to acquire qualifying experience in the preparation of an appraisal report, must: (1) not be supervised by more than one residential or general real estate appraiser on each appraisal assignment; (2) perform an interior and exterior inspection of the property; (3) not arrive at an independent determination of value; (4) comply with USPAP; and (5) complete and co-sign a Board-approved appraiser trainee checklist that relates to the trainee's work on the appraisal report and that is made part of the appraisal report submitted to the client.

By making inclusion of the appraiser trainee checklist a mandatory, as opposed to optional, component of the appraisal report, the Board intends to create a higher level of disclosure regarding the activities of a licensed appraiser trainee than has previously existed regarding the activities of an uncredentialed appraisal assistant. While USPAP requires a real estate appraiser to describe in the appraisal report the nature of significant real property appraisal assistance that he received from another, the level of required detail regarding the assistance varies depending on the format of appraisal report. Requiring the appraiser trainee checklist to be incorporated into every appraisal report—regardless of reporting format—ensures that every client is apprised in detail about which aspects of the appraisal were completed by the trainee. The stipulation that an appraiser trainee not have more than one supervisory appraiser per engagement represents the Board's interpretation of language in section 6(a.1) of the REACA providing that a trainee must practice under the direct supervision of "one" residential or general real estate appraiser for purpose of obtaining qualifying experience. The Board does not believe the General Assembly intended that an appraiser trainee be limited to a single supervisory appraiser for the duration of the apprenticeship; such an interpretation could have the effect of severely limiting the ability of a trainee to obtain qualifying experience for certification, particularly if there is a shortage of appraisers available who are able to offer employment for the full term of an apprenticeship.

Proposed § 36.13(d) would provide that for a residential real estate appraiser to obtain qualifying experience assisting a general real estate appraiser in the preparation of an appraisal report, the residential appraiser shall: (1) perform an interior and exterior inspection of the property; (2) not arrive at an independent determination of value; (3) comply with USPAP; and (4) co-sign the appraisal report as set forth in § 36.52 (relating to use of certificate number and title) and ensure that the nature of his significant real property appraisal assistance is specified in the report.

The proposed amendments relating to a residential real estate appraiser who assists a general real estate appraiser differ from those relating to an appraiser trainee in that a residential appraiser is not required to complete and sign a checklist relating to his activities in preparing the appraisal report. Because a residential real estate appraiser has completed education and training beyond that of an appraiser trainee and is authorized to perform appraisals within the scope of his certification without supervision, the Board believes it is sufficient that the extent of his assistance to a general real estate appraiser

be provided in the appraisal report, in accordance with the reporting standards of USPAP, rather than itemized in detail on a checklist.

§ 36.42 (relating to continuing education subject matter)

Section 36.42(a) lists acceptable continuing education topics for a real estate appraiser, while § 36.42(d) allows additional topics, on a case-by-case basis, if the appraiser can demonstrate that the topic contributes to the appraiser's competence. Section 36.42(b) requires each continuing education course to be at least 2 classroom hours in length and each classroom hour to comprise 50 minutes of a 60-minute segment. Section 36.42(d) permits a real estate appraiser to obtain continuing education from an accredited college or university or, subject to prior approval from the Board under § 36.31 (relating to provider registration/appraisal courses) from an appraisal or real estate organization, a State or Federal agency, a proprietary school, or other provider. Section 36.42(e) permits a real estate appraiser to obtain continuing education credit for participation in the continuing education process other than as a student; credit may be earned for service as an instructor, course developer, author of instructional materials, or for performance of a similar function.

During its July 2008 field review, the ASC advised the Board that the AQB limits the awarding of continuing education credit for participation other than as a student to a maximum of 50% of the continuing education requirement. Accordingly, the proposed rulemaking would amend § 36.42(e) to establish that limitations on the awarding of continuing education credit to a real estate appraiser.

§ 36.51 (relating to compliance with USPAP)

Section 36.51 requires a real estate appraiser to perform an appraisal in accordance with USPAP, provides that a real estate appraiser who violates USPAP is subject to disciplinary action under the REACA, and furnishes contact information for obtaining the current edition of USPAP.

Consistent with proposed § 36.13(c), the proposed rulemaking would amend § 36.51 to require an appraiser trainee to comply with USPAP when performing an appraisal. The proposed rulemaking also would amend § 36.51 to provide that an appraiser trainee who violates USPAP is subject to disciplinary action under the REACA. In this regard, section 11(a)(6) of the REACA (63 P. S. § 457.11(a)(6)), as amended by Act 59 of 2008, proscribes, in part, an appraiser trainee's violation of any standard for the development or communication of an appraisal. The proposed rulemaking also would make editorial changes to § 36.51.

§ 36.52 (relating to use of certificate number and title)

Section 36.52 requires a real estate appraiser to place name, signature, and certificate number immediately adjacent to or immediately below the appraiser's title on each appraisal report and appraisal agreement. Section 36.52 references the titles of "Pennsylvania certified general real estate appraiser," "Pennsylvania certified residential real estate appraiser" and "Pennsylvania certified broker/appraiser" and provides an example of how such titles, together with the other required information, should appear on an appraisal report or appraisal agreement.

The proposed rulemaking would amend § 36.52 to permit "substantially similar" titles to be substituted for those referenced in the section. This more flexible standard is desirable because some of the commercial software and templates that real estate appraisers use to prepare appraisal reports cannot be easily modified to accommodate the "long form" of their titles.

§ 36.54 (relating to supervision of appraisal assistant)

Section 36.54 sets forth the supervisory duties of a residential or general real estate appraiser when utilizing an appraisal assistant. The supervisory appraiser shall: (1) provide the Board with written notification of the name and address of the appraisal assistant when the assistant begins work for the supervisor; (2) directly supervise and control the assistant's work, assuming total responsibility for all value conclusions and other contents of the appraisal report; (3) accompany an assistant who is not a residential appraiser during the physical inspection of the property until the assistant has logged 300 hours of experience or the supervisor determines the assistant is competent under USPAP to perform the inspection unaccompanied, whichever period is longer; (4) accompany an assistant who is a residential appraiser during the physical inspection of the property until the supervisor determines that the assistant is competent under USPAP to perform the inspection unaccompanied; (5) sign the appraisal report as a real estate appraiser and either have the assistant sign the report as an assistant to the appraiser or identify the assistant in the certification section of the report, or in an addendum to the report, as having provided significant professional assistance; (6) sign a Board-approved appraisal assistant checklist that has been completed by the assistant and relates to the assistant's work on the appraisal report; and (7) provide a current or former assistant who is applying for appraiser certification with copies of designated appraisal reports and appraisal assistant checklists requested by the Board to verify the assistant's experience.

The proposed rulemaking would reorganize § 36.54 into three subsections and retitle it "Duties of supervisory appraiser." The proposed rulemaking would reclassify the current language as subsection (a) and would limit its applicability to the supervisory appraiser's utilization, before July 1, 2010, of an appraisal assistant who is not already credentialed as an appraiser trainee or residential real estate appraiser. June 30, 2010, is the last date that an appraisal assistant who is not an appraiser trainee or residential real estate appraiser can acquire qualifying experience in the preparation of appraisal reports towards the requirements for certification as a residential or general appraiser. The proposed rulemaking would eliminate the need for an appraisal assistant to sign or otherwise be acknowledged in the report if the appraisal assistant checklist is made part of the report. The proposed rulemaking would also clarify that an appraisal assistant may be a co-signatory, rather than the sole signatory, on the appraisal report and appraisal assistant checklist, and that the nature of assistance being acknowledged in the appraisal report is "significant real property appraisal assistance" rather than "significant professional assistance."

Proposed § 36.54(b) would set forth the supervisory duties of a residential or general real estate appraiser when utilizing an appraiser trainee. The supervisory appraiser shall: (1) have at least 5 years' experience as residential or general real estate appraiser; (2) supervise no more than 3 appraiser trainees at one time; (3) directly supervise and control the trainee's work, assum-

ing total responsibility for all value conclusions and other contents of the appraisal report; (4) accompany the trainee during the physical inspection of the property until the trainee has logged 300 hours of experience or until the supervisor determines that the trainee is competent under USPAP to perform the inspection unaccompanied, whichever period is longer; (5) co-sign a Board-approved trainee checklist that has been completed by the trainee, relates to the trainee's work on the appraisal report and is made part of the appraisal report that is submitted to the client; and (6) provide a current or former trainee who is applying for appraiser certification with copies of designated appraisal reports and appraiser trainee checklists requested by the Board to verify the trainee's experience. The requirements relating to the supervisory appraiser's experience and to the number of appraiser trainees that may be supervised at the same time track language in section 6(a.1) of the REACA.

Proposed § 36.54(c) would set forth the supervisory duties of a general real estate appraiser when utilizing a residential real estate appraiser as an assistant for an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units. These amendments were inadvertently omitted when the Board adopted § 36.54 in its original form in July 2007. Under proposed § 36.54(c), the supervisory appraiser shall: (1) directly supervise the residential appraiser's work, assuming total responsibility for all value conclusions and other contents of the appraisal work; (2) accompany the residential appraiser during the physical inspection of the property until the supervisory appraiser determines that the residential appraiser is competent under USPAP to perform the inspection unaccompanied; (3) co-sign the appraisal report as set forth in § 36.52 and specify in the report the nature of the significant real property appraisal assistance rendered by the residential appraiser; and (4) provide the residential appraiser, at the time of application for general appraiser certification, with copies of designated appraisal reports requested by the Board to verify the residential appraiser's experience.

§ 36.262 (relating to continuing education subject matter)

Section 36.262, which applies to certified Pennsylvania evaluators (CPEs) under the Assessors Certification Act (ACA) (63 P. S. §§ 458.1—458.16), is virtually identical in structure and content to § 36.42. As with § 36.42(e), the proposed rulemaking would amend § 36.262(e) to limit the awarding of continuing education credit for participation other than as a student to a maximum of 50% of the continuing education requirement. Although CPEs are not subject to the continuing education requirements established by the AQB, the Board has consistently adopted continuing education requirements for CPEs that mirror, as much as practicable, the continuing education requirements for real estate appraisers. The Board has done so, with the concurrence of the professional organization that represents CPEs, because of the similarities between the real estate appraising and real estate assessing professions.

Statutory Authority

Section 5(2) of the REACA (63 P. S. § 457.5(2)) and section 3 of the Assessors Certification Act (ACA) (63 P. S. § 458.3) authorize the Board to promulgate regulations as may be necessary to carry out the provisions of the REACA and the ACA, respectively. Additionally, section 9(a) of the REACA (63 P. S. § 457.9(a)) authorizes the Board to establish fees for its operations by regulation.

Fiscal Impact

The proposed rulemaking would require each applicant for licensure as an appraiser trainee to pay an application fee of \$75 to the Board. The fee would generate approximately \$30,000 in biennial revenues for the Board, based on projections that the Board would receive approximately 400 license applications biennially. The proposed rulemaking also would require those seeking to become licensed as appraiser trainees to incur costs in obtaining qualifying education for licensure. Although these costs cannot be quantified, they do not add to the overall cost of becoming credentialed as a residential or general real estate appraiser because the coursework that would be necessary for licensure as an appraiser trainee is part of the coursework that is currently necessary for certification as a residential or general appraiser.

The proposed rulemaking would not have a direct fiscal impact on the public or on other agencies and political subdivisions of this Commonwealth.

Paperwork Requirements

The proposed rulemaking would require each prospective appraiser trainee to file a license application with the Board and, once licensed, to file a biennial renewal application to retain the right to practice as a trainee. The Board would be required to develop application forms for initial licensure and biennial renewal of licensure as well as an appraiser trainee checklist for use by trainees and their supervisory real estate appraisers in documenting the nature of trainees' work in the preparation of appraisal reports. The proposed rulemaking would not create additional paperwork for residential and general real estate appraisers because they are already required to use checklists to document the experience acquired by appraisal assistants in their employ. The proposed rulemaking would not create additional paperwork for the general public or the Commonwealth and its political subdivisions.

Effective Date

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

Regulatory Review

On September 9, 2009, as required under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of this proposed rulemaking, a Regulatory Analysis Form and a Fee Report Form to the Independent Regulatory Review Commission (IRRC) and to the Senate Standing Committee on Consumer Protection and Professional Licensure and the House Standing Committee on Professional Licensure. Copies of the Regulatory Analysis Form and Fee Report Form are 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 after the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures that permit the Board, the General Assembly and the Governor to review any comments, recommendations or objections prior to final-form publication of the rulemaking.

Public Comment

The Board invites interested persons to submit written comments, suggestions or objections regarding the pro-

posed rulemaking to Steven Wennberg, Regulatory Unit Counsel, Bureau of Professional and Occupational Affairs, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this notice in the *Pennsylvania Bulletin*.

ROBERT F. McRAE,
Chairperson

Fiscal Note: 16A-7015. 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 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

**Subchapter A. GENERAL PROVISIONS
GENERAL PROVISIONS**

§ 36.1. Definitions.

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

* * * * *

Licensed appraiser trainee—A person who holds a license issued under section 6(a.1) of the act and § 36.12a (relating to qualifications for licensure as appraiser trainee) and who is authorized to assist a certified residential real estate appraiser or certified general real estate appraiser in the performance of an appraisal.

* * * * *

§ 36.2. Application process.

(a) *Application form.* A person interested in becoming a **licensed appraiser trainee**, a certified residential real estate appraiser or a certified general real estate appraiser shall complete and file with the Board a notarized application form and an application fee. Application forms may be obtained by visiting the Board's web site at www.dos.state.pa.us/real or by writing, telephoning, or e-mailing the Board at Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-4866, or ST-APPRAISE, respectively.

(b) *Application fee.* The application fee for **licensure as an appraiser trainee** or certification as a residential real estate appraiser or general real estate appraiser is set forth in § 36.6 (relating to fees). Application fees are nonrefundable. Payments must be in the form of a personal check or money order made payable to the "Commonwealth of Pennsylvania."

(c) *Approved applications.* Subject to the provisions of subsection (e), an approved application **for certification as a residential real estate appraiser or general real estate appraiser** will be valid for 1 year from the date of approval. If an applicant does not pass the certification examination within this 1-year period, the applicant's application will be considered to have been withdrawn. If the applicant wishes to take the examination after 1 year from the date of approval, a new application, along with the required fee, shall be submitted to the Board.

(d) *Disapproved applications.* Subject to the provisions of subsection (e), an applicant **for licensure as an appraiser trainee, certification as a residential real estate appraiser, or certification as a general real estate appraiser** whose application has been disapproved by the Board will be notified in writing of the reasons for the disapproval, and will have 1 year from the date of disapproval to correct the deficiencies or to file a request for reconsideration. A request for reconsideration must give the reason for the applicant's request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider and may include a request for an informal review with the Board. If a request for reconsideration is denied or, subject to the provisions of subsection (e), an applicant is unable to correct the deficiencies which resulted in the disapproval of the application within 1 year from the date of disapproval, a new application, along with the required fee, shall be submitted to the Board.

(e) *Compliance with new requirements.* Except as otherwise provided in §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser), an applicant **for certification as a residential real estate appraiser or general real estate appraiser** shall comply with any increased education or experience requirements that take effect between the applicant's filing of an initial application and the applicant's passing the certification examination. **An applicant for licensure as an appraiser trainee shall comply with any increased education requirement that takes effect between the applicant's filing of an application that is disapproved and the applicant's filing of a new application.**

§ 36.3. Examinations.

(a) The examination required for certification as a residential real estate appraiser is the AQB-endorsed Uniform State Certified Residential Real Property Appraiser Examination or its equivalent. The examination required for certification as a general real estate appraiser is the AQB-endorsed Uniform State Certified General Real Property Appraiser Examination or its equivalent. The certification examinations are administered by a professional testing organization under contract with the Board at times and places established by the professional testing organization. **An examination is not required for licensure as an appraiser trainee.**

* * * * *

§ 36.6. Fees.

The following is the schedule of fees charged by the Board:

* * * * *

Licensed Appraiser Trainee

Application \$75

QUALIFICATIONS FOR CERTIFICATION OR LICENSURE

§ 36.11. Qualifications for certification as residential real estate appraiser.

* * * * *

(b) *Appraisal classroom hours.* [An applicant shall submit evidence to the Board of having completed 120 classroom hours of courses in subjects related to real estate appraisal, including the 15-hour National USPAP Course, together with coverage of the topics listed in subsection (c)(1).] Effective January

1, 2008, an applicant shall submit evidence to the Board of having completed 200 classroom hours in the appraisal curriculum set forth in subsection (c)(2)[, except that the new requirement does not apply to an applicant who has satisfied the existing education requirement before January 1, 2008]. This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that shows evidence of the applicant's having completed 120 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.

* * * * *

(2) [*Teaching credit.* Credit toward the classroom hour requirement may be awarded to teachers of appraisal courses for actual classroom time, but credit will not be given for course repetition.

(3)] *Providers of appraisal courses.* * * *

[(4)] (3) *Distance education.* * * *

* * * * *

[(5) *Credit for challenge examination.* The Board may accept toward the classroom hour requirement a course for which the applicant obtained credit from the course provider by challenge examination without attending the course, if the course provider granted credit prior to July 1, 1990, and the Board is satisfied with the quality of the challenge examination that was administered by the course provider.]

* * * * *

(d) *Postsecondary education.*

(1) Effective January 1, 2008, an applicant shall submit evidence to the Board of having satisfied one of the following requirements:

* * * * *

(ii) Completion of 21 semester credit hours in the following college-level subjects at an accredited college or university:

* * * * *

(F) [*Introduction to computers-word processing/spreadsheets*] *Computer science.*

* * * * *

(2) [*This subsection does not apply to an applicant who completed 120 classroom hours of qualifying appraisal education under subsection (b) before January 1, 2008.] This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that shows evidence of the applicant's having completed 120 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.*

* * * * *

§ 36.12. *Qualifications for certification as general real estate appraiser.*

* * * * *

(b) *Appraisal classroom hours.* [*An applicant shall submit evidence to the Board of having completed 180 classroom hours of courses in subjects related to real estate appraisal, including the 15-hour National USPAP Course, together with coverage of the topics listed in subsection (c)(1).*] Effective January 1, 2008, an applicant shall submit evidence to the Board of having completed 300 classroom hours in the appraisal curriculum set forth in subsection (c)(2)[, except that the new requirement does not apply to an applicant who has satisfied the existing education requirement before January 1, 2008]. This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that shows evidence of the applicant's having completed 180 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.

* * * * *

(2) [*Teaching credit.* Credit toward the classroom hour requirement may be awarded to teachers of appraisal courses for actual classroom time, but credit will not be given for course repetition.

(3)] *Providers of appraisal courses.* * * *

[(4)] (3) *Distance education.* * * *

* * * * *

[(5) *Credit for challenge examination.* The Board may accept toward the classroom hour requirement a course for which the applicant obtained credit from the course provider by challenge examination without attending the course, if the course provider granted credit prior to July 1, 1990, and the Board is satisfied with the quality of the challenge examination that was administered by the course provider.]

* * * * *

(d) *Postsecondary education.*

(1) Effective January 1, 2008, an applicant shall submit evidence to the Board of having satisfied one of the following requirements:

* * * * *

(ii) Completion of 30 semester credit hours in the following college-level subjects at an accredited college or university:

* * * * *

(G) [*Introduction to computers—word processing/spreadsheets*] *Computer science.*

* * * * *

(2) [*This subsection does not apply to an applicant who completed 180 classroom hours of qualifying appraisal education under subsection (b) before January 1, 2008.] This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that shows evidence of the applicant's having completed 180 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP*

Course or equivalent course, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.

* * * * *

§ 36.12a. Qualifications for licensure as appraiser trainee.

(a) *Overview.* An applicant for licensure as an appraiser trainee shall be of good moral character and meet the education requirements prescribed by this section. Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P. S. § 455.101—455.902) is a prerequisite for licensure as an appraiser trainee.

(b) *Appraisal classroom hours.* An applicant shall submit evidence to the Board of having completed 75 classroom hours in the appraisal curriculum in paragraph (1), except that this requirement does not apply to an applicant who had satisfied the education requirement for certification as a residential real estate appraiser that was in effect as of December 31, 2007.

(1) *Content of appraisal education.* An applicant's classroom hours must satisfy the following curriculum requirements:

- (i) **Basic appraisal principles (30 hours).**
 - (A) **Real property concepts and characteristics.**
 - (I) **Basic real property concepts.**
 - (II) **Real property characteristics.**
 - (III) **Legal description.**
 - (B) **Legal considerations.**
 - (I) **Forms of ownership.**
 - (II) **Public and private controls.**
 - (III) **Real estate contracts.**
 - (IV) **Leases.**
 - (C) **Influences on real estate.**
 - (I) **Governmental.**
 - (II) **Economic.**
 - (III) **Social.**
 - (IV) **Environmental, geographic and physical.**
 - (D) **Types of value.**
 - (I) **Market value.**
 - (II) **Other value types.**
 - (E) **Economic principles.**
 - (I) **Classical economic principles.**
 - (II) **Application and illustrations of the economic principles.**
 - (F) **Overview of real estate markets and analysis.**
 - (I) **Market fundamentals, characteristics and definitions.**
 - (II) **Supply analysis.**
 - (III) **Demand analysis.**
 - (IV) **Use of market analysis.**
 - (G) **Ethics and how they apply in appraisal theory and practice.**
 - (ii) **Basic appraisal procedures (30 hours).**

- (A) **Overview of approaches to value.**
- (B) **Valuation procedure.**
 - (I) **Defining the problem.**
 - (II) **Collecting and selecting the data.**
 - (III) **Analyzing.**
 - (IV) **Reconciling and final value opinion.**
 - (V) **Communicating the appraisal.**
- (C) **Property description.**
 - (I) **Geographic characteristics of the land/site.**
 - (II) **Geologic characteristics of the land/site.**
 - (III) **Location and neighborhood characteristics.**
 - (IV) **Land/site considerations for highest and best use.**
 - (V) **Improvements—architectural styles and types of construction.**
 - (D) **Residential applications.**
- (iii) **National USPAP Course or equivalent (15 hours).**
 - (A) **Preamble and ethics rules.**
 - (B) **Standard 1.**
 - (C) **Standard 2.**
 - (D) **Standards 3 to 10.**
 - (E) **Statements and advisory opinions.**
- (2) *Examination requirement; length of classroom hour.* Credit towards the classroom hour requirement will only be granted when the applicant successfully completes an examination pertinent to the course. A classroom hour is defined as 50 minutes out of each 60 minute segment.
- (3) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.
- (4) *Distance education.* A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets the following conditions:
 - (i) The course is presented by one of the following:
 - (A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.
 - (B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.
 - (ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The content and classroom hours of the course meet the requirements of paragraphs (1) and (2).

(c) *Noneligibility for licensure.* A certified real estate appraiser is not eligible to be licensed as an appraiser trainee.

(d) *Limitation on license renewal.* An appraiser trainee license may not be biennially renewed more than four times unless the Board, for good cause shown and on a case-by-case basis, determine that one or more additional renewals is warranted.

§ 36.13. Experience options for preparation of appraisal reports.

(a) An applicant for certification as a residential real estate appraiser or a general real estate appraiser under §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) shall have acquired experience in the preparation of appraisal reports in one or more of the following:

(1) Prior to September 3, 1998:

* * * * *

(v) As a certified residential real estate appraiser assisting a certified general real estate appraiser in an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units, provided the residential appraiser satisfies the requirements of subsection (d).

(2) On or after September 3, 1998:

* * * * *

(ii) As an assistant to a certified residential real estate appraiser or certified general real estate appraiser, provided the experience is acquired before July 1, 2010, and the assistant satisfies the requirements of subsection (b).

(iii) As a licensed appraiser trainee assisting a certified residential real estate appraiser or certified general real estate appraiser, provided the trainee satisfies the requirements of subsection (c).

(iv) As a certified residential real estate appraiser assisting a general real estate appraiser in an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units, provided the residential appraiser satisfies the requirements of subsection (d).

(b) An assistant to a certified general real estate appraiser or certified residential real estate appraiser shall observe the following requirements when preparing an appraisal report:

* * * * *

(3) The assistant shall comply with USPAP.

(4) The assistant shall complete and co-sign a Board-approved appraisal assistant checklist that relates to the assistant's work on the appraisal report.

[(3) The] (5) Unless the appraisal assistant checklist is made part of the appraisal report, the assistant shall [sign] co-sign the appraisal report as "assistant to the certified real estate appraiser" or be referenced in the certification section of the appraisal

report, or in an addendum to the appraisal report, as having provided significant [professional] real property appraisal assistance.

(c) A licensed appraiser trainee shall observe the following requirements when preparing an appraisal report for a certified general real estate appraiser or certified residential real estate appraiser:

(1) The trainee may not be supervised by more than one residential or general appraiser on each appraisal assignment.

(2) The trainee shall perform an inspection of the interior and exterior of the property.

(3) The trainee may not arrive at an independent determination of value.

(4) The trainee shall comply with USPAP.

(5) The trainee shall complete and co-sign a Board-approved appraiser trainee checklist that relates to the trainee's work on the appraisal report and that is made part of the appraisal report submitted to the client.

(d) A certified residential real estate appraiser shall observe the following requirements when preparing an appraisal report for a certified general real estate appraiser:

(1) The residential appraiser shall perform an inspection of the interior and exterior of the property.

(2) The residential appraiser may not arrive at an independent determination of value.

(3) The residential appraiser shall comply with USPAP.

(4) The residential appraiser shall co-sign the appraisal report as set forth in § 36.52 (relating to use of certificate number and title) and shall ensure that the nature of his significant real property appraisal assistance is specified in the report.

CONTINUING EDUCATION

§ 36.42. Continuing education subject matter.

* * * * *

(e) Continuing education credit may also be granted—up to 50% of the biennial requirement—for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted include teaching, program development, authorship of textbooks or similar activities which the applicant can demonstrate to the Board are equivalent to obtaining continuing education.

STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

§ 36.51. Compliance with USPAP.

A certified real estate appraiser or licensed appraiser trainee shall perform an appraisal assignment in accordance with USPAP. A certified real estate appraiser or licensed appraiser trainee who violates one or more provisions of USPAP shall be subject to disciplinary action under the act. [A certified real estate appraiser can obtain a] A copy of the current edition of USPAP can be obtained by writing, telephoning or e-mailing the Appraisal Foundation at 1029 Vermont

Avenue, N.W., Suite 900, Washington D.C. 20005-3517, (202) 347-7722, or info@appraisalfoundation.org, respectively.

§ 36.52. Use of certificate number and title.

A certified real estate appraiser shall place his name, signature and certificate number adjacent to or immediately below the title "Pennsylvania certified general real estate appraiser," "Pennsylvania certified residential real estate appraiser" or "Pennsylvania certified broker/appraiser," as appropriate, on each written appraisal report and each written appraisal agreement. A substantially similar title may be substituted. Professional designations may be included adjacent to the signature, if applicable. The following will serve as an example:

/s/ _____

John Doe, (Professional designation, if applicable)
Pennsylvania Certified Residential Real Estate Appraiser
Certification number RL-999999-L

§ 36.54. [Supervision of appraisal assistant] Duties of supervisory appraiser.

(a) A certified residential real estate appraiser or certified general real estate appraiser who utilizes an appraisal assistant before July 1, 2010, shall:

* * * * *

(3) Accompany the assistant during the physical inspection of the property [as follows:

(i) In the case of an assistant who is not a certified residential real estate appraiser, accompany the assistant during the physical inspection of the property] until the assistant has logged 300 hours of appraisal experience or until the supervising appraiser determines the assistant is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.

[(ii) In the case of an assistant who is a certified residential real estate appraiser seeking to obtain qualifying experience for certification as a general real estate appraiser, accompany the assistant during the physical inspection of the property until the supervising appraiser determines the assistant is competent under USPAP to perform the physical inspection unaccompanied.]

(4) [Sign] Co-sign the appraisal report as a certified real estate appraiser under § 36.52 (relating to use of certificate number and title) and, unless the appraisal assistant checklist referenced in paragraph (5) is made part of the appraisal report submitted to the client, either have the assistant sign the appraisal report as assistant to the certified real estate appraiser or identify the assistant in the certification section of the appraisal report, or in addendum to the appraisal report, as having provided significant [professional] real property appraisal assistance.

(5) [Sign] Co-sign a Board-approved appraisal assistant checklist that has been completed by the assistant and relates to the assistant's work on the appraisal report.

* * * * *

(b) A certified residential real estate appraiser or certified general real estate appraiser who utilizes a licensed appraiser trainee shall:

(1) Have at least 5 years' experience as a residential or general appraiser.

(2) Supervise no more than three trainees at one time.

(3) Directly supervise and control the trainee's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(4) Accompany the trainee during the physical inspection of the property until the trainee has logged 300 hours of appraisal experience or until the supervising appraiser determines the trainee is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.

(5) Co-sign a Board-approved appraiser trainee checklist that has been completed by the trainee, relates to the trainee's work on the appraisal report and is made part of the appraisal report submitted to the client.

(6) Provide a current or former trainee who is applying for appraiser certification with copies of designated appraisal reports requested by the Board to verify the trainee's experience.

(c) A certified general real estate appraiser who utilizes a certified residential real estate appraiser as an assistant for an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units shall:

(1) Directly supervise and control the residential appraiser's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(2) Accompany the residential appraiser during the physical inspection of the property until the general appraiser determines the residential appraiser is competent under USPAP to perform the physical inspection unaccompanied.

(3) Co-sign the appraisal report as set forth in § 36.52 and specify in the appraisal report the nature of the significant real property appraisal assistance rendered by the residential appraiser.

(4) Provide the residential appraiser, at the time of application for general appraiser certification, with copies of designated appraisal reports requested by the Board to verify the residential appraiser's experience.

Subchapter C. CERTIFIED PENNSYLVANIA EVALUATORS

CONTINUING EDUCATION

§ 36.262. Continuing education subject matter.

* * * * *

(e) Continuing education credit [will] may also be granted—up to 50% of the biennial requirement—for participation, other than as a student, in appraisal or assessment educational processes and programs. Examples of activities for which credit [will] may be

granted include teaching, program development, authorship of [text books] textbooks or similar activities [if] which the applicant can demonstrate to the Board [that these activities] are equivalent to obtaining continuing education.

[Pa.B. Doc. No. 09-1719. Filed for public inspection September 18, 2009, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40] Continuing Education Providers

The State Board of Physical Therapy (Board) proposes to amend § 40.63 (relating to continuing education) to read as set forth in Annex A.

Effective date

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

Statutory Authority

The amendment is authorized under sections 3(a) and 9(c) of the Physical Therapy Practice Act (act) (63 P. S. §§ 1303(a) and 1309(c)).

Background and Need for the Amendment

Section 9(a) of the act generally prohibits a physical therapist from treating human ailments by physical therapy except upon referral by a physician. However, under section 9(b) of the act, a physical therapist who meets certain qualifications may receive from the Board a certificate of authority to practice physical therapy without the required referral (often known as direct access). Under section 9(c)(1) of the act, a certificateholder shall complete a minimum amount of continuing education in each biennial renewal cycle to maintain direct access certification. The Board previously promulgated § 40.63 to set standards of continuing education for a direct access certificate holder.

Under § 40.63(d), a sponsor shall apply to the Board and obtain approval for each course or program of continuing education for the direct access certificate holder to receive credit that will satisfy the continuing education requirement. To avoid the need to apply for approval and review applications from providers that the Board knows currently meet the standards for approved continuing education courses, the Board proposes to preapprove those sponsors without requiring an application or specific review by the Board. Additionally, § 40.63(d) does not currently set a time in which the sponsor shall apply for approval. The Board proposes to require a continuing education sponsor to apply for approval at least 60 days in advance of the course presentation so that the Board would have adequate time to review the application and to permit a sponsor to request a waiver of that time limitation for good cause shown. Finally, because a given course might be offered multiple times, the Board proposes to explicitly indicate through its regulations that approval of a course is good for multiple offerings of that course throughout the year.

Description of the Proposed Amendments

The proposed rulemaking would first amend § 40.63(d)(1) and (3) to refer to approval status of the continuing education course, not the sponsor as the current regulation incorrectly refers. To provide the Board with adequate time in which to review the application, § 40.63(d)(3) would be amended to require that an application for course approval be submitted at least 60 days prior to the date the continuing education course is due to take place. Proposed § 40.63(d)(5) would be added to provide that a sponsor who is unable to apply at least 60 days in advance may request a waiver setting forth the reasons why the 60-day requirement could not be met. The Board may grant the waiver and review the application, if possible, within less than 60 days. Also, proposed § 40.63(d)(6) would be added to provide that course approval is valid for 1 year. The sponsor may offer other presentations of that course throughout the year, so long as they are indicated on the application.

Proposed § 40.63(h) would be added to provide for preapproval of sponsors whom the Board has determined meet the standards for approved courses and programs. Courses that otherwise meet all requirements for required continuing education would be approved when offered by the American Physical Therapy Association and its components, the Federation of State Boards of Physical Therapy (FSBPT) and graduate education programs accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE). It should be noted that the Board is a constituent member of FSBPT and that in § 40.11 (relating to license by examination; requirements for examination) the Board requires applicants to be graduates of physical therapy programs accredited by CAPTE. However, CAPTE accredits only entry-level programs—those awarding up through a Master's Degree. To the extent they otherwise meet all requirements for required continuing education, courses offered by postentry level doctorate of physical therapy programs in institutions accredited by the regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation, would also be preapproved.

Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment will impose no 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 September 2, 2009, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee (Committees). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall 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 Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, or st-physical@state.pa.us, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6513 (continuing education providers), when submitting comments.

JAMES L. CLAHANE, PT,
Chairperson

Fiscal Note: 16A-6513. 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 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter A. PHYSICAL THERAPISTS PRACTICE WITHOUT PHYSICIAN REFERRAL

§ 40.63. Continuing education.

* * * * *

(d) *Approved [sponsors; acceptable] courses and programs.*

(1) Courses and programs [provided by Board-approved sponsors] approved by the Board will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificateholder to ascertain the approval status of the [sponsor] course before undertaking a continuing education activity.

* * * * *

(3) Sponsors of physical therapy continuing education seeking Board approval of individual courses shall submit an application at least 60 days prior to the date the continuing education course is due to take place, on forms provided by the Board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a [sponsor] course unless [it] the sponsor:

* * * * *

(5) A sponsor seeking approval who is unable to submit the application at least 60 days prior to the date the course is given, may request a waiver in writing setting forth the reasons why the 60-day requirement could not be met.

(6) Approval of a course will be valid for 1 year after approval. In the event that the sponsor is scheduling multiple courses, the sponsor shall indicate on the application each date the course is to be given.

* * * * *

(h) *Preapproved sponsors.* In addition to sponsors whose specific courses and programs are approved, the Board finds the following entities have currently met the standards for approved courses and programs. Accordingly, courses that otherwise meet all requirements for required continuing education are approved when offered by the following sponsors:

(1) The American Physical Therapy Association (APTA) and its components.

(2) The Federation of State Boards of Physical Therapy (FSBPT) and its jurisdictions.

(3) Graduate education programs accredited by The Commission on Accreditation in Physical Therapy Education (CAPTE).

(4) Postentry level doctorate of physical therapy programs in an academic institution accredited by a regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation.

[Pa.B. Doc. No. 09-1720. Filed for public inspection September 18, 2009, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Biennial Renewal Fees

The State Board of Veterinary Medicine (Board) proposes to amend § 31.41 (relating to fees) as set forth in Annex A. The proposed rulemaking would provide for an incremental increase to the biennial license renewal fee for veterinarians and veterinary technicians over the upcoming five biennial renewal cycles.

Effective Date

The amendment will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The increased fees would be effective for the renewal period beginning December 1, 2010.

Statutory Authority

Section 13(b) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.13(b)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures. In recent years, while considering biennial renewal fee proposals from a variety of boards within the Bureau of Professional and Occupational Affairs, the House Professional Licensure Committee has suggested that the licensing boards set fee increases that are incremental over more than one biennial period. By this proposal, the Board would implement this suggestion. In addition to providing smaller increases for licensees, licensees benefit because the cost of promulgating biennial renewal fee regulations is saved.

Background and Purpose

The Board's current biennial license renewal fees for veterinarians and veterinary technicians were established in 2006. See 36 Pa.B. 4608 (August 19, 2006). At the time

the fee was established, it was anticipated that the new fee would enable the Board to balance its revenues and expenses for at least two biennial periods. Under section 13(b) of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees.

At Board meetings in December 2007, and May 2008, the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses. BFO projected a deficit of \$105,254.45 in Fiscal Year (FY) 2007-2008, a deficit of \$153,361.88 in FY year 2009-2010, a deficit of \$374,361.88 in FY 2011-2012 and a deficit of \$748,361.88 in FY 2013-2014. According to the information presented, it would appear that BFO's 2005 projections were insufficient. The major reason for the deficits is that the number of complaints against veterinarians, particularly allegations of negligence or malpractice which require substantial resources to investigate, review and prosecute, have increased. As a result of the projected deficits, BFO again recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 13(b) of the act.

BFO recommended increasing the renewal fee for veterinarians to \$450 and increasing the renewal fee for veterinary technicians to \$115. Upon consideration of the HPLC's recommendation that the Board adopt an incremental increase rather than sporadic, large increases, the Board determined that it would accept the HPLC's recommendation such that a figure close to BFO's recommendation would be achieved over three biennial renewal periods rather than immediately. The Board's proposal would create the following fee schedule over the next 10 years:

| | <i>Veterinarians</i> | <i>Veterinary Technicians</i> |
|---------------|----------------------|-------------------------------|
| Current | \$ 300 | \$ 75 |
| November 2010 | \$ 360 | \$ 90 |
| November 2012 | \$ 400 | \$ 100 |
| November 2014 | \$ 440 | \$ 110 |
| November 2016 | \$ 490 | \$ 120 |
| November 2018 | \$ 540 | \$ 130 |
| November 2020 | \$ 590 | \$ 140 |

In spite of the proposed increases, the Board's new fees will be less than some surrounding states, but will be higher than other surrounding states. The Board is not aware of any other state that has adopted an incremental fee schedule.

Description of Proposed Amendments

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 31.41 to increase the fee for biennial renewal of licenses for veterinarians from \$300 to \$360 for the first biennial period following promulgation of the regulation, and in accordance with the schedule previously listed, over the next five biennial periods. This incremental increase should be less burdensome on the Board's licensees while allowing the Board to meet its statutory obligations.

Fiscal Impact

The proposed rulemaking will increase the biennial renewal fee for veterinarians and veterinary technicians.

The proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees: however, the proposed rulemaking should not create additional paperwork for the private sector.

Sunset Date

The act requires that the Board monitor its revenue and cost on a FY and biennial 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 September 2, 2009, 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 Senate Consumer Professional Licensure Committee and the House 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. Comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final-form 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 Roberts, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5723, Biennial Renewal Fees, when submitting comments.

THOMAS J. MCGRATH, D.V.M.,
Chairperson

Fiscal Note: 16A-5723. 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 31. STATE BOARD OF VETERINARY MEDICINE

FEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

[*Veterinarians*] *Veterinarian fees for services:*

* * * * *

[**Biennial renewal\$300**]

* * * * *

Veterinarian biennial renewal:

| | |
|---|--------------|
| Biennial renewal fee for biennial period December 1, 2010—November 30, 2012..... | \$360 |
| Biennial renewal fee for biennial period December 1, 2012—November 30, 2014..... | \$400 |
| Biennial renewal fee for biennial period December 1, 2014—November 30, 2016..... | \$440 |
| Biennial renewal fee for biennial period December 1, 2016—November 30, 2018..... | \$490 |
| Biennial renewal fee for biennial period December 1, 2018—November 30, 2020..... | \$540 |
| Biennial renewal fee for biennial period December 1, 2020—November 30, 2022..... | \$590 |

* * * * *

Veterinary [technicians] technician fees for services:

* * * * *

| | |
|---------------------------------|---------------|
| [Biennial renewal | \$75] |
|---------------------------------|---------------|

* * * * *

Veterinary technician biennial renewal:

| | |
|---|--------------|
| Biennial renewal fee for biennial period December 1, 2010—November 30, 2012..... | \$90 |
| Biennial renewal fee for biennial period December 1, 2012—November 30, 2014..... | \$100 |
| Biennial renewal fee for biennial period December 1, 2014—November 30, 2016..... | \$110 |
| Biennial renewal fee for biennial period December 1, 2016—November 30, 2018..... | \$120 |
| Biennial renewal fee for biennial period December 1, 2018—November 30, 2020..... | \$130 |
| Biennial renewal fee for biennial period December 1, 2020—November 30, 2022..... | \$140 |

[Pa.B. Doc. No. 09-1721. Filed for public inspection September 18, 2009, 9:00 a.m.]

**[49 PA. CODE CH. 31]
Responsibility to Clients and Patients**

The State Board of Veterinary Medicine (Board) proposes to amend § 31.21, Principle 7 (relating to rules of professional conduct for veterinarians, responsibility to clients and patients) to read as set forth in Annex A. The amendment would specify two exceptions to the existing rule that veterinarians may choose whom they will serve. First, the proposal would require a veterinarian to provide humane euthanasia to relieve the suffering of an animal physically presented to the veterinarian's facility during the veterinarian's business hours. Second, the proposal would require a veterinarian to provide notice and a reasonable time to secure alternative services if a veterinarian decides to discontinue treatment of an animal.

In addition, the proposal would clarify an existing provision related to protecting the personal privacy of clients. The proposal would also specifically require veterinarians to practice in accordance with current advancements in veterinary medicine and acceptable and

prevailing standards of care, including work with respect to drugs used by a veterinarian. Finally, the proposal would specifically require veterinarians to utilize analgesic drugs and therapies in accordance with current veterinary medical knowledge and acceptable and prevailing standards of care.

Effective Date

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

Statutory Authority

Section 21(11) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.21(11)) provides that the Board "shall suspend or revoke" a licensee or certificateholder who "depart[s] from or fail[s] to conform to the standards of acceptable and prevailing veterinary medical practice." The Board's proposed subsections (d) and (f) are consistent with this provision.

Section 21(12) of the act provides that the Board "shall suspend or revoke" a licensee or certificateholder who is found guilty of "[e]ngaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct as defined herein or prescribed by the rules of the board." Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to "[a]dopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine." The Board's proposed amendment of subsections (a)—(c) and (e) update the Board's rules of professional conduct and set forth standards to maintain high standards of integrity, skills and practice in the profession.

Background and Need for Amendments

The Board published an earlier draft of this rulemaking as proposed rulemaking at 37 Pa.B. 1038 (March 3, 2007). The Board received comments from individual veterinarians and the Pennsylvania Veterinary Medical Association (PVMA). Both the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) provided comments as part of their review of the proposed rulemaking. The Board's original proposal related to the refusal to provide emergency services. Based on the extensive comments received by the Board, in writing and at a public hearing held on March 20, 2008, the Board made extensive revisions to the proposal. Due to the extent of the revisions, the Board determined it should republish as proposed rulemaking.

The act was amended in December 2002; in part, the amendments defined "veterinarian-client-patient relationship." See 63 P. S. § 485.3. Based on this statutory amendment, the Board proposes to rename Principle 7 "Responsibility to clients and patients."

The amendment is needed to conform the Board's regulatory mandates with current expectations for professional practice.

Description of Proposed Amendments

The Board proposes to add exceptions to the general rule that veterinarians may choose whom they will serve, to account for circumstances in which a veterinarian is presented with an animal in grave condition that is physically presented to the veterinarian during the veterinarian's regular business hours. The proposed amendment provides that a veterinarian may not refuse to provide humane euthanasia to relieve the suffering of an animal. The proposed amendment requires a veterinarian

to make a reasonable attempt to identify and contact the owner of such an animal and permits the veterinarian to proceed without client consent if the owner cannot be identified or contacted. This provision would also allow a veterinarian to euthanize an animal brought to the veterinary facility in a life-threatening condition without the owner's consent if, in the veterinarian's professional judgment, euthanasia is the only appropriate option.

When the rulemaking was previously proposed, IRRIC asked if this provision would have a disproportionate impact on farm animal veterinarians. The Board does not believe that the provision will have a significant effect on farm animal practitioners because it is unlikely that an owner would be able to load a cow that is in a grave condition into a trailer to transport it to a veterinary facility so that it can be physically presented to the veterinarian during regular business hours.

Second, the proposed amendment would permit a veterinarian to discontinue treatment of an animal after giving notice to the client of the veterinarian's intention to withdraw and after providing the client with reasonable time to secure alternative treatment. The proposal specifies that a reasonable time is based on the condition of the animal and the availability of alternative services. This provision protects the public by ensuring that the public will have a reasonable time to find another veterinarian.

The Board proposes to delete the second sentence of subsection (b) as redundant.

The Board's current provision in subsection (c) requires veterinarians to "protect the personal privacy of clients." This provision has caused confusion among licensees. Therefore, the Board proposes to expand subsection (c) to provide guidance on the provision.

The Board proposes to delete the current text of subsections (d) and (e), which the Board believes is self-evident and does not need to be set forth in regulation.

The Board proposes an amendment to what is currently subsection (e), but will become subsection (d). An individual approached the Board with the suggestion that the Board require veterinarians to provide a "client information sheet" whenever the veterinarian dispenses nonsteroidal anti-inflammatory drugs (NSAIDs). Virtually any drug may cause an adverse reaction. In addition, some drugs and other treatment options are not indicated for use in animals with certain health problems or animals receiving certain other drug therapies. The Board believes that its regulations should provide broad protection to the public in relation to veterinary medical diagnosis and treatment rather than focusing on one narrow class of drugs. The Board finds that public protection will be advanced by requiring veterinarians to inform clients of the benefits, risks and side effects of all recommended treatments, from surgeries to drug therapies, and to document client consent to or rejection of treatment in the animal's veterinary medical record. The latter requirement was promulgated as part of the Board's regulation related to recordkeeping. See, 49 Pa. Code § 31.22(4), published at 37 Pa.B. 3240 (July 14, 2007).

The Board proposes to expand this provision by requiring client signature for euthanasia and other treatments that have significant risks. The signature would not be required prior to performing the treatment, because the client is not always physically present. In such a case, the client may give oral consent, and the veterinarian may subsequently obtain the client's signature.

The former Chairperson of the Department of Agriculture's Animal Health and Diagnostic Commission, Dr. Paul Kneply, submitted comments to the Board on its draft rulemaking. The comments inquired about the implications of proposed subsection (f) for "normal farming activities and practices used in production animal medicine, such as castration and dehorning." Dr. Kneply noted, "A veterinarian may not normally administer anesthesia for these practices," and asked whether the proposed language would "prohibit 'normal animal agricultural practices' without anesthesia and pain medication." The Board is aware that the acceptable and prevailing standard of veterinary medical practice in producing animal medicine does not always include the administration of anesthesia or analgesia for the performance of procedures that, if performed on a companion animal, would require the administration of anesthesia or analgesia, or both. For this reason, the Board amended the draft language of subsection (f) to include language that the expectation of analgesia is consistent with the acceptable and prevailing standards of veterinary medical practice.

Finally, the Board proposes to add to subsection (g) the requirement that the veterinary medical record of an animal be provided to another veterinarian within a reasonable time. The Board declined to propose a specific time because, in many cases, all that is required is a one-page document, for example, of blood test results. In such cases, the document should be faxed upon request. Other requests for records may take longer. In any event, it would not be reasonable to take longer than the 72 hours permitted under the Board's regulations for responding to a request for records from a client.

Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendment, the Board sent the text of the draft proposed amendment to interested parties, including State and regional veterinary medical associations and considered the comments made by these interested parties.

Fiscal Impact and Paperwork Requirements

The proposed amendment should not have any financial impact on licensees, the Board or any other State entity. The proposed amendment will have no fiscal impact on the public. There are no additional paperwork requirements associated with the rulemaking.

Sunset Date

The Board continuously monitors 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 September 2, 2009, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRIC and to the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

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

the General Assembly, and the Governor, prior to final publication of the rulemaking.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Michelle Roberts, Board Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA, 17105-2649, www.dos.state.pa.us/vet within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

THOMAS J. MCGRATH, D.V.M.,
Chairperson

Fiscal Note: 16A-5722. 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 31. STATE BOARD OF VETERINARY MEDICINE

PROFESSIONAL CONDUCT

§ 31.21. Rules of Professional Conduct for Veterinarians.

* * * * *

Principle 7. [Veterinarian/client/relationships] Responsibility to clients and patients.

(a) [Veterinarians] Except as provided in this subsection, veterinarians may choose whom they will serve[. Once they have undertaken the care of an animal, however, they may not neglect the animal], but may not neglect an animal with which the veterinarian has an established veterinarian/client/patient relationship.

(1) During a veterinarian's regular business hours, a veterinarian may not refuse to provide humane euthanasia to relieve the suffering of an animal that is physically presented to the veterinarian at the veterinarian's facility. A veterinarian may provide humane euthanasia for an animal under this paragraph without a veterinarian/client/patient relationship. If the owner is unknown, the veterinarian shall make a reasonable attempt to determine the identity of the animal's owner. If the owner is known or identified, the veterinarian shall make a reasonable attempt to contact the owner and obtain consent to euthanasia or treatment. If the owner cannot be identified or cannot be contacted, the veterinarian shall exercise proper veterinary medical judgment to determine whether to provide humane euthanasia or other veterinary medical care to the animal.

(2) If a veterinarian deems it necessary to discontinue the treatment of an animal with which the veterinarian has a veterinarian/client/patient relationship, the veterinarian shall give notice to the client of his intention to withdraw and provide reasonable time to allow the client to obtain necessary veterinary care for the animal. A veterinarian shall exercise proper veterinary medical judgment by determining the length of time that is reason-

able based on the condition of the animal and the availability of alternative veterinary medical services.

(b) [In their relations with clients, veterinarians should] Veterinarians shall consider first the welfare of the animal for the purpose of relieving suffering and disability while causing a minimum of pain or fright. [Benefit to the animal should transcend personal advantage or monetary gain in decisions concerning therapy.]

(c) Veterinarians and their staffs shall protect the personal privacy of clients, unless the veterinarians are required by law to reveal the confidences or it becomes necessary to reveal the confidences to protect the health and welfare of an individual, the animal or others whose health and welfare may be endangered. **Personal information that should be protected under this section includes a client's Social Security number and sensitive financial information and confidential health information about the client.** Veterinary medical records of a client's animals shall be released to the Board or its agents upon demand, as set forth in section 27.1(b)(1) of the act (63 P. S. § 485.27a(b)(1)). Any portion of a veterinary medical record relevant to public health shall be released to public health or law enforcement officials upon demand. Veterinary medical records shall be released to the general public only with the written consent of the client, subpoena or court order.

(d) [Veterinarians shall be fully responsible for their actions with respect to an animal from the time they accept the case until the animal is released from their care.

(e) In the choice of drugs, biologics or other treatments, veterinarians should use their professional judgment in the interests of the animal, based upon their knowledge of the condition, the probable effects of the treatment and the available scientific evidence that may affect these decisions.] Veterinarians shall practice in accordance with current advancements and acceptable and prevailing standards of care in veterinary medicine, including using current proven techniques, drugs and scientific research that may affect treatment decisions. Veterinarians shall practice in accordance with advancements and acceptable and prevailing standards of care related to the pharmacologic properties, indications and contraindications of drugs and biologics.

(e) Veterinarians shall explain the benefits and significant potential risks of treatment options to clients. Veterinarians shall document, by client signature, the client's consent for euthanasia and other treatments that have significant potential risks. If the client is not present to provide a signature, veterinarians shall obtain oral consent and subsequently obtain the client's signature.

(f) Veterinarians shall serve as patient advocates especially regarding the alleviation of pain and suffering, consistent with the acceptable and prevailing standards of veterinary medical practice. Veterinarians shall utilize analgesic drugs, dosages, treatment intervals and combination therapies proven to be safe and effective in different species and in various conditions of age, illness or injury in

accordance with current veterinary medical knowledge and acceptable and prevailing standards of care.

[(f)] (g) If a client desires to consult with another veterinarian about the same case, the first veterinarian shall readily withdraw from the case, indicating the circumstances on the veterinary medical record of the animal, and shall forward copies of the animal's veterinary medical records **in a reasonable period of time** to other veterinarians who request them.

[(g)] (h) If a client requests referral to another veterinarian or veterinary hospital, the attending veterinarian shall honor the request and facilitate the necessary arrangements, which shall include forwarding copies of the veterinary medical records of the animal to the other veterinarian or veterinary hospital.

* * * * *

[Pa.B. Doc. No. 09-1722. Filed for public inspection September 18, 2009, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Interstate/International and General Quarantine Order; Importation and Intrastate Movement of Swine

Recitals.

A. The Domestic Animal Law (Law) (3 Pa.C.S.A. §§ 2301—2389) provides the Pennsylvania Department of Agriculture (PDA) broad authority to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases. This includes authority to issue quarantine orders that impose conditions relating to the testing and handling of animals, in 3 Pa.C.S.A. § 2329.

B. Pseudorabies (PRV) and brucellosis are designated as “dangerous transmissible diseases” of animals under the provisions of the Law, in 3 Pa.C.S.A. § 2321(a).

C. PRV is a viral disease most prevalent in swine. Other animals—such as cattle, sheep, goats, dogs and cats—are susceptible to PRV. Brucellosis is an infectious disease of animals—but can also infect humans.

D. PRV has been identified in feral swine and on two wild boar hunting preserves in this Commonwealth. This disease was thought to have been eliminated within this Commonwealth. PDA suspects that the disease was brought into this Commonwealth through infected swine that originated out-of-State.

E. PRV and brucellosis present serious threats to animal health and the economic vitality of the Commonwealth’s swine production industry. These diseases spread from animal-to-animal by many means, but primarily through direct contact of infected animals with noninfected animals.

F. Brucellosis is a contagious bacterial disease which affects several animal species, including swine. Introduction of brucellosis into the commercial swine herds of this Commonwealth would result in severe economic losses to the infected herd owners as well as loss of valuable National and International trade opportunities for all Pennsylvania’s pork producers. The PDA has very strong anecdotal evidence that feral swine, which are illegally entering wild boar hunting preserves in this Commonwealth, actually originate in states where feral swine have been documented to be infected with both brucellosis and pseudorabies. Introduction of brucellosis into the feral , swine population, through illegal hunting preserve swine, would pose a significant risk to the Commonwealth’s commercial swine industry.

G. PRV has caused significant loss in the past to the Commonwealth’s swine industry. Its presence in a herd may result in economic losses attributed to young pig mortality, decreased reproductive performance and the necessity to depopulate to eradicate the disease from a herd. The presence of PRV in a swine herd may severely limit the market for this Commonwealth’s product and cause increased expenses for producers if the Commonwealth’s PRV-free status is lost.

H. PDA seeks to establish reasonable requirements to allow intrastate movement and importation of swine into

this Commonwealth, while protecting against the introduction of PRV virus and brucella bacterium into this Commonwealth’s commercial production swine population.

I. The Law allows (3 Pa.C.S.A. § 2329(c)) for the establishment of an Interstate/International Quarantine under the circumstances described previously. Under that authority, PDA issues this Interstate/International Quarantine Order addressing PRV and brucellosis.

J. PDA will also pursue a formal regulation, under authority of the Law and in accordance with the Regulatory Review Act, to establish the terms and requirements of this Quarantine Order as formal regulatory requirements of PDA. This Quarantine Order will remain in effect until supplanted by these formal regulations.

Order:

With the foregoing recitals incorporated into this Order by reference, the PDA establishes: (1) an Interstate/International Quarantine Order under authority of the Law in 3 Pa.C.S.A. § 2329(c) and section 1702 of The Administrative Code of 1929 (71 P. S. § 442) with respect to the importation of swine into this Commonwealth; and (2) a General Quarantine Order under authority of the Law at 3 Pa.C.S.A. § 2329(d) and section 1702 of The Administrative Code of 1929 (71 P. S. § 442) with respect to the intrastate movement of swine within this Commonwealth. The following requirements and restrictions are hereby established with respect to the shipment of live swine within and into this Commonwealth:

Section 1. Overview.

This Order divides swine into four categories and prescribes handling, identification and recordkeeping protocols applicable to the importation or intrastate movement of swine in each category. These categories are based upon the commercial use to which swine in each category are put, the relative risk of exposure to PRV and brucellosis, the relative risk of spreading PRV and brucellosis, and other factors.

Section 2. Definitions.

The following words and phrases, when used in this Order, have the meanings given to them in this section:

Brucellosis-free State. State status with regard to brucellosis, as defined in Title 9 of the *Code of Federal Regulations*, Part 78—Brucellosis.

Certificate of Veterinary Inspection or *CVI.* A legible official document, made on a form (AAI-13) provided by the Department, prepared and signed by an accredited veterinarian, certifying the health of animals described therein according to the health requirements established by this Chapter. Other Department-approved forms may be used as interstate health certificates for importation of animals into Pennsylvania. A CVI or other approved form will be valid for 30 days after the date it was signed by an accredited veterinarian and a copy must accompany each animal to its final destination.

Commerce. The buying and selling, bartering, or other transfer of ownership of animals and/or animal products.

Dangerous transmissible disease. As Defined in the Domestic Animal Law, at 3 Pa.C.S.A. §§ 2303 and 2321.

Department. The Pennsylvania Department of Agriculture.

Hunting preserve. A site upon which hunting of animals held in captivity is permitted.

Importation. Bringing swine into the Commonwealth of Pennsylvania from another State or nation.

Intrastate movement. The transportation or movement of an animal or animal product within this Commonwealth, except the transportation or movement of an animal or animal product to another property owned, leased or rented by the animal owner.

ISO-compliant. In compliance with the standards of the *International Organization for Standardization* pertaining to animal identification.

Production swine. Commercial swine raised for breeding or slaughter.

Pseudorabies-free State or Stage V State. State status with regard to PRV as defined in the current version of the *Code of Federal Regulations*.

Qualified Pseudorabies-negative Herd. A swine herd which meets the specific provisions of a Qualified Pseudorabies-negative Swine herd in Title 9 of the Code of Federal Regulations, Part 85—Pseudorabies.

Shipment. All animals on one truck or other conveyance.

USDA. The United States Department of Agriculture.

USDA-APHIS. The United States Department of Agriculture Animal and Plant Health Inspection Service.

Validated Brucellosis-free Herd. A swine herd that meets the specific provisions of a Validated Brucellosis-free herd as defined in Title 9 of the *Code of Federal Regulations*, Part 78—Brucellosis.

Section 3. Categorization of swine.

(a) *Categories of swine.* For purposes of this Order, all swine within this Commonwealth shall be categorized into one of the following four categories:

(1) *Commercial production swine:* Swine that are continuously managed and have adequate facilities and practices to prevent exposure to either transitional swine or feral or wild swine.

(2) *Feral or wild swine:* Swine that are free roaming.

(3) *Hunting preserve swine:* Swine held on hunting preserves.

(4) *Transitional swine:* Swine that have reasonable opportunities to be exposed to feral or wild swine. The term includes swine that are maintained as pets.

(b) *Change of categorization.* The categorization of a swine may change among the four categories described in subsection (a). When that categorization changes, the provisions of this Order addressing that new categorization shall immediately apply.

(c) *Department assistance with categorization.* A person may request guidance from the Department as to the appropriate categorization of swine owned or kept by that person. Inquiries should be directed to the Department, using the contact information provide in Section 15 (titled *Contacting the Department*).

Section 4. Group identification and individual official identification.

The provisions of this Order require *group identification* of swine or *individual official identification* of swine as a condition of intrastate movement or importation of

the various categories of swine described in Section 3 (titled *Categorization of swine*). For purposes of this Order:

(1) *Group identification* shall consist of a writing that contains all of the following:

(i) A valid producer Federal Premise Identification Number.

(ii) The date on which the group was established.

(iii) The number of swine in the group.

(2) *Individual official identification* shall consist of each swine having one or more of the following:

(i) A herd tattoo in combination with an ear notch.

(ii) A State-issued metal ear tag.

(iii) An ISO-compliant 15-digit eartag (including RFID).

(iv) Other identification with written approval from the Department.

Section 5. Testing—USDA standards.

PRV tests and brucellosis tests described in this Order shall be USDA-approved tests as stated in the current *Code of Federal Regulations*, in the provisions addressing movement of swine.

Section 6. Swine affected with, showing symptoms of or exposed to a dangerous transmissible disease.

A swine showing symptoms of, affected with, or exposed to a dangerous transmissible disease shall not be imported into this Commonwealth without a written permit from the Department, authorizing the importation.

Section 7. Intrastate movement of commercial production swine for commerce.

(a) *Identification.* Group identification or individual official identification, as those terms are described in Section 4 (titled *Group identification and individual official identification*), is required for the intrastate movement of commercial production swine for commerce.

(b) *Certificate of veterinary inspection.* No CVI is required as a condition of intrastate movement of commercial production swine.

(c) *Testing.* No testing is required as a condition of intrastate movement of commercial production swine.

Section 8. Importation of commercial production swine.

(a) *Identification.* Group identification or individual official identification, as those terms are described in Section 4 (titled *Group identification and individual official identification*), is required for the importation of commercial production swine.

(b) *Certificate of veterinary inspection.*

(1) A CVI is required for the importation of commercial production swine. The CVI shall be issued within the 30 days prior to the date of entry into Pennsylvania. The CVI must include a statement verifying that the swine have not been fed raw garbage.

(2) The CVI described in paragraph (1) is not required as a condition of importation of commercial production swine for slaughter at an approved slaughter facility or to an approved slaughter-only market if the swine are slaughtered at an approved slaughter facility within 7 days after the date of entry into Pennsylvania and are not commingled with other animals that are not destined for slaughter within 7 days.

(c) *PRV testing.*

(1) Commercial production swine that originate from a herd in a Pseudorabies-free State (also referred to as a "Stage V" State) are exempt from the additional PRV testing requirements described in paragraph (4).

(2) Commercial production swine that originate from a currently Qualified Pseudorabies-negative herd in good standing are exempt from the additional PRV testing requirements described in paragraph (4) if the accompanying CVI (required under subsection (b)) contains the following additional information:

- (i) The Qualified Pseudorabies-negative herd number.
- (ii) The date of the last PRV test.

(3) Commercial production swine that are imported for slaughter at an approved slaughter facility or to an approved slaughter-only market are exempt from the PRV testing requirements described in paragraph (4) if the swine are slaughtered at an approved slaughter facility within 7 days after the date of entry into Pennsylvania and are not commingled with other animals that are not destined for slaughter within 7 days.

(4) PRV testing is required for the importation of commercial production swine that are not exempt from testing under paragraph (1), (2) or (3). Testing requirements are as follows:

(i) All swine in the shipment shall be test negative on a premovement test for PVR, and samples for that test must have been collected within the 30 days prior to the date of entry into Pennsylvania.

(ii) Sixty swine from each shipment shall be tested postmovement for PRV, and samples for that test shall be collected no sooner than 15 days and no later than 45 days after the date of entry into Pennsylvania. All swine in the shipment shall be isolated from other swine in the destination herd and shall be held in quarantine until negative results from the postmovement test are received.

(A) If fewer than 60 swine are imported, all of the imported swine shall be tested.

(B) If swine are moved directly to a hunting preserve (without being unloaded except at the destination hunting preserve), the postmovement testing requirement shall not be required.

(d) *Brucellosis testing.*

(1) Commercial production swine that originate from a herd in a Brucellosis-free State are exempt from the additional brucellosis testing requirements described in paragraph (4).

(2) Commercial production swine that originate from a currently Validated Brucellosis-free herd in good standing are exempt from the additional brucellosis testing requirements described in paragraph (4) if the accompanying CVI (required under subsection (b)) contains the following additional information:

- (i) The Validated herd number.
- (ii) The date of the last brucellosis test.

(3) Commercial production swine that are imported for slaughter at an approved slaughter facility or to an approved slaughter-only market are exempt from the brucellosis testing requirements described in paragraph (4) if the swine are slaughtered at an approved slaughter facility within 7 days after the date of entry into Pennsylvania and are not commingled with other animals that are not destined for slaughter within 7 days.

(4) Brucellosis testing is required for the importation of commercial production swine that are not exempt from testing under paragraph (1), (2) or (3). All swine in the shipment shall be test negative on a premovement test for brucellosis and samples for that test must have been collected within the 30 days prior to the date of entry into Pennsylvania.

(e) *Records.* Records of all imported commercial production swine shall be kept by the consignee and consignor for a minimum of 5 years and shall be made available for review upon request by the Department. Records shall include the following:

- (1) Swine identification information.
- (2) Name, address and phone number of consignee.
- (3) Name, address and phone number of consignor.
- (4) Date of import and sale.
- (5) Testing dates and results.

Section 9. Importation of swine embryos and swine semen originating from commercial production swine or transitional swine.(a) *PRV testing.*

(1) Swine embryos or swine semen that originate from a commercial production herd in a PRV-free State (also referred to as a "Stage V" State) are exempt from the additional PRV testing requirements described in paragraph (4).

(2) Swine embryos and swine semen that originate from a currently Qualified PRV-negative commercial production herd in good standing are exempt from the additional PRV testing requirements described in paragraph (4).

(3) Swine embryos and swine semen that originate from a currently Qualified PRV-negative transitional swine herd in good standing in a PRV-free State (also referred to as a "Stage V" State) are exempt from the additional PRV testing requirements described in paragraph (4).

(4) PRV testing is required for the importation of swine embryos or swine semen that are not exempt from testing under paragraphs (1), (2) or (3). The donor swine shall be test-negative for PRV, and samples for that test must have been collected within the 30 days prior to the collection of the embryos or semen.

(b) *Brucellosis testing.*

(1) Swine embryos or swine semen that originate from a commercial production herd in a Brucellosis-free State are exempt from the additional brucellosis testing requirements described in paragraph (4).

(2) Swine embryos and swine semen that originate from a currently Validated Brucellosis-free commercial production herd in good standing are exempt from the additional brucellosis testing requirements described in paragraph (4).

(3) Swine embryos and swine semen that originate from a currently Validated Brucellosis-free transitional swine herd in good standing in a Brucellosis-free State are exempt from the additional brucellosis testing requirements described in paragraph (4).

(4) Brucellosis testing is required for the importation of swine embryos or swine semen that are not exempt from testing under paragraph (1), (2) or (3). The donor swine shall be test-negative for brucellosis and samples for that

test must have been collected within the 30 days prior to the collection of the fertilized embryos or semen.

(c) *Accompanying documentation.* A certificate signed by an accredited veterinarian shall accompany the embryos or semen and shall state and confirm either or both of the following:

(1)

(i) If the donor animals are commercial production swine: The donor swine are members of a currently Pseudorabies Qualified-negative herd and a Brucellosis Validated-free herd in good standing or originate from a Pseudorabies-free and Brucellosis-free State, and have not been exposed to pseudorabies or brucellosis within the 30 days prior to the collection of the embryos or semen.

(ii) If the donor animals are transitional swine: The donor swine are members of a currently Pseudorabies Qualified-negative herd and a Brucellosis Validated-free herd in good standing and originate from a Pseudorabies-free and Brucellosis-free State, and have not been exposed to PRV or brucellosis within the 30 days prior to the collection of the embryos or semen.

(2) The commercial or transitional donor swine were negative on a USDA-approved PRV and brucellosis test and the samples for those tests were collected within the 30 days prior to the collection of the embryos or semen, and the donor swine are not known to be infected with or exposed to PRV or brucellosis.

Section 10. Intrastate movement of transitional swine for commerce.

(a) *Identification.* Individual official animal identification, as that term is described in Section 4 (titled *Group identification and individual official identification*), is required for the intrastate movement of transitional swine for commerce.

(b) *Certificate of veterinary inspection.* No CVI is required as a condition of intrastate movement of transitional swine.

(c) *PRV testing.*

(1) Transitional swine that originate from a currently Qualified Pseudorabies-negative herd in good standing are exempt from additional pseudorabies testing requirements described in paragraph (3).

(2) Transitional swine that are moved for slaughter at an approved slaughter facility or to an approved slaughter-only market are exempt from the pseudorabies testing requirements described in paragraph (3) if both of the following are accurate:

(i) The swine are slaughtered at an approved slaughter facility within 7 days after the date of movement.

(ii) The swine are not commingled with other animals that are not also to be slaughtered within 7 days.

(3) PRV testing is required for the intrastate movement of transitional swine that are not exempt under paragraphs (1) or (2). Testing requirements are as follows:

(i) All swine in the shipment shall be test negative on a premovement test for PRV, and samples for that test must have been collected within the 30 days prior to the date of movement.

(ii) Sixty swine from each shipment shall be tested postmovement for PRV, and samples for that test shall be collected no sooner than 15 days and no later than 45 days after the date of movement. All swine in the shipment shall be isolated from other swine in the

destination herd and shall be held in quarantine until negative results from the postmovement test are received.

(A) If fewer than 60 swine are moved all of the swine in the shipment shall be tested.

(B) If swine are moved directly to a hunting preserve (without being unloaded except at the destination hunting preserve), the postmovement testing requirement shall not be required.

(d) *Brucellosis testing.*

(1) Transitional swine that originate from a currently Validated Brucellosis-free herd in good standing are exempt from additional brucellosis testing requirements described in paragraph (3).

(2) Transitional swine that are moved for slaughter at an approved slaughter facility or to an approved slaughter-only market are exempt from the brucellosis testing requirements described in paragraph (3) if both of the following are accurate:

(i) The swine are slaughtered at an approved slaughter facility within 7 days after the date of movement.

(ii) The swine are not commingled with other animals that are not also to be slaughtered within 7 days.

(3) Brucellosis testing is required for the intrastate movement of transitional swine that are not exempt under paragraphs (1) or (2). Testing requirements are as follows:

(i) All swine in the shipment shall be test negative on a premovement test for brucellosis and samples for that test must have been collected within the 30 days prior to the date of movement.

(ii) Sixty swine from each shipment shall be tested postmovement for brucellosis and samples for that test shall be collected no sooner than 15 days and no later than 45 days after the date of movement. All swine in the shipment shall be isolated from other swine in the destination herd and shall be held in quarantine until negative results from the postmovement test are received.

(A) If fewer than 60 swine are moved, all of the swine in the shipment shall be tested.

(B) If swine are moved directly to a hunting preserve (without being unloaded except at the destination hunting preserve), the postmovement testing requirement shall not be required.

(e) *Records.* Records of all intrastate movement of transitional swine shall be maintained by the consignee and consignor for a minimum of 5 years and shall be made available for examination upon request by the Department. Records shall include:

(1) Swine identification information.

(2) Name, address and phone number of consignee.

(3) Name, address and phone number of consignor.

(4) Date of transfer.

(5) Testing dates and results.

Section 11. Importation of transitional swine.

(a) *Identification.* Individual official animal identification, as that term is described in Section 4 (titled *Group identification and individual official identification*), is required for the importation of transitional swine.

(b) *Certificate of veterinary inspection.*

(1) A CVI is required for the importation of transitional swine. The CVI shall be issued within the 30 days prior

to the date of entry into Pennsylvania. The CVI must include a statement verifying that the swine have not been fed raw garbage.

(2) The CVI described in paragraph (1) is not required as a condition of importation of transitional swine for slaughter at an approved slaughter facility or to an approved slaughter-only market if the swine are slaughtered at an approved slaughter facility within 7 days after the date of entry into Pennsylvania and are not commingled with other animals that are not destined for slaughter within 7 days.

(c) *PRV testing.*

(1) Transitional swine that originate from a currently Qualified PRV-negative herd in good standing in a PRV-free State (also referred to as a "Stage V" State) are exempt from the additional PRV testing requirements described in paragraph (3) if the accompanying CVI (required under subsection (b)) contains the following additional information:

(i) The Qualified PRV-negative herd number.

(ii) The date of the last PRV test.

(2) Transitional swine that are imported for slaughter at an approved slaughter facility or to an approved slaughter-only market are exempt from the PRV testing requirements described in paragraph (3), if the swine are slaughtered at an approved slaughter facility within 7 days after the date of entry into Pennsylvania and the swine are not commingled with other animals that are not also to be slaughtered within 7 days.

(3) PRV testing is required for the importation of transitional swine that are not exempt under paragraphs (1) or (2). Testing requirements are as follows:

(i) All swine in the shipment shall be test negative on a premovement test for PRV, and samples for that test must have been collected within the 30 days prior to the date of entry into Pennsylvania. The date of test and the test results must be included on the CVI.

(ii) Sixty swine from each shipment shall be tested postmovement for PRV, and samples for that test shall be collected no sooner than 15 days and no later than 45 days after the date of entry into Pennsylvania. All swine in the shipment shall be isolated from other swine in the destination herd and shall be held in quarantine until negative results from the postmovement test are received.

(A) If fewer than 60 swine are imported, all of the imported swine shall be tested.

(B) If swine are moved directly to a hunting preserve (without being unloaded except at the destination hunting preserve), the postmovement testing requirement shall not be required.

(d) *Brucellosis testing.*

(1) Transitional swine originating from a currently Validated Brucellosis-free herd in good standing in a Brucellosis-free State are exempt from the testing described in paragraph (3) if the accompanying CVI (required under subsection (b)) contains the following additional information:

(i) The Validated herd number.

(ii) The date of the last brucellosis test.

(2) Transitional swine that are imported for slaughter at an approved slaughter facility or to an approved slaughter-only market are exempt from the brucellosis testing requirements described in paragraph (3) if the

swine are slaughtered at an approved slaughter facility within 7 days after the date of entry into Pennsylvania and the swine are not commingled with other animals that are not also to be slaughtered within 7 days.

(3) Brucellosis testing is required for the importation of transitional swine that are not exempt under paragraphs (1) or (2). Testing requirements are as follows:

(i) All swine in the shipment must be test negative on a premovement test for brucellosis and the samples for that test must have been collected within the 30 days prior to the date of entry into Pennsylvania. The date of test and the test results must be included on the CVI.

(ii) Sixty swine from each shipment shall be tested postmovement for brucellosis and the samples for that test shall be collected no sooner than 15 days and no later than 45 days after the date of entry into Pennsylvania. All swine in the shipment shall be isolated from other swine in the destination herd and shall be held in quarantine until negative results from the postmovement test are received.

(A) If fewer than 60 swine are imported, all of the imported swine shall be tested.

(B) If swine are moved directly to a hunting preserve (without being unloaded except at the destination hunting preserve), the postmovement testing requirement shall not be required.

(e) *Records.* Records of all transitional swine imported shall be kept by the consignee and consignor for a minimum of 5 years and shall be made available for review upon request by the Department. Records shall include:

(1) Swine identification information.

(2) Name, address and phone number of consignee.

(3) Name, address and phone number of consignor.

(4) Date of import and sale.

(5) Testing dates and results.

Section 12. Importation of garbage-fed swine.

Swine that have been fed garbage shall not be imported into this Commonwealth unless they come directly from a farm which is licensed by the state of origin or USDA-APHIS to engage in the business of garbage feeding. The garbage feeding license number shall be included on the CVI. These swine shall meet all the applicable requirements for the importation of swine in accordance with this Order.

Section 13. Requirements for exhibition of swine.

Swine that originate from within Pennsylvania and are transported within Pennsylvania for exhibition, as well as swine that are imported into Pennsylvania for exhibition, shall meet all applicable requirements for the intrastate movement and importation of animals in accordance with this Order.

Section 14. Requirements for swine hunting preserves.

(a) *Identification.* Individual official identification, as that term is described in Section 4 (titled *Group identification and individual official identification*), is required for all swine on hunting preserves.

(b) *Certificate of veterinary inspection.* A CVI is required for the importation of swine. The CVI shall be issued within the 30 days prior to the date of entry into

Pennsylvania. The CVI must include a statement verifying that the swine have not been fed raw garbage.

(c) *Permit.* Any animal showing symptoms of, affected with, or exposed to a dangerous transmissible disease shall not be imported into this Commonwealth without a permit from the Department.

(d) *PRV testing.*

(1) If swine destined for a hunting preserve originate from a currently Qualified PRV-negative herd in good standing in a PRV-free State (also referred to as a "Stage V" State), there is no premovement testing requirement.

(2) If swine destined for a hunting preserve do not originate from a currently Qualified PRV-negative herd in good standing in a PRV-free State (also referred to as a "Stage V" State), all swine in the shipment (all ages) shall be test negative on a premovement test for PRV and samples for that test must have been collected within the 30 days prior to the date of entry into Pennsylvania.

(e) *Brucellosis testing.*

(1) If swine destined for a hunting preserve originate from a currently Validated Brucellosis-free herd in good standing in a Brucellosis-free State, there is no premovement testing requirement.

(2) If swine destined for a hunting preserve do not originate from a currently Validated Brucellosis-free herd in good standing in a Brucellosis-free State, all swine in the shipment must be test negative on a premovement test for brucellosis and the samples for that test must have been collected within the 30 days prior to the date of entry into Pennsylvania.

(f) *Castration of all male swine required.* All male swine entering a hunting preserve must be castrated before being released onto the premises. No intact male swine are permitted on a hunting preserve.

(g) *Records of movement of swine to hunting preserves.* Records of all swine shall be maintained by the consignee and consignor for at least 5 years after the animal is moved to the hunting preserve and shall be made available for examination upon request by the Department. Records shall include the following:

(1) Swine identification information.

(2) Name, address and phone number of consignee (origin).

(3) Name, address and phone number of consignor (destination).

(4) Date of transfer.

(5) Testing dates and results.

(h) *Records of movement of swine from hunting preserves.* Records of all swine moved from a hunting preserve shall be maintained by the consignee and consignor for at least 5 years after the animal is moved from the hunting preserve and shall be made available for examination upon request by the Department. Records shall include the same information required under subsection (g).

(i) *Fencing.* Perimeter fencing shall be adequate to prevent ingress and egress of live swine onto and off of a hunting preserve.

Section 15. Contacting the Department.

For purposes of this Order, interested persons may contact the Department as follows:

(a) By mail, to the following address:

Pennsylvania Department of Agriculture
ATTN: Chief, Regulations and Compliance Division
2301 North Cameron Street
Harrisburg, PA 17110-9408

(b) By telephone, to the Chief, Regulations and Compliance Division at (717) 772-2852.

Section 16. Quarantine Authority.

This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements for the movement of swine and/or swine products.

Section 17. Current regulations; Conflicts.

If there is any inconsistency between a requirement or standard set forth in this Order and a requirement or standard set forth in the regulations in 7 Pa. Code Chapters 3 (titled *Health Requirements for Importation and Intrastate Transportation of Animals*), 7 (titled *Brucellosis Regulations*) or 9 (titled *Control and Eradication of Tuberculosis of Livestock*), the provision set forth in this Order shall control, to the extent of the inconsistency.

Section 18. Effective Date.

This Order is effective March 1, 2010.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 09-1723. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 8, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS**Interim Incorporations**

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|---------------|
| 9-8-2009 | The Victory Bank Interim Bank Royersford Montgomery County | Effective |
| | The purpose of The Victory Bank Interim Bank, Royersford, is to merge with The Victory Bank, Royersford, to facilitate the proposed reorganization of The Victory Bank into a bank holding company structure whereby The Victory Bank will become the wholly-owned subsidiary of The Victory Bancorp, Inc., Royersford, a new holding company in formation. | |

Section 112 Acquisitions

| <i>Date</i> | <i>Name of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 9-1-2009 | Walter D. Seigfried | Filed |
| | Application for approval to acquire up to 24.54% of the common stock of Manor Bank, Manor. | |

Consolidations, Mergers, and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|--|
| 8-31-2009 | Marquette Savings Bank Erie Erie County | Effective |
| | Purchase of assets and assumption of liabilities of three branches of National City Bank, Cleveland, OH, located at: | |
| | 210 Water Street Conneaut Lake Crawford County | 349 North Street Meadville Crawford County |
| | 16086 Conneaut Lake Road Meadville Crawford County | |
| 9-8-2009 | The Victory Bank Royersford Montgomery County | Effective |
| | Merger of The Victory Bank Interim Bank, Royersford, with and into The Victory Bank, Royersford. As a result of this transaction, The Victory Bank has become the wholly-owned subsidiary of The Victory Bancorp, Inc., Royersford, a newly-formed holding company. | |

Branch Applications**De Novo Branches**

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 8-24-2009 | Fidelity Savings Bank Pittsburgh Allegheny County | 5000 Centre Avenue Pittsburgh Allegheny County | Opened |
| 9-2-2009 | Commercial Bank & Trust of PA Latrobe Westmoreland County | West Point Plaza 1 Suite 1 100 West Point Drive Greensburg Westmoreland County | Approved |
| 9-2-2009 | Fidelity Savings Bank Pittsburgh Allegheny County | McKnight Road and Duncan Avenue McCandless Allegheny County | Filed |
| 9-2-2009 | Fleetwood Bank Fleetwood Berks County | 455 Main Street Shoemakersville Berks County | Approved |

Branch Relocations

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 9-3-2009 | ESB Bank Ellwood City Lawrence County | <i>To:</i> 527 South Main Street Zelienople Butler County | Filed |
| | | <i>From:</i> 17 Northgate Plaza Harmony Butler County | |

Branch Discontinuances

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 8-31-2009 | Union Bank and Trust Company Pottsville Schuylkill County | 101 South Front Street Auburn Schuylkill County | Closed |
| 9-2-2009 | Merchants Bank of Bangor Bangor Northampton County | 101 Held Drive Northampton Northampton County | Approved |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1724. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Action Plan for the Distribution and use of Community Development Block Grant—Recovery Funds

The Department of Community and Economic Development (Department) is proposing a minor amendment to the Commonwealth's Action Plan for Federal Fiscal Year (FFY) 2008 and the Program Year that began on January 1, 2008. The 2008 Action Plan is an update of the Commonwealth's Consolidated Plan for FFY 2004-2008. Due to revised activities for a small number of grantees, this minor amendment contains a revised Action Plan for the distribution and use of Community Development Block Grant-Recovery (CDBG-R) funds.

The United States Department of Housing and Urban Development (HUD) awarded the Commonwealth an allocation of \$12,434,921 in CDBG-R funds, as authorized by the American Recovery and Reinvestment Act of 2009 (42 U.S.C.A. § 5301).

The purpose of CDBG-R funds is to provide expedited funding for community development projects that will stimulate the economy and provide job creation and job retention benefits. The Department will award CDBG-R funds on a formula basis to local governments, which includes 13% of the funds for competitive/discretionary projects. The eligible activities include many of the regular activities eligible under the CDBG Program with several exceptions.

The Action Plan contains the list of projects that grantees will undertake using CDBG-R funds and local government contact information about those projects. This minor amendment to the Action Plan was submitted to

HUD on September 2, 2009. Copies of the Action Plan and a list of projects can be obtained at: <http://www.newpa.com/strengthen-your-community/technical-assistance/index.aspx>.

Persons who would like additional information about this amendment should contact Jody Michael, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120.

GEORGE E. CORNELIUS,
Acting Secretary

[Pa.B. Doc. No. 09-1725. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Index Calculation Required by Special Session Act 1 of 2006

Under section 333(1) of the Taxpayer Relief Act (53 P. S. § 6926.33(1)), the Department of Education (Department) has calculated the index for the Fiscal Year (FY) 2010-2011.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For the FY 2010-2011, the base index is 2.9%.

For school districts with a market value/income aid ratio greater than .4000, an adjusted index will be posted on the Department's web site at www.pde.state.pa.us/proptax by September 30, 2009.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 09-1726. Filed for public inspection September 18, 2009, 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 Environmental Protection Agency (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 & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--|--------------------------------------|-----------------------------|
| PA0088307 (Sew) | Snyders, LLP Eagles Crossing Golf Course 501 Conodoguinet Avenue Carlisle, PA 17015 | Cumberland County North Middleton Township | Conodoguinet Creek 7B | Y |

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

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

PA0011517, Industrial, **Keystone Cement Company**, Route 329, Bath, PA 18104-0058. This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Activity: Renewal of Industrial Waste NPDES Permit.

The receiving stream, Monocacy Creek, is in the State Water Plan Watershed 2C and is classified for: HQ-CWF. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River and is less than 25 miles below the point of discharge.

The proposed effluent limits for Internal Outfall 002 based on a design flow of 0.00225 mgd to onsite Quarry.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | |
|------------------------|---|---------------|----------------------|---|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily |
| Total Suspended Solids | | | | 50 |
| Temperature | | | | Not to exceed 3° C rise above inlet temperature |
| pH | 6.0 Minimum to 9.0 Maximum Standard Units | | | |

The proposed effluent limits for Outfalls 003—006 for stormwater:

| Parameter | Mass (lb/day) | | Concentration (mg/l) | |
|-------------------------------|-----------------|---------------|----------------------|---------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily |
| CBOD ₅ | | | | Report |
| Chemical Oxygen Demand | | | | Report |
| Oil and Grease | | | | Report |
| pH | | | | Report |
| Total Suspended Solids (TSS) | | | | Report |
| Total Kjeldahl Nitrogen (TKN) | | | | Report |
| Total Phosphorus | | | | Report |
| Iron (dissolved) | | | | Report |

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

1. Chemical Additives.
2. Stormwater.
3. Temperature.

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

Application No. PA 0085863, Industrial Waste, SIC Code 4953, **SC Holdings, Inc.**, 383 Meadow Road, Edison, NJ 08817. This facility is located in Dover Township, **York County**.

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

The receiving stream, UNT Davidsburg Run, is in Watershed 7-F, and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Wrightsville Water Supply Co. located on the Susquehanna River, approximately 42.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.038 mgd are:

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|--------------------------|--------------------|--------------------|--|--------------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow | Monitor and Report | Monitor and Report | XXX | XXX | XXX |
| pH | XXX | XXX | 6.0 to 9.0 Standard Units at all times | | |
| Total Iron | XXX | XXX | Monitor and Report | Monitor and Report | Monitor and Report |
| Total Dissolved Solids | XXX | XXX | Monitor and Report | Monitor and Report | Monitor and Report |
| Nitrate-Nitrite Nitrogen | XXX | XXX | Monitor and Report | Monitor and Report | Monitor and Report |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--------------------|------------------|-----------------------|-----------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Ammonia Nitrogen | XXX | XXX | 3.0 | 6.0 | 7.5 |
| BOD ₅ | XXX | XXX | Monitor and Report | Monitor and Report | Monitor and Report |

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

The EPA waiver is in effect.

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

PA0218961, Industrial Waste, SIC 4941, **Pittsburgh Water and Sewer Authority**, 900 Freeport Road, Pittsburgh, PA 15238. This application is for the issuance of an NPDES permit to discharge backwash water, miscellaneous waters and stormwater from the Water Treatment Plant in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Borough Municipal Authority, located at 210 Perry Highway, Pittsburgh, PA 15229, 13 miles below the discharge point.

Outfalls 001 and 010: new stormwater discharge.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|--------------------|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |

These outfalls shall consist solely of uncontaminated stormwater runoff.

Outfall 007: new discharge, maximum flow of 16.57 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Aluminum | | | 4.0 | | 8.0 |
| Iron | | | 2.0 | | 4.0 |
| Manganese | | | 1.0 | | 2.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Other Conditions:

The EPA waiver is in effect.

Outfall 008: new discharge, maximum flow of 3.82 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Nitrate + Nitrite Nitrogen | | | Monitor and Report | | |
| Iron | | | Monitor and Report | | |
| Phenols, total | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 009: new discharge, maximum flow of 117 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--------------------|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Iron | | | Monitor and Report | | |
| Phenols, total | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 011: new groundwater discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Iron, dissolved | | | | | 7.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 012: new discharge, maximum flow of 6.12 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Iron | | | Monitor and Report | | |
| Phenols, total | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 013: new stormwater discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Suspended Solids | | | Monitor and Report | | |
| Oil and Grease | | | Monitor and Report | | |
| pH | | | Monitor and Report | | |

Outfall 014: new discharge, maximum flow of 6.99 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|----------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Aluminum | | | Monitor and Report | | |
| Iron | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Nitrate + Nitrite Nitrogen | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 015: new discharge, maximum flow of 4.76 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Aluminum | | | Monitor and Report | | |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Iron | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfalls 016—018, 020 and 021: new stormwater discharges.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------------------|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Oil and Grease | | | Monitor and Report | | |
| Nitrate + Nitrite Nitrogen | | | Monitor and Report | | |

Outfall 019: new discharge, maximum flow of 0.288 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Aluminum | | | Monitor and Report | | |
| Iron | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Nitrate + Nitrite Nitrogen | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfalls 023 and 024: new discharge, maximum flow of 12.5 mgd and 32.5 mgd, respectively.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | | 60 |
| Oil and Grease | | | 15 | | 30 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| Nitrate + Nitrite Nitrogen | | | Monitor and Report | | |
| Phenols, total | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

PA0000507-A1, Industrial Waste, SIC 2821, **Eastman Chemical Resins, Inc.**, SR 837, P. O. Box 567, West Elizabeth, PA 15088-0567. This application is for amendment of an NPDES permit to discharge treated process water, groundwater, stormwater and noncontact cooling water from the Jefferson Plant in Jefferson Hills Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA American Water Company, located at Mile 4.4—Monongahela River approximately 19.43 miles below the discharge point.

Outfall 026: new discharge, design flow of 0.0883 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| BOD ₅ | 12 | 32 | 24 | 64 | 80 |
| Total Suspended Solids | 20 | 66 | 40 | 130 | 163 |
| Acenaphthene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| Acenaphthylene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| Acrylonitrile | 0.0487 | 0.1229 | 0.096 | 0.242 | 0.302 |
| Anthracene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| Benzene | 0.0188 | 0.0691 | 0.037 | 0.136 | 0.170 |
| Benzo(a)anthracene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| 3,4-Benzofluoranthene | 0.0116 | 0.0310 | 0.023 | 0.061 | 0.076 |
| Benzo(k)fluoranthene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------------------------|--------------------|------------------|----------------------|--------------------|---|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Benzo(a)pyrene | 0.0116 | 0.0310 | 0.023 | 0.061 | 0.076 |
| Bis(2-ethylhexyl) phthalate | 0.0523 | 0.1417 | 0.103 | 0.279 | 0.348 |
| Carbon Tetrachloride | 0.0091 | 0.0193 | 0.018 | 0.038 | 0.047 |
| Chlorobenzene | 0.0076 | 0.0142 | 0.015 | 0.028 | 0.035 |
| Chloroethane | 0.0528 | 0.1362 | 0.104 | 0.268 | 0.335 |
| Chloroform | 0.0106 | 0.0233 | 0.021 | 0.046 | 0.057 |
| 2-Chlorophenol | 0.0157 | 0.0498 | 0.031 | 0.098 | 0.122 |
| Chrysene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| Di-n-butyl phthalate | 0.0137 | 0.0289 | 0.027 | 0.057 | 0.071 |
| 1,2-Dichlorobenzene | 0.0391 | 0.0828 | 0.077 | 0.163 | 0.203 |
| 1,3-Dichlorobenzene | 0.0157 | 0.0223 | 0.031 | 0.044 | 0.055 |
| 1,4-Dichlorobenzene | 0.0076 | 0.0142 | 0.015 | 0.028 | 0.035 |
| 1,1-Dichloroethane | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| 1,2-Dichloroethane | 0.0345 | 0.1072 | 0.068 | 0.211 | 0.263 |
| 1,1-Dichloroethylene | 0.0081 | 0.0127 | 0.016 | 0.025 | 0.031 |
| 1,2-trans-Dichloroethylene | 0.0106 | 0.0274 | 0.021 | 0.054 | 0.067 |
| 2,4-Dichlorophenol | 0.0198 | 0.0569 | 0.039 | 0.112 | 0.140 |
| 1,2-Dichloropropane | 0.0777 | 0.1168 | 0.153 | 0.230 | 0.287 |
| 1,3-Dichloropropylene | 0.0147 | 0.0223 | 0.029 | 0.044 | 0.055 |
| Diethyl phthalate | 0.0411 | 0.1031 | 0.081 | 0.203 | 0.253 |
| 2,4-Dimethylphenol | 0.0091 | 0.0182 | 0.018 | 0.036 | 0.045 |
| Dimethyl phthalate | 0.0096 | 0.0238 | 0.019 | 0.047 | 0.058 |
| 4,6-Dinitro-o-cresol | 0.0396 | 0.1407 | 0.078 | 0.277 | 0.346 |
| 2,4-Dinitrophenol | 0.0360 | 0.0625 | 0.071 | 0.123 | 0.153 |
| 2,4-Dinitrotoluene | 0.0574 | 0.1448 | 0.113 | 0.285 | 0.356 |
| 2,6-Dinitrotoluene | 0.1295 | 0.3257 | 0.255 | 0.641 | 0.801 |
| Ethylbenzene | 0.0190 | 0.0641 | 0.032 | 0.108 | 0.135 |
| Fluoranthene | 0.0127 | 0.0345 | 0.025 | 0.068 | 0.085 |
| Fluorene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| Hexachlorobenzene | 0.0050 | 0.0101 | 0.010 | 0.020 | 0.025 |
| Hexachlorobutadiene | 0.0101 | 0.0249 | 0.020 | 0.049 | 0.061 |
| Hexachloroethane | 0.0106 | 0.0274 | 0.021 | 0.054 | 0.067 |
| Methyl Chloride | 0.0437 | 0.0965 | 0.086 | 0.190 | 0.237 |
| Methylene Chloride | 0.0203 | 0.0452 | 0.040 | 0.089 | 0.111 |
| Naphthalene | 0.0112 | 0.0300 | 0.022 | 0.059 | 0.073 |
| Nitrobenzene | 0.0137 | 0.0345 | 0.027 | 0.068 | 0.085 |
| 2-Nitrophenol | 0.0208 | 0.0350 | 0.041 | 0.069 | 0.086 |
| 4-Nitrophenol | 0.0365 | 0.0630 | 0.072 | 0.124 | 0.155 |
| Phenanthrene | 0.0111 | 0.0299 | 0.022 | 0.059 | 0.073 |
| Phenol | 0.0076 | 0.0132 | 0.015 | 0.026 | 0.032 |
| Pyrene | 0.0127 | 0.0340 | 0.025 | 0.067 | 0.083 |
| Tetrachloroethylene | 0.0111 | 0.0284 | 0.022 | 0.056 | 0.070 |
| 1,2,4-Trichlorobenzene | 0.0345 | 0.0711 | 0.068 | 0.140 | 0.175 |
| 1,1,1-Trichloroethane | 0.0106 | 0.0274 | 0.021 | 0.054 | 0.067 |
| 1,1,2-Trichloroethane | 0.0106 | 0.0274 | 0.021 | 0.054 | 0.067 |
| Trichloroethylene | 0.0106 | 0.0274 | 0.021 | 0.054 | 0.067 |
| Vinyl Chloride | 0.0528 | 0.1362 | 0.104 | 0.268 | 0.335 |
| Oil and Grease | | | 15 | | 30 |
| Total Dissolved Solids | | | 500 | 750 | |
| Sulfates | | | | 250 | |
| Nitrate + Nitrite Nitrogen | | | | Monitor and Report | |
| Aluminum, Total | | | | Monitor and Report | |
| Zinc, Total | | | | Monitor and Report | |
| Cyanide, Total | | | | Monitor and Report | |
| Styrene | | | | Monitor and Report | |
| Xylenes, Total | | | | Monitor and Report | |
| pH | | | | | not less than 6.0 nor greater than 9.0 Standard Units |

The EPA waiver is not in effect.

PA0004081, Industrial Waste, SIC 3499, **CP Industries Holdings, Inc.**, 2214 Walnut Street, McKeesport, PA 15132. This application is for renewal of an NPDES permit to discharge process wastewater and stormwater from Christy Park Works in City of McKeesport, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed

downstream potable water supply is McKeesport Water Treatment Plant, located at McKeesport, Allegheny County, 0.3 mile below the discharge point.

Outfalls 007 and 009: existing discharge, average flow of 0.004 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow | Monitor and Report | | | | |
| TSS | 4.7 | 12.6 | 15 | | 40 |
| Oil and Grease | | 3.2 | | | 10 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfalls 006 and 008: existing discharge, varied flow.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| TSS | Monitor and Report | | | | |

Outfalls 001—005: existing discharges, varied flow.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| | Discharge consists solely of uncontaminated stormwater runoff. No limits apply. | | | | |

Other Conditions:

A Part C Condition is included in the permit stating that the total combined pollutant mass discharged from Outfalls 007 and 009 for total suspended solids and oil and grease cannot exceed the average monthly and daily maximum mass effluent limitations.

A Part C Condition is included in the permit requiring completion of an SWPPP.

The EPA waiver is in effect.

PA0044679, Sewage, **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314. This application is for renewal of an NPDES permit to discharge treated sewage from Pigeon Creek Sewage Treatment Plant in Fallowfield Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pigeon Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Allegheny Power—Mitchell Station.

Outfall 001: existing discharge, design flow of 1.02 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 3.4 | 5.1 | | 6.8 |
| (11-1 to 4-30) | 10.2 | 15.3 | | 20.4 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | .60 | | | 2.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is not in effect.

PA0215872, Sewage, **Stephen D. Skeers**, 1989 Drennen Road, New Kensington, PA 15068. This application is for renewal of an NPDES permit to discharge treated sewage from Skeers SR STP in Plum Borough, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 0.0004 mgd.

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

The EPA waiver is in effect.

PA0098400, Sewage, **Albert Gallatin School District**, 2625 Morgantown Road, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Albert Gallatin South Junior High School and Friendship Hill Elementary School Sewage Treatment Plant in Springhill Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Georges 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 Masontown Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.0143 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|---------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 20.0 | | | 40.0 |
| 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 | 1.4 | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0091049, Sewage, **United States Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health**, 626 Cochran's Mill Road, P. O. Box 18070, Pittsburgh, PA 15236. This application is for renewal of an NPDES permit to discharge treated sewage from Lake Lynn Laboratory STP in Springhill Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Rubies Run—Dragoo Hollow, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Albert Gallatin Municipal Authority on the Cheat River.

Outfall 001: existing discharge, design flow of 0.00035 mgd.

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

The EPA waiver is in effect.

PA0095478, Sewage, **Mary A. Sinclair**, P. O. Box 65, Perryopolis, PA 15473. This application is for renewal of an NPDES permit to discharge treated sewage from Jefferson Estates Sewage Treatment Plant in Jefferson Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Redstone 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 Washington Township Municipal Authority.

Outfall 001: existing discharge, design flow of 0.021 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 5.0 | | | 10.0 |
| (11-1 to 4-30) | 15.0 | | | 30.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| Dissolved Oxygen | not less than 3.3 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)

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

WQM Permit No. 2109407, Sewerage, **Richard and Darlene Smith**, 1819 Mountain Road, Newburg, PA 17240. This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Installation/Operation of small flow sewage treatment facility to serve their existing three bedroom home.

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

WQM Permit No. 6309405, Sewerage, **Consol PA Coal Co., LLC**, 1525 Pleasant Grove Road, Claysville, PA 15323. This proposed facility is located in East Finley Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a STP.

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

WQM Permit No. 4373402, Sewerage, **Amendment No. 1, Ficks Enterprises, LLC**, 2155 Susquehanna Trail, McEwensville, PA 17749. This proposed facility is located in Jefferson Township, **Mercer County**.

Description of Proposed Action/Activity: Construction of a sludge holding tank to work with the original Sewage Treatment Plant.

WQM Permit No. 2509405, Sewerage, **Lawrence Park Township**, 4230 Iroquois Avenue, Erie, PA 16511-2164. This proposed facility is located in Lawrence Park Township, **Erie County**.

Description of Proposed Action/Activity: Replacement of the old Cunningham Drive Lift Station with a new lift station and associated influent sewers.

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

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

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

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|---|--------------|----------------------|--|
| PAI01 1509028 | S.T.B.I. 102 Reservoir Road Honey Brook, PA 19344 | Chester | Honey Brook Township | West Branch Brandywine Creek HQ-TSF-MF |
| PAI01 1509028 | Sweetwater Business Properties, LP 5051 Horseshoe Pike Honey Brook, PA 19344 | Chester | Honey Brook Township | West Branch Brandywine Creek HQ-TSF-MF |
| PAI01 5109005 | IATSE Local No. 8 2237 Hartranft Street Philadelphia, PA 19145 | Philadelphia | City of Philadelphia | Delaware River WWF |

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|--|-----------|-----------------|--------------------------|
| PAI033609004 | PPL Holtwood, LLC Two North Ninth Street Allentown, PA 18101 | Lancaster | Martic Township | Susquehanna River WWF |

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

Allegheny County Conservation District: 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|--|-----------|--------------------|--------------------------|
| PAI050209005 | Allegheny County Department of Public Works 501 County Office Building Pittsburgh, PA 15219 | Allegheny | City of McKeesport | Monongahela River WWF |

Greene County Conservation District: 19 South Washington Street, Waynesburg, PA 15370-2053, (724) 852-5278.

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|---|--------|-------------------------------|--|
| PAI053009001 | West Penn Power Co., d/b/a Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15301 | Greene | Center and Franklin Townships | Stewart Run and Pursley Creek HQ-WWF Smith Creek WWF |

Indiana County Conservation District: USDA Service Center, 1432 Route 286 Highway East, Indiana, PA 15701-1467, (724) 463-8547.

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|---|---------|----------------|---------------------------|
| PAI053209001 | Jonathon Juffe Lucerne Landings, LP 1209 Laurel Oak Lane York, PA 17403-9124 | Indiana | White Township | UNT Two Lick Creek CWF |

Somerset County Conservation District: 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652. (This permit was originally published without all the receiving streams and classifications.)

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|---|----------|---------------------|--|
| PAI053209005 | Keith E. Newlin National Park Service 109 West Main Street Suite 104 Somerset, PA 15501 | Somerset | Stonycreek Township | Grove Run EV Lamberts Run CWF Calendars Run 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

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

Permit No. 2809503, Public Water Supply.

| | |
|---------------------------|---|
| Applicant | Shippensburg Borough Authority |
| Municipality | Lurgan Township |
| County | Franklin |
| Responsible Official | William W. Wolfe Manager 111 North Fayette Street P. O. Box 129 Shippensburg, PA 17257-0129 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Peter Lusardi, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112 |
| Application Received Date | August 26, 2009 |
| Description of Action | Construction of an air scour system and a powdered activated carbon system at the Gunther Valley plant. |

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

Application No. 6109503, Public Water Supply.

| | |
|---------------------------|--|
| Applicant | Aqua Pennsylvania, Inc. |
| Township or Borough | Emlenton Borough Venango County |
| Responsible Official | Jack N. Walter VP Production |
| Consulting Engineer | MaryJo Brown Environmental Scientist CET Engineering Services, Inc. 1240 North Mountain Road Harrisburg, PA 17112 |
| Application Received Date | August 31, 2009 |
| Description of Action | Construction of new water treatment plant at new location for service to customers of the former Emlenton Water Company; demolition of existing plant and construction of new raw water pumping station. |

MINOR AMENDMENT

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

Application No. 5209502MA, Minor Amendment.

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|---------------------------|--|
| Applicant | Pennsylvania American Water Company Pine Ridge Water System 800 West Hersheypark Drive Hershey, PA |
| Township or Borough | Lehman Township Pike County |
| Responsible Official | David R. Kaufman |
| Type of Facility | Public Water System |
| Consulting Engineer | Daniel G. Rickard, P. E. |
| Application Received Date | August 26, 2009 |
| Description of Action | Raise the casing, cap and disconnect well No. 1. Demolish the well pit, clear well and treatment equipment. |

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

Application No. 0209517MA, Minor Amendment.

| | |
|---------------------------|--|
| Applicant | Pennsylvania American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033 |
| Township or Borough | Elizabeth Township |
| Responsible Official | David Kaufman Vice-President Engineering Pennsylvania American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033 |
| Type of Facility | Elizabeth Township water storage tank |
| Consulting Engineer | Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011-2316 |
| Application Received Date | August 13, 2009 |
| Description of Action | Construction of the 1.25 mg Elizabeth Township water storage tank and connecting waterline. |

Application No. 6509506MA, Minor Amendment.

| | |
|----------------------|---|
| Applicant | Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672 |
| Township or Borough | Kiskiminetas Township |
| Responsible Official | Christopher Kerr Resident Manager Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672 |
| Type of Facility | Flat Rock Road watermain |
| Consulting Engineer | |

Application Received Date September 2, 2009

Description of Action Installation of approximately 13,400 feet of waterline.

Application No. 2609507MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Road
New Stanton, PA 15672

Township or Borough Hempfield and Salem Townships

Responsible Official Christopher Kerr
Resident Manager
Municipal Authority of Westmoreland County
124 Park and Pool Road
New Stanton, PA 15672

Type of Facility Forbes Road watermain

Consulting Engineer

Application Received Date September 2, 2009

Description of Action Installation of approximately 12,000 feet of waterline.

Application No. 2609508MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Road
New Stanton, PA 15672

Township or Borough Dunbar Township

Responsible Official John Ashton
Operations Manager Production
Municipal Authority of Westmoreland County
124 Park and Pool Road
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Application Received Date August 5, 2009

Description of Action Installation of a new filter control console, flow control valves, flow meters and chemical metering pumps.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An

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

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

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Loos and Dilworth-Bristol Facility, Bristol Township, **Bucks County**. Daniel Erdman, P. G., REA, Keystone E-Sciences Group, Inc., 590 East Lancaster Avenue, Suite 200, Frazer, PA 19355, and Richard Campbell, Loos and Dilworth, 61 East Green Lane, Bristol, PA 19007 on behalf of Michael Monahan, PetroChoice, P. O. Box 108, Defiance, PA 16633 have submitted a Notice of Intent to Remediate. Groundwater and soil have been impacted with the release of No. 6 fuel oil. The intended future use of this property will remain commercial.

Trumbauer Residence, Upper Hanover Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, and Jay Kerestus, State Farm Insurance Company, P. O.

Box 13, Concordville, PA 19331 on behalf of William and Alverda Trumbauer, 783 Gravel Pike, Palm, PA 18070 have submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Town and County* on August 13, 2009.

Simms Residence, Abington Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, and Ed Applegate, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Delphine Simms, 1321 Meadowbrooks Drive, Jenkintown, PA 19406 have submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been reported in the *Ambler Gazette* on July 22, 2009.

Tioga Marine Terminal Pier 179 N, City of Philadelphia, **Philadelphia County**. Greg Connell, Groundwater and Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, and Richard Sherman, Kinder Morgan Liquids Terminals, LLC, Carteret, NJ 07008 on behalf of Lisa Magee, Philadelphia Regional Port Authority, 3460 Delaware Avenue, Philadelphia, PA 19134 have submitted a Notice of Intent to Remediate. Groundwater and soil at the site have been impacted with the release of unleaded gasoline. The future use of the property for the foreseeable future will remain nonresidential.

Former Beach Street Asphalt Plant, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Brain Chabak, Glasgrow, Inc., P. O. Box 1089, Glenside, PA 19038 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site have been impacted with the release of unleaded gasoline. The proposed future use of the property will be nonresidential. A summary of the Notice of Intent to Remediate was published in *The Spirit Community Newspapers* on July 29, 2009.

Twins at the Frankford Creek AOC 001B&C, City of Philadelphia, **Philadelphia County**. Jenny Cutright, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, and Michael Shurr, OKKS Development, LP, 3333 Street Road, Suite 101, Bensalem, PA 19020 on behalf of Robert LaBrum, Redevelopment Authority of Philadelphia, 1234 Market Street, 16th Floor, Philadelphia, PA 19107 have submitted a Notice of Intent to Remediate. Groundwater and soil at the site have been impacted with the release of chlorinated solvents. The future use of the site has will remain the same.

Willow Grove Air Reserve Station POL Site (ST-01), Horsham Township, **Montgomery County**. Scott Shaw, GeoTrans, Inc., A Tech Company, 21335 Signal Hill Plaza, Suite 100, Sterling, VA 20164, and William Downs, United States Air Force Reserve Command, 155 Richard Ray Boulevard, Robins AFB, GA 31098-1815 on behalf of Arnold Hagerty, Route 611 and County Line Road, Horsham, PA 19044 have submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of jet fuel. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on August 18, 2009.

Sloan Residence, Solebury Township, **Bucks County**. John VanWagenen, Coventry Environmental Associates,

Inc., 991 Ridge Road, Bucktown, PA 19465, on behalf of Gurney Sloan, Jr., 6701 Armitage Road, Lumberville, PA 18938 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been impacted with the release of unleaded gasoline. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on August 6, 2009.

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

Former Universal-Rundle Corp., Taylor Township, **Lawrence County**. ENVIRON International Corporation, 214 Carnegie Center, Princeton, NJ 08540 on behalf of Reed Beidler, 1235 Hartrey Avenue, Evanston, IL 60202 has submitted a Notice of Intent to Remediate. The property is currently used for the manufacture of fiberglass bathtubs and showers. The process includes the use of polyester resin, fiberglass and inert fillers. Prior onsite operations included the manufacture of vitreous china. Soil and groundwater impact were identified in certain areas of the site (primarily the southern portion). Stained soil was observed adjacent to a former paint spray booth. The site will be remediated to the Site-Specific Standard.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified

before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

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

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

46-0005AE: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) for a 20.1 ton VOC emission increase from disinfecting operations (Source 105) at an existing Title V facility in **Montgomery County**. The VOC emission limit shall be increased from 35.9 to 56.0 tpy. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-0001AA: Sunoco, Inc.—R & M—Marcus Hook Refinery (100 Green Street, Marcus Hook, PA 19061) for installation of one cooling tower to replace an existing one at the 12-2 plant at an existing Title V facility in **Delaware County**. There will be a potential decrease in PM emissions from this project of approximately 1.0 tpy. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

54-302-076: Van Hoekelen Greenhouses, Inc. (Route 309, P. O. Box 88, McAdoo, PA 18237) for installation and operation of a 25.6 mmBtu heat input anthracite coal fired boiler at the facility in Kline Township, **Schuylkill County**. The boiler will utilize anthracite coal containing sulfur and ash less than 0.645% and 16% by weight respectively. NSPS subpart Dc is applicable to this boiler for SO₂ emissions. SO_x emission rate of less than 1.02 pounds per mmBtu heat input (26.15 lb/hr) from the proposed boiler meet this requirement. Potential SO_x emissions from this boiler will be 115 tpy; however the

company will limit the combine SO_x emissions from the facility below 100 tpy from all the sources. The company has proposed to use a multicyclone to control PM emissions from the boiler, which will reduce the PM emissions from the boiler to 0.2 lb/mmBtu of heat input (5.12 lb/hr) and will meet the BAT requirements of the Department of Environmental Protection. The company will operate and maintain the boiler in accordance with the good engineering practices to assure proper operation. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

06-05069Q: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19636) for construction of additional sources for the manufacturing of lead/acid batteries controlled by various units and installation of HEPA filters on ten existing lead oxide mills in the battery assembly facility in Richmond Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The Plan Approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The facility presently has a pending Title V operating permit application No. 06-05069. The plan approval will be incorporated into any eventual Title V permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

25-124D: Mayer Bros. Construction Co., (1902 Cherry Street, Erie, PA 16502) to increase the facility's annual production limit from 100,000 tons to 250,000 tons of asphalt paving material in the City of Erie, **Erie County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their facility located in the City of Erie, Erie County. This plan approval will increase the facility's annual production limit from 100,000 tons to 250,000 tons of asphalt paving material. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-124D will increase the facility's annual production limit from 100,000 tons to 250,000 tons of asphalt paving material. The facility's hourly production limit will not increase over currently permitted levels. Based on the information provided by the applicant and the Department's own analysis, the proposed modification will result in a potential emissions increase of 30 tons of CO, 9 tons of NO_x, 6.6 tons of SO_x, 3.15 tons of PM, 2.03 tons of PM₁₀ and 2.7 tons of VOCs per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. This proposed modification will additionally be subject to New Source Performance Standards, 40 CFR 60, Subpart I, the applicable requirements of which are contained in the Plan Approval.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered, may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 25-124D.
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 Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

62-017R: United Refining Co. (15 Bradley Street, Warren, PA 16365) for removal of the external cyclones and expansion of the electric static precipitator that controls the FCC in Warren City, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Source is subject to 40 CFR 60, Subpart J.
- Source is subject to 40 CFR 63, Subpart CC and UUU.
- The NO_x emissions shall not exceed 11.5 lbs/hr.
- The NO_x emissions shall not exceed 40.2 tpy based on a consecutive 12-month period.
- The CO emissions shall not exceed 13.5 lbs/hr.
- The CO emissions shall not exceed 58.8 tpy based on a consecutive 12-month period.
- The TSP emissions shall not exceed 12.5 lbs/hr.
- The TSP emissions shall not exceed 54.8 tpy based on a consecutive 12-month period.
- The PM₁₀ emissions shall not exceed 9.0 lbs/hr.
- The PM₁₀ emissions shall not exceed 39.4 tpy based on a consecutive 12-month period.
- The SO_x emissions shall not exceed 285 lbs/hr.

- The SO_x emissions shall not exceed 1,248.3 tpy based on a consecutive 12-month period.
- Facility shall stack test for TSP/PM₁₀ after ESP upgrade.
- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problems or defects, and any routine maintenance performed.
- The permittee shall record the following parameters from the operational inspection:
 - Primary and Secondary Voltage of ESP.
 - Primary and Secondary Current of ESP.
 - Spark Rate of ESP.
 - Ammonia charge rate.
- The permittee shall perform a daily operational inspection of the control device.
- The permittee shall operate the control device at all times that the source is in operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution practices.
- The permittee shall maintain records of the fuel usage of each fuel type on a daily basis for the source and to use the fuel usage combined with the tested emission rate in lb/mmBtu of the most recent emission test (or AP-42 emission factor where a stack test has not been completed) to calculate the total annual emissions of each pollutant, respectively.
- The permittee shall keep records of the emissions for each month and maintain these emissions on a 12-month rolling basis.
- The applicant shall record the heat content of the fuel on a daily basis and record lb/hr on a 24 hour daily average.
- The permittee shall keep records of the hours of operation of the source.
- The records shall be maintained on a 12-month rolling basis and kept by the facility for a minimum of 5 years. The records shall be made available to the Department upon request.

OPERATING PERMITS

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00060: Norristown State Hospital—DPW (1001 East Sterigere Street, Norristown, PA 19401) for a renewal of Title V Operating Permit No. 46-00060 in **Montgomery County**. The facility currently operates and maintains two natural gas/No. 2 fuel oil-fired boilers, one propane-fired and nine No. 2 fuel oil-fired emergency generators, and four No. 2 fuel oil-fired residential-style furnaces. The only significant changes to the Title V Operating Permit are the replacement of the NO_x plant-wide applicability limit of 98.5 tpy with a site-level NO_x emission restriction of less than 25 tpy and the addition

of source-level NO_x emission restrictions for the emergency generators. The Title V Operating Permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

20-00145: Pittsburgh Glass Works, LLC—PGW (Kebert Industrial Park, Meadville, PA 16335) for reissuance of a Title V Permit to operate a flat glass manufacturing facility in Greenwood Township, **Crawford County**. The facility's major emission sources include Boilers 1—4, glass furnaces 1 and 2, Wareroom packers B and C, wareroom packers 1—3, cullet drop 0 line 1, cullet drop 0 line 2, raw material transfer, check scale line 1, check scale line 2, wareroom packer A, ede L1 generator, ede L2 generator, ede boiler room, ede L1 mill water, ede L2 mill water, ede fire water pump, ede city water pump, surface passivation 1, surface passivation 2, raw material transfer, soda ash silo, two soda silos, three cullet silos, limestone silo, gypsum silo, dolomite silo, w system line 1, w system line 2, batch mixer line 1, batch mixer line 2, parts cleaner (safety klean 77 gallons) and newly added soda ash handling system. PGW is a major facility due to NO_x and SO_x emissions more than 100 tpy. The facility is not subject to CAM plan because the precontrolled emissions were not exceeding Title V threshold limits.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00122: Unisys Corp. (Township and Union Meeting Roads, M/S E2-127 Unisys Way, Blue Bell, PA 19424) for operation of four boilers, four emergency generators and a heater at their Blue Bell central office in Whitpain Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NO_x to less than 25 tpy each; therefore, the facility is a Synthetic Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

13-00013: Ampal, Inc. (2125 Little Gap Road, LR 13013, Palmerton, PA 18071) for an atomized aluminum powder manufacturing facility in Lower Towamensing Township, **Carbon County**. The facility has potential to emit PM and PM₁₀ above the major emission thresholds. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

39-00051: Jaindl Farms, LLC (3150 Coffeetown Road, Orefield, PA 18069) for a Turkey Farm in North Whitehall Township, **Lehigh County**. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice stan-

dards designed to ensure facility compliance with Federal and State air pollution regulations.

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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated above each 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 the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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 address of the district mining office indicated above each 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.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the 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 desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period

will be considered in the final determinations regarding the NPDES permit applications. Comments must 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 or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

| Parameter | 30-Day Average | Daily Maximum | Instantaneous Maximum |
|--|-------------------|---------------------------------|--------------------------|
| Iron (Total) | 1.5 to 3.0 mg/l | 3.0 to 6.0 mg/l | 3.5 to 7.0 mg/l |
| Manganese (Total) | 1.0 to 2.0 mg/l | 2.0 to 4.0 mg/l | 2.5 to 5.0 mg/l |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Aluminum (Total) | 0.75 to 2.0 mg/l | 1.5 to 4.0 mg/l | 2.0 to 5.0 mg/l |
| pH ¹ | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity ¹ | | | |

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: 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 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.

03031301 and NPDES Permit No. PA0235563, Bedrock Mines, LP, (111 Freeport Road, Pittsburgh, PA 15215), to transfer the permit and related NPDES permit for the Keystone East Mine in Plumcreek Township, **Armstrong County** to Bedrock Mines, LP from Rosebud Mining Company. No additional discharges. Application received July 13, 2009.

30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP, (P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Center Township, **Greene County** to install five ventilation boreholes in longwall panel 58, Surface Acres Proposed 1.31. No additional discharges. Application received June 9, 2009.

32031301 and NPDES Permit No. PA0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** to add surface activity site acres for a new treatment pond site, a dewatering borehole and new NPDES discharge point. Surface Acres Proposed 9.6. Receiving stream: Yellow Creek, classified for the following uses: CWF, TSF. Application received June 26, 2009.

65091301 and NPDES Permit No. PA0235873, C and D Coal Company, (145 Ivy Lane, Tazwell, VA 24651), to operate the Kingston West Mine in Derry Township, **Westmoreland County** a new underground mine and related NPDES permit. Surface Acres Proposed 10.0, Underground Acres Proposed 999.0, Subsidence Control Plan Acres Proposed 599.0. Receiving streams: UNTs to Loyalhanna Creek, classified for the following use: WWF. Application received April 24, 2009.

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

16940107 and NPDES Permit No. PA0226831, RFI Energy, Inc. (P. O. Box 62, Sligo, PA 16255). Revision to an existing bituminous surface strip, sandstone removal and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 217.0 acres. Receiving

streams: Five UNTs to Cherry Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add coal refuse disposal to the permit. Application received September 3, 2009.

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

17820129 and NPDES No. PA0610623. Kasubick Brothers Coal Company (501 David Street, Houtzdale, PA 16651). Permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 161.8 acres. Receiving streams: Upper Morgan and North Branch Upper Morgan Runs, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 24, 2009.

17803108 and NPDES No. PA0127906. SRP Coal Company, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 55.0 acres. Receiving streams: UNT to Montgomery Run and Montgomery Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 26, 2009.

17050107 and NPDES No. PA0256269. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA

15650). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Girard Township, **Clearfield County**, affecting 209.5 acres. Receiving streams: Surveyor Run, Little Surveyor Run and Bald Hill Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 27, 2009.

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

49091301. Robert Shingara, (311 Shingara Lane, Sunbury, PA 17801), commencement, operation and restoration of an anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 4.9 acres, receiving stream: Sterling Mine Pool to Carbon Run, classified for the following use: CWF. Application received August 12, 2009.

49783007R5. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and coal refuse disposal operation in Coal Township, **Northumberland County** affecting 337.39 acres, receiving stream: none. Application received September 1, 2009.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

| Parameter | Table 2 | | |
|--------------------------------------|----------------|---------------------------------|-----------------------|
| | 30-day Average | Daily Maximum | Instantaneous Maximum |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Alkalinity exceeding acidity* pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

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

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

40060301C2. Pioneer Aggregates, Inc., (215 East Saylor Street, Laflin, PA 18702), depth correction for an existing quarry operation in Plains Township, **Luzerne County** affecting 190.5 acres, receiving stream: none. Application received August 27, 2009.

58990819. Tammy Lynn Norton, (430 Norton Road, New Milford, PA 18834), Stages I and II bond release from a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres on property owned by John Buffamonte. Application received August 27, 2009.

58000842. Ronald B. Kiefer, (R. R. 4, Box 59, Montrose, PA 18801), Stages I and II bond release from a quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acres on property owned by Ronald Kiefer. Application received August 28, 2009.

6576SM1A2C7 and NPDES Permit No. PA0119229. Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont,

PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving stream: tributary to McMichael's Creek, classified for the following use: TSF. Application received September 1, 2009.

7973SM6A1C12 and NPDES Permit No. PA0120979. Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Neshaminy Creek, classified for the following uses: TSF and MF. Application received September 1, 2009.

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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1044. Turnpike Commission, 700 South Eisenhower Boulevard, Middletown, PA 17057-5529, Plymouth, Worcester and Whitpain Townships, Montgomery County, United States Corps of Engineers, Philadelphia District.

Project Description:

This application is part of an overall project for associated impacts, to construct and maintain the proposed approximately 10-mile segment of roadway reconstruction and widening of Northeast Extension of the Turnpike (I-476) from Mid-County Interchange (MP A20.2) to the Lansdale Interchange (MP A30.3). The overall project will widen the turnpike from four lanes to six lanes (three lanes per direction).

The overall 10-mile project proposes to permanently impact a total of approximately 1,297 linear feet of perennial streams and a total of approximately 2.27 acres of wetlands (PEM/PSS/PFO). Compensatory mitigation for the entire 10 mile project will occur at the Norristown Farm Park, East Norriton Township and Norristown Borough, located in Montgomery County. The total area of compensatory mitigation is 18.04 acres which includes the following:

- Establishment of approximately 5.76 acres of wetlands.
- Establishment of approximately 8.33 acres of riparian buffer along Stony Creek.
- Removal of the Stony Creek dam.
- Stabilization of approximately 300 feet of stream channel and stream bank.

- Protection of approximately 3.95 acres of existing wetlands and woodlands.

This permit is for the roadway reconstruction and widening of the 6-mile Southern Section of the Turnpike. The limit of work extends between Mid-County Interchange (MP A20.2) in Plymouth Township, Montgomery County (Norristown, PA USGS Quadrangle N: 21.1 inches; W: 4.0 inches) to just north of Bethel Road (MP A26.14) in Worcester Township, Montgomery County (Lansdale, PA USGS Quadrangle N: 12.3 inches; W: 9.2 inches).

The construction work for the Southern Section includes the following water obstruction and encroachment activities:

1. To place and maintain fill, to construct and maintain a retaining wall and to install, and maintain a temporary sediment basin in a UNT to Sawmill Run (WWF) at Station 87+00 (Lansdale, PA USGS Quadrangle N: 1.0 inch; W: 5.1 inches), permanently impacting 278 linear feet (0.04 acre) and temporarily impacting 591 linear feet (0.08 acre) of the stream.
2. To place and maintain fill, and to construct and maintain a retaining wall in a UNT to Sawmill Run (WWF) at Station 112+50 (Lansdale, PA USGS Quadrangle N: 2.2 inches; W: 5.3 inches), permanently impacting 148 linear feet (0.02 acre) and temporarily impacting 125 linear feet (0.02 acre) of the stream.
3. To place and maintain fill, and to extend a 36-inch RCP in wetlands which drains to a UNT to Sawmill Run (WWF) at Station 114+50 (Lansdale, PA USGS Quadrangle N: 2.6 inches; W: 5.4 inches), permanently impacting 0.50 acre and temporarily impacting 0.16 acre of wetlands.
4. To install and maintain a retaining wall and to conduct minor grading for roadway drainage adjacent to a UNT to Sawmill Run (WWF) at Station 123+50 (Lansdale, PA USGS Quadrangle N: 2.5 inches; W: 5.5 inches), temporarily impacting 57 linear feet (0.01 acre) of the stream.
5. To install and maintain a retaining wall and a temporary sediment basin, and to maintain surface runoff by installing a bioretention swale in a forested wetland which drains to a UNT to Sawmill Run (WWF) at Station 124+10 (Lansdale, PA USGS Quadrangle N: 2.6 inches; W: 5.5 inches), permanently impacting 0.01 acre of the wetlands.
6. To install and maintain a retaining wall and to maintain surface runoff by installing a bioretention swale in a wetland which drains to a UNT to Sawmill Run (WWF) at Station 125+00 (Lansdale, PA USGS Quadrangle N: 2.7 inches; W: 5.6 inches), permanently impacting 0.01 acre of the wetlands.
7. To place and maintain fill in a wetland which drains to Sawmill Run (WWF) at Station 130+60 (Lansdale, PA USGS Quadrangle N: 3.0 inches; W: 5.6 inches), permanently impacting 0.13 acre and temporarily impacting 0.06 acre of wetlands.
8. To extend and maintain a 6-foot wide by 6-foot rise box culvert in Sawmill Run (WWF) at Station 130+80 (Lansdale, PA USGS Quadrangle N: 3.0 inches; W: 5.6 inches), permanently impacting 61 linear feet (0.01 acre) and temporarily impacting 66 linear feet (0.01 acre) of the stream.
9. To place and maintain fill in a wetland which drains to Sawmill Run (WWF) at Station 131+00 (Lansdale, PA

USGS Quadrangle N: 3.0 inches; W: 5.5 inches), permanently impacting 0.04 acre and temporarily impacting 0.09 acre of wetlands.

10. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 158+15 (Lansdale, PA USGS Quadrangle N: 4.5 inches; W: 5.8 inches), permanently impacting 1,323 linear feet (0.30 acre) and temporarily impacting 109 linear feet (0.03 acre) of the stream.

11. To construct and maintain a noise barrier and a temporary sediment basin, and to place and maintain fill in a UNT to Stony Creek (TSF) at Station 172+20 (Lansdale, PA USGS Quadrangle N: 5.2 inches; W: 6.2 inches), permanently impacting 436 linear feet (0.05 acre) and temporarily impacting 487 linear feet (0.08 acre) of the stream.

12. To place and maintain fill and to clean waterway of debris for proper drainage in a UNT to Stony Creek (TSF) at Station 172+20 (Lansdale, PA USGS Quadrangle N: 5.3 inches; W: 6.1 inches), permanently impacting 390 linear feet (0.05 acre) and temporarily impacting 739 linear feet (0.11 acre) of the stream.

13. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 211+25 (Lansdale, PA USGS Quadrangle N: 6.8 inches; W: 7.0 inches), permanently impacting 490 linear feet (0.10 acre) of the stream.

14. To excavate and maintain a temporary sediment basin impacting 0.10 acre of wetlands which drains to a UNT to Stony Creek (TSF) at Station 221+80 (Lansdale, PA USGS Quadrangle N: 7.2 inches; W: 7.3 inches).

15. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 222+00 (Lansdale, PA USGS Quadrangle N: 7.3 inches; W: 7.4 inches), permanently impacting 613 linear feet (0.13 acre) and temporarily impacting 31 linear feet (0.01 acre) of the stream.

16. To extend and maintain a 24-inch RC arch culvert in UNT to Stony Creek (TSF) at Station 222+40 (Lansdale, PA USGS Quadrangle N: 7.2 inches; W: 7.3 inches), permanently impacting 39 linear feet (0.02 acre) and temporarily impacting 30 linear feet (0.01 acre) of the stream. The work also includes placement and maintenance of 9,300 CY of fill in the 100-year floodplain of UNT to Stony Creek.

17. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 228+00 (Lansdale, PA USGS Quadrangle N: 7.5 inches; W: 7.5 inches), permanently impacting 1,264 linear feet (0.23 acre) of the stream.

18. To place and maintain fill in a wetland which drains to a UNT to Stony Creek (TSF) at Station 231+00 (Lansdale, PA USGS Quadrangle N: 7.5 inches; W: 7.5 inches), permanently impacting 0.08 acre and temporarily impacting 0.10 acre of wetlands.

19. To place and maintain fill in a wetland which drains to a UNT to Stony Creek (TSF) at Station 232+90 (Lansdale, PA USGS Quadrangle N: 7.6 inches; W: 7.6 inches), permanently impacting 0.11 acre and temporary impacting 0.12 acre of wetlands.

20. To excavate and maintain a temporary sediment basin, impacting 236 linear feet (0.04 acre) of a UNT to Stony Creek (TSF) at Station 266+50 (Lansdale, PA USGS Quadrangle N: 9.2 inches; W: 8.1 inches).

21. To extend and maintain a 20-inch RC arch culvert in Stony Creek (TSF) at Station 268+10 (Lansdale, PA USGS Quadrangle N: 9.3 inches; W: 8.2 inches), permanently impacting 37 linear feet (0.03 acre) and temporarily impacting 64 linear feet (0.04 acre) of stream. This

work also includes placement and maintenance of 1,300 CY of fill in the 100-year floodplain of Stony Creek.

22. To construct and maintain a bioretention swale for maintaining surface runoff in a wetland which drains to Stony Creek (TSF) at Station 271+25 (Lansdale, PA USGS Quadrangle N: 9.5 inches; W: 8.2 inches), permanently impacting 0.01 acre of wetlands.

23. To excavate, depress, extend and maintain a 42-inch RC culvert in a tributary to Stony Creek (TSF) at Station 304+70 (Lansdale, PA USGS Quadrangle N: 11.0 inches; W: 8.7 inches), permanently impacting 21 linear feet (< 0.01 acre) and temporarily impacting 40 linear feet (0.01 acre) of the stream.

24. To excavate, depress, extend, relocate and maintain a 24-inch RC culvert in a UNT to Stony Creek (TSF) at Station 306+80 (Lansdale, PA USGS Quadrangle N: 11.0 inches; W: 8.7 inches), permanently impacting of 282 linear feet (0.04 acre) of the stream.

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

E67-870: South Height Manor, LP, Joe A. Myers, 160 Ram Drive, Hanover, PA 17331 in Penn Township, **York County,** United States Army Corps of Engineers, Baltimore District (Hanover, PA Quadrangle N: 4.75 inches; W: 16.25 inches, Latitude: 39° 46' 40"; Longitude: 76° 59' 20") Watershed 7H.

The applicant proposes: (1) to install and maintain a 114-foot length of precast stream enclosure having a single waterway opening of 12 feet by 4 feet high (12-inch depressed invert) with concrete wing walls in a UNT to Plum Creek (WWF); (2) to install and maintain a 111-foot long precast concrete box stream enclosure having a single waterway opening of 8 feet by 5 feet (12-inch depressed invert) with concrete wing walls in a UNT to Plum Creek (WWF); (3) to install utility line stream crossings for gas, electric, water and sewer lines across a UNT to Plum Creek (WWF) at the site of each proposed stream enclosure; (4) to construct and maintain three stormwater outfalls discharging into a UNT to Plum Creek (WWF); (5) to construct and maintain three separate sewer line crossings across a UNT to Plum Creek (WWF); and (6) to construct two separate temporary crossings across a UNT to Plum Creek (WWF). The project proposes to directly affect 225 linear feet of stream for the purpose of construction of a subdivision resulting in 64 lots for residential development.

E21-373: Community Refuse Service, Inc., 135 Vaughn Road, Shippensburg, PA 17257, Hopewell and North Newton Townships, **Cumberland County,** United States Corps of Engineers, Baltimore District.

The applicant proposes to construct and maintain 57.0 linear feet of 8.0-foot by 10.0-foot concrete box culvert depressed 2 feet below the existing streambed elevation on a UNT to Conodoguinet Creek (WWF) (Newburg, PA Quadrangle Latitude: 40° 08' 29"; Longitude: 77° 30' 16"); to fill or excavate a total of 0.49-acre of three PEM wetlands (Newburg, PA Quadrangle Latitude: 40° 08' 05", 40° 08' 10", 40° 08' 18"; Longitude: 77° 30' 21", 77° 30' 35", 77° 30' 28"); to fill or excavate an existing 0.19 acre pond (Newburg, PA Quadrangle Latitude: 40° 08' 18"; Longitude: 77° 30' 28"); to construct and maintain 1.08 acre of replacement wetland (Newburg, PA Quadrangle Latitude: 40° 07' 57"; Longitude: 77° 29' 50"); to fill in two UNTs to Conodoguinet Creek (Newburg, PA Quadrangle Latitude: 40° 07' 52.39"; Longitude: 77° 30' 17.5", Latitude: 40° 07' 52.25"; Longitude: 77° 30' 21.63" respec-

tively); and to mitigate stream impacts by enhancement of 1,513 linear feet of a UNT to Conodoguinet Creek (WWF) with nine step pools, two log vanes, rock toe protection, vegetative plantings, and debris removal (Newburg, PA Quadrangle from Latitude: 40° 07' 53"; Longitude: 77° 30' 06" to Latitude: 40° 07' 49"; Longitude: 77° 30' 22") all for the purpose of constructing a 102-acre expansion of the existing Cumberland County Landfill, and a 90-acre soil borrow area to the north and east of the intersection of SR 4003 and Vaughn Road in Hopewell Township, Cumberland County.

E22-550: Catholic Diocese of Harrisburg, c/o Jeffrey McCauslin, 4800 Union Deposit Road, P. O. Box 3657, Harrisburg, PA 17105 Lower Paxton Township, **Dauphin County**, United States Corps of Engineers, Baltimore District.

To construct and maintain a high school and associated parking and athletic fields impacting 0.036 acre of Palustrine Emergent (PEM) associated with Spring Creek (CWF) located near the intersection of Spring Creek and

Page Roads (Harrisburg East, PA Quadrangle N: 4.58 inches; W: 5.89 inches, Latitude: 40° 16' 33.2"; Longitude: 76° 47' 10.7") in Lower Paxton Township, Dauphin County.

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

E59-487. Seneca Resources Corporation, 51 Zents Boulevard, Brookeville, PA 15825-2701. Water Obstruction and Encroachment Joint Application, Seneca Production Pipeline SRC-2 and SRC-4, in Covington and Richmond Townships, **Tioga County**, United States Corps of Engineers, Baltimore District (Crooked Creek, PA Quadrangle N: 41° 44' 49.4"; W: 77° 9' 34.1").

To construct, operate and maintain 1.8 miles of 6-inch natural gas pipeline within the Elk Run Watershed (CWF-WT). Construction of the pipeline will require four stream and three wetland crossings. The project is centered along SR 2020 approximately 2.2 miles west of the Village of Covington, Tioga County.

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 AT&T 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N ? |
|---------------------------------|--|--|--|---------------------|
| PA0063118 (Industrial Waste) | Tri-Cel Plastic Company 1149 Franklin Street Old Forge, PA 18518 | Lackawanna County Old Forge Borough | Tributary to St. John's Creek 5A | Y |
| PA0035629 Sewage | Department of Transportation Safety Rest Area 39 Interstate 80 Eastbound | Luzerne County Foster Township | Linesville Creek Watershed 2A | Y |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N ? |
|---------------------|---|--|------------------------------|---------------------|
| PA0085448 (Sew) | East Earl Sewer Authority P. O. Box 339 East Earl, PA 17506 | Lancaster County East Earl Township | UNT to Conestoga River | Y |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N ? |
|---------------------|---|----------------------------------|-----------------------------------|---------------------|
| PA0114545 IW | Troy E. Schoenly P. O. Box 156 Sylvania, PA 16945 | Bradford County Troy Township | South Branch Sugar Creek 4C | Y |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed #) | EPA Waived Y/N |
|-------------------------------|---|---------------------------------------|------------------------------|-------------------|
| PA0040177 Industrial Waste | PA American Water Company 800 Hersheypark Drive Hershey, PA 17003 | Fayette County Brownsville Borough | Monongahela River | Y |
| PA0041441 Sewage | Somerset Township Municipal Authority P. O. Box 247 2209 North Center Avenue Somerset, PA 15501 | Somerset County Somerset Township | Wells Creek | N |

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

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

NPDES Permit No. PA0051918, Industrial Waste, **Pepperidge Farm, Inc.**, 421 Boot Road, Downingtown, PA 19335-3043. This proposed facility is located in Downingtown Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into a UNT, locally known as Parke Run to East Branch Brandywine Creek in Watershed 3H.

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

NPDES Permit No. PA0247251, CAFO, **Esbenshade Farms, Mount Joy Farm**, 220 Eby Chiques Road, Mount Joy, PA 17552. This proposed facility is located in East Donegal and Rapho Townships, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 3,199 Animal Equivalent Units poultry farm situated near a UNT of the Susquehanna River in Watershed 7-G.

NPDES Permit No. PA0248100, CAFO, **Esbenshade Farms, Maytown Farm**, 220 Eby Chiques Road, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 2,400 Animal Equivalent Units poultry operation situated near a UNT of the Susquehanna River in Watershed 7-G.

NPDES Permit No. PA0248096, CAFO, **Esbenshade Farms, North Farm**, 220 Eby Chiques Road, Mount Joy, PA 17552. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,977 Animal Equivalent Units poultry operation situated near a UNT of Little Chiques Creek in Watershed 7-G.

NPDES Permit No. 0247057, CAFO, **Hetrickdale Farms**, 69 Hetrick Road, Bernville, PA 19506. This proposed facility is located in Jefferson Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,958 Animal Equivalent Units dairy operation near a UNT of Mill Creek in Watershed 3-C.

NPDES Permit No. PA0247588, CAFO, **Wenger's Feed Mill, Inc., Dutch Country Egg Farm**, 101 West Harrisburg Avenue, Rheems, PA 17570. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,729 Animal Equivalent Units poultry operation near Oil Creek in Watershed 7-D.

NPDES Permit No. PA0087980, CAFO, **Dream Farms**, 13689 Dream Highway, Newburg, PA 17240. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 2,295 Animal Equivalent Units heifer operation near UNTs of Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0247863, CAFO, **Brubaker Farms Partnership**, 493 Musser Road, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,208 Animal Equivalent Units dairy and poultry operation near a UNT of Donegal Creek in Watershed 7-G.

NPDES Permit No. PA0247481, CAFO, **Noah W. Kreider and Sons, Mount Pleasant Farm**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 7,871 Animal Equivalent Units poultry operation near Gingrich and Bachman Runs in Watershed 7-D.

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

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

WQM Permit No. 3109402, Sewage, **Mount Union Municipal Authority**, P. O. Box 90, Mount Union, PA 17066. This proposed facility is located in Mount Union Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of the East Milford Street Sewers and Liverpool Pumping Station.

WQM Permit No. WQG02360903, Sewage, **Ephrata Township Sewer Authority**, 265 Akron Road, Ephrata, PA 17522. This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the construction and operation of the Murrell Pumping Station Project.

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

WQM Permit No. WQG02140902, Sewerage, SIC 4952, **Pennsylvania State University**, 155D, Office of Physical Plant, University Park, PA 16802. This proposed facility will be located in College Township, **Centre County**.

Description of Proposed Action/Activity: General Permit coverage issued authorizing the construction and operation of the East Campus Steam Plant Pumping Station and associated force main.

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

WQM Permit No. 0209402, Sewerage, **Stowe Township**, 555 Broadway Avenue, McKees Rocks, PA 15136. This proposed facility is located in Stowe Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewer line replacement and installation.

WQM Permit No. WQG016176, Sewerage, **Jeffrey L. Bender**, 861 Tanner Street, Ebensburg, PA 15931. This proposed facility is located in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

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

WQM Permit No. 2082402, Sewerage, **Andrew L. Hatton, d/b/a Shangri La Mobile Home Court**, 25368 Maple Lane, Cochranon, PA 16314. This proposed facility is located in West Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a permit to install a new chlorination facility, chlorine contact tank and outfall sewer to meet current design standards for wastewater treatment facilities.

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

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--|---|
| Lower Merion Township Montgomery County | PAG200 4609064 | 1030 Mount Pleasant Road, LP 1500 Market Street 38th Floor Philadelphia, PA 19102 | Mill Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Lower Allen Township Cumberland County | PAG2002109012 | Corey Catlett Motel Sleepers, Inc. P. O. Box 3510 Little Rock, AR 72203 | Cedar Run CWF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812 |
| Hampden Township Cumberland County | PAG2002108031 | Jeffrey Smith JSB Development, LP 4075 Market Street Camp Hill, PA 17011 | Sears Run WWF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812 |
| Derry Township Dauphin County | PAG2002204044R | Ian Salada Penn State University 101P Office of Physical Plant University Park, PA 16802-1118 | Swatara Creek WWF Spring Creek (east) WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 |
| Bradford County Wyalusing Township | PAG2000809004 | Ray Fleming Wyalusing Area School District 115 Main Street Wyalusing, PA 18853 | Susquehanna River WWF | Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6 |
| Allegheny County Richland Township | PAR10A429-1-R | Richland Properties 3751 Gibsonia Road Gibsonia, PA 15044 | Deer Creek WWF | Allegheny County Conservation District (412) 241-7645 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|----------------------------------|---|
| Allegheny County Pittsburgh | PAR10A510-1-R | Allstate Development 407 West 8th Avenue West Homestead, PA 15120 | Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Robinson Township | PAR10A563-1-R | Maronda, Inc. 202 Park West Drive Pittsburgh, PA 15275 | Montour Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County South Park Township | PAR10A584-1-R | South Park School District 2005 Eagle Ridge Road Library, PA 15129-9289 | Peters Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County West Deer Township | PAR10A605-R | Richland Holdings 1426 Pittsburgh Road Valencia, PA 16059 | Deer Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pine Township | PAG2000203092-R | M. R. W. Realty, LLC 11040 Perry Highway Wexford, PA 15090 | Pine Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Harmar Township | PAG2000203101-R | Guys Run Properties 795-24 Pine Valley Drive Pittsburgh, PA 15239 | Allegheny River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000203105-R | Field Brook Farms 1700 North Highland Road Pittsburgh, PA 15241 | Deer Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000203111-R | Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275 | Pine Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County O'Hara Township | PAG2000203119-R | John Miller P. O. Box 244 Glenshaw, PA 15116 | Pine Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Indiana Township | PAG2000203122-R | Ageis Terrence Group 700 Pittsburgh Street Springdale, PA 15144 and Maronda Homes, Inc. 200 Park West Drive Pittsburgh, PA 15275 | Deer Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Baldwin Borough | PAG2000203076-R | Holly Hill Development Corporation 550 Washington Avenue Carnegie, PA 15106 | Glass Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Indiana Township | PAG2000203122-R | Maronda, Inc. 202 Park West Drive Pittsburgh, PA 15275 | Deer Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County McCandless Township | PAG2000203085-R | Harry B. Montgomery 9747 Babcock Boulevard Pittsburgh, PA 15237 | Pine Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County McCandless Township | PAG2000203085-R | John B. Montgomery 1500 PPG Place Pittsburgh, PA 15222 | Pine Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Jefferson Hills Borough | PAG2000204049-R | MB2K Development 6 Clairton Boulevard Pittsburgh, PA 15236 | Beams Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County South Fayette Township | PAG2000204050-R | John Kosky P. O. Box 136 Cuddy, PA 15031 | Millers Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Monroeville | PAG2000204002-R | Ronald Plisco P. O. Box 545 Monroeville, PA 15146 | Thompson Run WWF | Allegheny County Conservation District (412) 241-7645 |

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5475

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|----------------------------------|---|
| Allegheny County Jefferson Hills Borough | PAG2000204020-R | Southersby Development Corporation 245 Summerlawn Drive Sewickley, PA 15142 | Lick Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Robinson Township | PAG2000204006-R | Maronda, Inc. 202 Park West Drive Pittsburgh, PA 15275 | Campbells Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Franklin Park Borough | PAG2000204058-R | Signature Homes 20421 Route 19 Cranberry Township, PA 16066 | Fish Run CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Moon Township | PAG2000204066-R | Sonoma Ridge, LP 772 Pine Valley Drive Pittsburgh, PA 15239 | Ohio River TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Bethel Park | PAG2000204073-R | Commerce Group, LP 1280 West Newport Center Drive Deerfield Beach, FL 33442 | Ohio River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Plum Borough and Penn Hills | PAG2000204079-R | Wal-Mart Real Estate Business Trust 2001 South East 10th Street Bentonville, AR 72716 | Thompson Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000204081-R | Marathom Partners, LP 433 Hartmann Road Evans City, PA 16033 | Deer Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Shaler Township | PAG2000206034 | Beth Shalom Cemetery 1501 Anderson Road Pittsburgh, PA 15209 Shaler Township 300 Wetzel Road Glenshaw, PA 15116 | Girty's Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Hampton, Richland and Pine Townships | PAG2000207017-1 | Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106 | Pine Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Neville Township | PAG2000207019-1 | Pittsburgh Terminals Corporation P. O. Box 2621 Harrisburg, PA 17105 | Ohio River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pittsburgh | PAG2000207034-2 | Sports and Exhibition Authority 425 Sixth Avenue Pittsburgh, PA 15219 | Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pine Township | PAG2000207055-1 | Learning Child Center, LLC 9331 Marshall Road Cranberry Township, PA 16066 | Brush Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Robinson Township | PAG2000207071 | BKG Industries, Inc. 3055 Santiago Road Imperial, PA 15126 | Chartiers Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Ross Township | PAG2000207105-1 | North Hills School District 135 Sixth Avenue Pittsburgh, PA 15229 | Loweries Run TSF | Allegheny County Conservation District (412) 241-7645 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|--|---|
| Allegheny County Pittsburgh Penn Hills and Wilkinsburg Boroughs | PAG2000208010-1 | Wal-Mart Real Estate Business Trust 2001 South East 10th Street Bentonville, AZ 72716 | Allegheny River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pittsburgh | PAG2000208021-1 | Urban Redevelopment Authority of Pittsburgh 200 Ross Street Pittsburgh, PA 15219 | Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County North Versailles Township | PAG2000208022 | One Hundred, Ltd. 60 Port Perry Road North Versailles, PA 15137 | Turtle Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pine Township | PAG2000208037 | Richland Properties 3751 Gibsonia Road Gibsonia, PA 15044 | Pine Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County East Pittsburgh Borough | PAG2000208061 | RIDC Southwest Growth Fund 425 Sixth Avenue Pittsburgh, PA 15219 and R and B Contracting and Excavation 407 West 8th Avenue West Homestead, PA 15120 | Turtle Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Robinson Township | PAG2000208079 | Jim Esposito 82 Forest Grove Road Coraopolis, PA 15108 | Montour Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Robinson Township | PAG2000208080 | Coventry Park, LLC 533 Locust Place Sewickley, PA 15143 | Moon Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pittsburgh and Millvale Boroughs | PAG2000208082 | Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017 | Allegheny River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Moon Township | PAG2000208086 | Moon Township 1000 Beaver Grade Road Coraopolis, PA 15108 | Flaugherty Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County North Fayette and Robinson Townships | PAG2000208087 | Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017 | Montour Run TSF Campbells Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Plum Borough | PAG2000209001 | Gordon H. Kidd, Jr. 8095 Saltsburg Road Pittsburgh, PA 15239 | Abers Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Monroeville | PAG2000209002 | UPMC Corporate Construction and Real Estate 600 Grant Street Pittsburgh, PA 15219 | Turtle Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Monroeville | PAG2000209002-1 | UPMC Corporate Construction and Real Estate 600 Grant Street Pittsburgh, PA 15219 | Turtle Creek WWF | Allegheny County Conservation District (412) 241-7645 |

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|---|-------------------|---|---|---|
| Allegheny County West Mifflin Borough | PAG2000209004 | West Mifflin Area School District 3000 Lebanon Church Road West Mifflin, PA 15122 | Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Robinson and Kennedy Townships | PAG2000209005 | Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017 | Moon Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Franklin Park Borough | PAG2000209006 | Reis Run Associates, LP 772 Pine Valley Drive Pittsburgh, PA 15239 | Bear Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Ross Township | PAG2000209007 | Minnock Land and Development Company 7202 Old McKnight Road Pittsburgh, PA 15237 | Jacks Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Plum Borough | PAG2000209008 | T. D. Holdings, LLC 100 Saxonburg Boulevard Cheswick, PA 15024 | Plum Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Moon Township | PAG2000209009 | Felician Sisters 1500 Woodcrest Avenue Coraopolis, PA 15108 | Montour Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Marshall Township | PAG2000209010 | Islamic Center of North Pittsburgh 8512 Peters Road Cranberry Township, PA 16066 | Pine Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Monroeville | PAG2000209011 | Joseph M. Knapp 748 New Texas Road Pittsburgh, PA 15239 | Campbells Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000209012 | Richland Township 4019 Dickey Road Gibsonia, PA 15044 | Fish Run CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Shaler Township | PAG2000209013 | Echo Real Estate 701 Alpha Drive Pittsburgh, PA 15238 | Ohio River TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Monroeville | PAG2000209014 | Orion Development 4125 Freedom Way Weirton, WV 26062 | Turtle Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Monroeville | PAG2000209015 | Sampson Morris Group 2500 Eldo Road Monroeville, PA 15146 | Thompson Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000209016 | Richland Township 4019 Dickey Road Gibsonia, PA 15044 | Ohio River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Robinson Township | PAG2000209017 | Verizon Wireless 19 Abele Road Bridgeville, PA 15017 | Chartiers Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Turtle Creek | PAG2000209018 | Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017 | Turtle Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County McKeesport | PAG2000209019 | Municipal Authority of the City of McKeesport 100 Atlantic Avenue McKeesport, PA 15132 | Youghogheny River and Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---|---|
| Allegheny County Findlay Township | PAG2000209020 | Chapman Commerce Center, LLC 100 Leetsdale Industrial Drive Leetsdale, PA 15056 | Potato Garden Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County City of Clairton | PAG2000209021 | AGH Properties 1118 Rial Drive Bethel Park, PA 15102 | Thompson Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pittsburgh | PAG2000209022 | Frank B. Fuhrer Wolesale Company 3100 East Carson Street Pittsburgh, PA 15203 | Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Upper St. Clair Township | PAG2000209023 | Upper St. Clair School District 1820 McLaughlin Run Road Pittsburgh, PA 15241 | McLaughlin Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Upper St. Clair Township | PAG2000209024 | Upper St. Clair School District 1820 McLaughlin Run Road Pittsburgh, PA 15241 | Chartiers Creek and Brush Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County North Fayette Township | PAG2000209025 | Seabright Land Corporation 6 Commerce Drive Pittsburgh, PA 15239 | Robinson Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pittsburgh | PAG2000209026 | Telesis Corporation 506 Fifth Avenue Brooklyn, NY 11215 | Nine Mile Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Bethel Park | PAG2000209027 | Bethel Park School District 301 Church Road Bethel Park, PA 15102 | McLaughlin Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County South Fayette Township | PAG2000209028 | Bursca Frontgate, LP Foster Plaza 9 Pittsburgh, PA 15220 | Coal Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Marshall Township Franklin Park Borough | PAG2000209030 | Marshall Township 525 Pleasant Hill Road Warrendale, PA 15086 | Big Sewickley Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Indiana Township | PAG2000209031 | Bryan Gentile 102 Riding Trail Lane Pittsburgh, PA 15215 | Deer Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Hampton Township | PAG2000209032 | Hampton Township School District 4591 School Drive Allison Park, PA 15101 | McCaslin Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Ross Township | PAG2000209034 | Ralph A. Falbo, Inc. 429 Fourth Avenue Pittsburgh, PA 15219 | Girty's Run WWF | Allegheny County Conservation District (412) 241-7645 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|--|---|
| Allegheny County Forward Two Allegheny County and Rostraver Township Westmoreland County | PAG2000209035 | West Penn Power, d/b/a Allegheny Power 800 Cabin Hill Road Greensburg, PA 15601 | Monongahela River UNT Monongahela River Kelly Hollow UNT Kelly Hollow, Kelly Run UNT Kelly Run UNT Perry Mill Run, Sunfish Run, Beckets Run, Farm Pond UNT Beckets Run Turkey Hollow UNT Turkey Hollow UNT Speers Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Scott Township | PAG2000209036 | Senterra Building and Development 104 Kenyon Road Pittsburgh, PA 15205 | Chartiers Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County West Mifflin Borough | PAG2000209038 | West Mifflin Area School District 3000 Lebanon Church Road West Mifflin, PA 15122 | Thompson Run and Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Baldwin Borough Pittsburgh | PAG2000209040 | Pennsylvania American Water 300 Galley Road McMurray, PA 15317 | Becks Run and Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County North Fayette Township | PAG2000209041 | T. A. Robinson Family, LP 1299 McLaughlin Run Road Bridgeville, PA 15017 | Montour Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Duquesne | PAG2000209042 | Allegheny County Housing Authority 625 Stanwix Street Pittsburgh, PA 15222 | Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pine Township | PAG2000209044 | Joseph B. Fay Company P. O. Box 66 Russellton, PA 15076 | Brush Creek WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County McKeesport | PAG2000209045 | McKeesport Housing Authority 2901 Brownless Avenue McKeesport, PA 15132 | Monongahela River WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000209047 | Joseph B. Fay Company P. O. Box 66 Russellton, PA 15076 | Montour Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000209049 | Joseph B. Fay Company P. O. Box 66 Russellton, PA 15076 | Montour Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Pine Township | PAG2000209051 | Joseph B. Fay Company P. O. Box 66 Russellton, PA 15076 | Pine Creek CWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Richland Township | PAG2000209059 | Sampson-Morris Group 2500 Eldo Road Monroeville, PA 15146 | Campbells Run WWF | Allegheny County Conservation District (412) 241-7645 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|---|--|
| Allegheny County Findlay Township | PAG2000208056 | Imperial Land Corporation 200 Neville Road Pittsburgh, PA 15224 | Potato Garden Run WWF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County McCandless Township | PAG2000208073 | Adventure/Champion Partners 8401 North Central Expressway Dallas, TX 75225 | Pine Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County South Park Township | PAG2000208077 | Alex Paris Contracting P. O. Box 369 Atlasburg, PA 15004 | Peters Creek TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Monroeville Plum Borough Murrysville | PAG2000208083 | Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017 | Abers Creek Piersons Run Humms Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Springdale Township | PAG2000208088 | The Baron Group 3090 William Pitt Way Pittsburgh, PA 15238 | Allegheny River WWF | Allegheny County Conservation District (412) 241-7645 |
| Washington County Somerset Township | PAG2006309018 | Department of Transportation District 12-0 825 North Gallatin Avenue Uniontown, PA 15041 | Pigeon Creek WWF | Washington County Conservation District (724) 228-6774 |
| Erie County Borough of Edinboro | PAG2002505031(1) | Edinboro University— Institute for Human Services, Edinboro University 200 Scotland Road Edinboro, PA 16444 | Darrow Creek WWF | Erie County Conservation District (814) 825-6403 |
| Erie County Fairview Township | PAG2002509011 | Northern Border Patrol Station Acquest Development 80 Curtwright Drive Suite 5 Williamsville, NY 14221 | Brandy Run CWF, MF | Erie County Conservation District (814) 825-6403 |

General Permit Type—PAG-3

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|----------------------------------|---|
| Blair County Taylor Township | PAR603570 | Carl D. Yerty Yerty Auto Service, Inc. 8358 Woodbury Pike Roaring Springs, PA 16673 | Halter Creek WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Bedford County Londonderry Township | PAR603569 | James Sacco Jim Sacco Auto Wrecker 2469 Cooksmill Road Hyndman, PA 15545 | Wills Creek CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Blair County Antis Township | PAR603548 | Robert Foshey Forshey's Garage and Auto Parts 151 Forshey Street Altoona, PA 16601 | Little Juniata River TSF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Huntingdon County Morris Township | PAR603555 | Shaffer Auto Salvage 3313 Union Furnace Road Tyrone, PA 16686 | Little Juniata River CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |

*Facility Location:
Municipality &
County*City of Erie
Erie CountyPermit No.
PAR218318*Applicant Name &
Address*
Ready Mix Concrete
Company of Erie, Inc.
P. O. Box 1438
Erie, PA 16512-1438*Receiving
Water / Use*
City of Erie storm
sewers to Lake Erie*Contact Office &
Phone No.*
DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Upper Mifflin
Township
Cumberland CountyPermit No.
PAG043892*Applicant Name &
Address*
Richard and
Darlene Smith
1819 Mountain Road
Newburg, PA 17240*Receiving
Water / Use*
UNT Three Square
Hollow Road
WWF*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Cambria Township
Cambria CountyPermit No.
PAG046407*Applicant Name &
Address*
Jeffrey L. Bender
861 Tanner Street
Ebensburg, PA 15931*Receiving
Water / Use*
UNT of South Branch
Blacklick Creek*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000North East
Township
Erie CountyPermit No.
PAG048829*Applicant Name &
Address*
Timothy A. Mowers
12582 Kerr Road North
East, PA 16428*Receiving
Water / Use*
UNT to Lake Erie
15*Contact Office &
Phone No.*
DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942LeBoeuf Township
Erie CountyPermit No.
PAG048689*Applicant Name &
Address*
Lisa G. Black
15530 Union LeBoeuf
Road
Union City, PA 16438*Receiving
Water / Use*
UNT to French Creek
16A*Contact Office &
Phone No.*
DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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 pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Approved or Disapproved</i> |
|---|---------------|------------------------|--|-------------------------|---|------------------------------------|
| Willow Behrer Farm 3288 Behrer Lane Spruce Creek, PA 16683 | Huntingdon | 1,149.9 | 1,347.50 | Dairy | HQ | Approved |
| Thistle Creek Farm Justin and Eve Beamesderfer H— 10702 Jonestown Road Annville, PA 17003 | Lebanon | 74.5 | 362.72 | Poultry Veal Beef | NA | Approved |
| F—10696 Jonestown Road Annville, PA 17003 | | | | | | |
| Weiler Farms 1 350 East Mill Avenue Myerstown, PA 17067 | Lebanon | 178.7 | 603.04 | Swine | NA | Approved |
| Weiler Farms 3 P. O. Box 4418 Ridge Road Jonestown, PA 17038 | Lebanon | 56.7 | 904.56 | Swine | HQ | Approved |
| Kenneth R. Martin 1397 Robert Fulton Highway Quarryville, PA 17566 | Lancaster | 130 | 941 | Dairy Swine | HQ | Approved |
| Herman Zeager 159 Yoder Road Bainbridge, PA 17502 | Lancaster | 65.5 | 458.8 | Swine | NA | Approved |
| Joe Sweeny Rocky Knoll Farm 1166 Gypsy Hill Road Lancaster, PA 17602 | Lancaster | 146 | 505.3 | Swine | NA | Approved |

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 AT&T 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 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. 4809505, Public Water Supply.

| | |
|-----------------------------|---|
| Applicant | Easton Suburban Water Authority 3700 Hartley Avenue Easton, PA 18043 |
| Township or Borough | City of Easton |
| County | Northampton |
| Type of Facility | PWS |
| Consulting Engineer | David E. Marks, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106 |
| Permit to Operate Issued | September 1, 2009 |

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

Permit No. 3609501, Public Water Supply.
 Applicant **P. C. S. Chandaga**
 Township or Borough Penn Township
 County **Lancaster**
 Type of Facility Installation of pressure filtration at the Penn Valley Village Mobile Home Park
 Consulting Engineer Charles A. Kehew II, P. E. James R. Holley and Associates, Inc. 18 South George Street York, PA 17401
 Permit to Construct Issued: September 4, 2009

Operations Permit issued to **Huntingdon Borough Water Department**, 4310012, Huntingdon Borough, **Huntingdon County** on September 3, 2009, for the operation of facilities approved under Construction Permit No. 3109501.

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

Permit No. MA-5381501—Construction, Public Water Supply.

Applicant **Ulysses Municipal Authority**
 Township or Borough Ulysses Borough
 County **Potter**
 Responsible Official Betty Jo Hilfiger Ulysses Municipal Authority 518 Main Street Ulysses, PA 16948
 Type of Facility Public Water Supply—Construction
 Consulting Engineer Timothy P. Wells, P. E. Hill Engineering, Inc. 8 Gibson Street Northeast, PA 16428
 Permit Issued Date September 1, 2009
 Description of Action Repainting of the interior and exterior walls of the 117,000 gallon steel welded water storage tank.

Permit No. 4146426—EP122-Permit-By-Rule, Public Water Supply.

Applicant **H2O to Go**
 Township or Borough Watsonstown Borough
 County **Northumberland**
 Responsible Official William Brightman, P. E. H2O to Go
 Type of Facility Public Water Supply—Construction
 Consulting Engineer N/A
 Permit Issued Date September 2, 2009
 Description of Action New entry point at Lingle's BiLo. PA American Water Company

Permit No. 5573503-T1—Transfer, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Township or Borough Jackson Township
 County **Snyder**
 Responsible Official Christopher P. Luning Vice President Corporate Development Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 3, 2009
 Description of Action Transfer of ownership from Kratzerville Municipal Authority to Aqua Pennsylvania, Inc. Two active wells, including one minor amendment concerning disinfection. Approve the use of groundwater sources known as Well No. 4 (Kline Well)—Entry Point No. 101 and New Well—Entry Point No. 102 to supply water to the area served by Kratzerville Municipal Authority.

Permit No. MA-T1 (5573503)—Transfer, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough Jackson Township
 County **Snyder**
 Responsible Official Christopher P. Luning Vice President Corporate Development Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 3, 2009
 Description of Action Transfer of ownership from Kratzerville Municipal Authority to Aqua Pennsylvania, Inc. Two active wells, including one minor amendment concerning disinfection. Approve the use of groundwater sources known as Well No. 4 (Kline Well)—Entry Point No. 101 and New Well—Entry Point No. 102 to supply water to the area served by Kratzerville Municipal Authority.

Permit No. 5588502-T1—Transfer, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough Jackson Township
 County **Snyder**

Responsible Official Christopher P. Luning
Vice President Corporate
Development
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date September 3, 2009

Description of Action Transfer of ownership from
Kratzerville Municipal Authority
to Aqua Pennsylvania, Inc. Two
active wells, including one minor
amendment concerning
disinfection. Approve the use of
groundwater sources known as
Well No. 4 (Kline Well)—Entry
Point No. 101 and New
Well—Entry Point No. 102 to
supply water to the area served
by Kratzerville Municipal
Authority.

Permit No. 5901502—Operation, Public Water Supply.

Applicant **Mansfield Borough
Municipal Authority**

Township or Borough Mansfield Borough

County **Tioga**

Responsible Official Ronald Weed
Mansfield Borough
Municipal Authority
19 East Wellsboro Street
Mansfield, PA 16933

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date September 2, 2009

Description of Action Operation of Well No. 3 and
appurtenances with
modifications to existing gas
chlorination facilities.

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

Permit No. 2608504, Public Water Supply.

Applicant **North Fayette County
Municipal Authority**
1634 University Drive
P. O. Box 368
Dunbar, PA 15431

Township or Borough North Union Township

County Fayette

Type of Facility Water System

Consulting Engineer Fayette Engineering
Company, Inc.
2200 University Drive
P. O. Box 1030
Uniontown, PA 15401-1030

Permit to Construct
Issued September 3, 2009

Permit No. 0409504MA, Minor Amendment, Public
Water Supply.

Applicant **Monaca Borough
Water Department**
928 Pennsylvania Avenue
Monaca, PA 15061

Township or Borough Monaca Borough

County **Beaver**

Type of Facility Blaine Road water storage tank

Consulting Engineer Widmer Engineering, Inc.
806 Lincoln Place
Beaver Falls, PA 15010

Permit to Construct
Issued September 3, 2009

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

Permit No. 2009505, Public Water Supply.

Applicant **Trustees of Conneaut
Lake Park, Inc.**

Township or Borough Sadsbury and Summit
Townships

County **Crawford County**

Type of Facility Public Water Supply

Consulting Engineer Bruce D. Patterson, P. E.
Porter Consulting Engineers, PC

Permit to Construct
Issued September 3, 2009

Operations Permit issued to **Farmington Town-
ship**, PWSID No. 6160043, Farmington Township,
Clarion County, September 3, 2009, to utilize refurb-
ished and repaired Potable Water Storage Standpipe, as
approved by construction permit number 1602502-MA1,
issued June 22, 2009.

Operations Permit issued to **Redbank Valley Mu-
nicipal Authority**, PWSID No. 6160010, New Bethlehem
Borough, **Clarion County**, and Mahoning Township,
Armstrong County on September 3, 2009, to allow
operation of two 200,000 gallon water storage tanks,
known as Beautiful Lookout Water Storage Tanks, as
approved by construction permit number 1606502, issued
May 21, 2007.

Local Wellhead Protection Program Approval is-
sued to the Cranberry Township General Authority,
PWSID No. 6610031, Cranberry Township, **Venango
County** on September 2, 2009.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

| Borough or Township | Borough or Township Address | County |
|------------------------|---|--------|
| Upper Makefield | 1076 Eagle Road, P. O. Box 113 R. D. 2 Newtown, PA 18940 | Bucks |

Plan Description: On August 31, 2009, the Southeast
Regional Office approved sewage facilities planning mod-
ules for the White Farm Subdivision (APS ID 640011 Site
ID 702822) and the Melsky Tract Subdivision (APS ID

640014 Site ID 697726). Both projects are located in Upper Makefield Township, Bucks County.

This approval provides for the following:

White Farm Subdivision. This revision provides for adequate sewage facilities planning to permit the development of an 82-lot residential subdivision (80 new single-family dwellings and two existing dwellings). This project is located at the intersection of Route 532, Stoopville and Highland Roads, in Upper Makefield Township, Bucks County.

This project will be connected to a new collection and conveyance system that will convey sewage from the development to the Gray Wastewater Treatment Facility. This project will generate 20,500 gallons of sewage per day.

Planning approval is also granted through this revision for a municipally-owned sewage pumping station and a force main, which will convey sewage flows from the development to the Gray Wastewater Treatment Facility. The pumping station will be located northeast of Lot No. 14 and west of Basin No. 3A. The pumping station will have average design flows of 20,500 gpd.

Melsky Tract Subdivision. This revision provides for adequate sewage facilities planning to permit the development of a 45-lot subdivision. This project is located on Stoopville Road, in Upper Makefield Township, Bucks County.

The proposed collection and conveyance system serving the Melsky Tract Subdivision will be connected to the sanitary sewers constructed as part of the Gray Tract Subdivision and conveyed to the Gray Wastewater Treatment Facility. This project will generate 11,250 gpd.

Gray Wastewater Treatment Facility and Gray Tract Subdivision. This revision also provides for the expansion of the previously approved Gray Wastewater Treatment Facility from an annual average flow of 20,000 sewage gpd to an annual average flow of 55,550 sewage gpd. The proposed treatment facility will provide tertiary treatment with denitrification. In addition, the discharge will be relocated from two detention basins on the Gray Tract Subdivision to perennial stream conditions at Hough's Creek. Sewage from the wastewater treatment facility will be conveyed by means of force main north on Creamery Road to Hough's Creek.

When Upper Makefield Township has secured the NPDES permit and Water Quality Management permit for the expansion of the Gray Wastewater Treatment Facility to discharge an annual sewage flow of 55,500 gpd, Upper Makefield must abandon and discontinue any discharge to the two stormwater basins and the intermittent stream and then must convey the treated sewage flows from the Gray Tract Subdivision only through the approved force main north on Creamery Road to Hough's Creek.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| Hilltown | 13 Creamery Road P. O. Box 260 Hilltown, PA 18927 | Bucks |

Plan Description: On September 8, 2009, the Southeast Regional Office approved revisions to the previously approved sewage facilities planning modules for the Hilltown Chase Subdivision, DEP Code 1-09924-175-3H; the Preserves Subdivision, DEP Code 1-09924-300-3K;

and the Ashland Meadows Subdivision, DEP Code 1-09924-304-3H. These projects are located in Hilltown Township, Bucks County.

These revisions provide for a change in disposal location for these three developments from the Hilltown Township Water and Sewer Authority's (HTWSA) Highland Park Wastewater Treatment Facility to the Pennridge Wastewater Treatment Authority Wastewater Treatment Facility. The HTWSA Hillcrest Diversion Valve, located at Manhole I-64A, will be removed. Flows that were previously tributary to the diversion valve will now flow by means of gravity to the Pennridge Wastewater Treatment Authority Wastewater Treatment Facility. These flows include existing sewage flows from Seylar Elementary School (7 EDUs). All other details and requirements of the Department of Environmental Protection's previous planning approvals remain in place.

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Marshall Township | 525 Pleasant Hill Road P. O. Box 2094 Warrendale, PA 15086 | Allegheny |

Plan Description: The approved plan provides for the construction of approximately 31,000 feet of 8-inch, 10-inch and 12-inch gravity interceptor and trunk sewers along Warrendale-Bayne, Spang and Pleasant Hill Roads with conveyance and connection to the existing Economy Borough Municipal Authority interceptor sewer system and treated at the Authorities Sewage Treatment Plant. There are approximately 125 existing homes that will be served with the project which will also eliminate an existing package wastewater treatment plant and existing pump station.

Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Hellam Township | 44 Walnut Springs Road York, PA 17406 | York |

Plan Description: John and Fay Lehman, DEP Code No. A3-67929-214-2: The plan consists of a three lot single-family residential subdivision on 38.8 acres with total proposed sewage flows of 800 gpd to be treated by individual onlot disposal systems. The proposed development is located on the west side of Accomac Road, approximately 1,000 feet north of Codorus Furnace Road in Hellam Township, York County. The plan was disapproved because the ground water easement proposed and drawn for Lot No. 2 is not down gradient of the sewage systems that will serve that lot. As proposed, the onsite sewage system for Lot No. 2 will pollute the waters of the Commonwealth in violation of the Pennsylvania Clean Streams Law. Such a condition is considered a nuisance and is prohibited.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Chester Soccer Stadium Area, Chester City, Delaware County. Steve Johnson, Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380 and Dan Morna, TN Ward Company, 129 Coulter Avenue, Ardmore, PA 19003 on behalf of Michael Hare, FC Pennsylvanian Stadium, LLC, 322 A Street, Suite 300, Wilmington, DE 19801-5356 have submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Mench Residence, Concord Township, Delaware County. Dan Ruch, Underwood Engineering, 143 Harding Avenue, Bellmawr, NJ 08031 on behalf of Robert Mench, 1120 Clayton Greenspring Road, Smyrna, DE

19977 has submitted a Final Report concerning remediation of site groundwater contaminated with unleaded gasoline and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Simms Residence, Abington Township, Montgomery County. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 and Ed Applegate, State Farm, P. O. Box 11, Concordville, PA 19331 on behalf of Delphine Simms, 1321 Meadowbrook Road, Meadowbrook, PA 19046 have submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Trumbauer Residence, Upper Hanover Township, Montgomery County. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18073 and Jay Kerestus, State Farm Insurance Company, P. O. Box 13, Concordville, PA 19331 on behalf of William and Alverda Trumbauer, 783 Gravel Pike, Palm, PA 18070 have submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Glasgow Beach Street Asphalt Plant, City of Philadelphia, Philadelphia County. Craig Herr, RT Environmental, Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Brian Chabak, Glasgrow, Inc., P. O. Box 1089, Glenside, PA 19038 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sloan Residence, Solebury Township, Bucks County. John VanWagenen, Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465 on behalf of Gurney Sloan, Jr., 6701 Armitage Road, Lumberville, PA 18938 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Martin Limestone, Inc., Honey Brook Township, Chester County. Michael Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Paul Stoltzlius, Martin Limestone, Inc., 3580 Division Highway, East Earl, PA 17519 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with petroleum. The report is intended to document remediation of the Site-Specific Standard.

1574 Bristol Pike Site, Bensalem Township, Buck County. Terry Harris, Boucher and James, Inc., Fountainville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Chris Mazullo, Mazmar, LLC, 77 West Court Street, Doylestown, PA 18901 has submitted a Final Report concerning remediation of site groundwater contaminated with MTBE and benzene. The report is intended to documents remediation of the Statewide Health Standard.

MA Bruder and Sons, City of Philadelphia, Philadelphia County. David Kershner, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Kenneth H. Stroebel, The Sherwin-Williams Company, 101 Prospect Avenue, North West Cleveland, OH 44115-1075 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with organics. The report is intended to document remediation of the Statewide Health Standard.

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

RW Sauder, Inc., Lititz Division, Warwick Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Avenue, Lancaster, PA 17602, on behalf of RW Sauder, Inc., 570 Furnace Hills Pike, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

Armco Sawhill Tube (John Maneely Co—Sharon Pipe Plt), City of Sharon, **Mercer County**. ENVIRON International Corporation, 214 Carnegie Center, Princeton, NJ 08540-6284 and The Payne Firm, Inc., 11231 Cornell Park Drive, Cincinnati, OH 45242 on behalf of the John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 have submitted a Cleanup Plan concerning remediation of site soil contaminated with VOCs, SVOCs, PCBs, metals and site groundwater contaminated with VOCs, SVOCs, PCBs, dioxins, metals, sulfate and nitrate. The Cleanup Plan 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

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

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

selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Department of Transportation District 6 Maintenance Facility, Middletown Township, **Delaware County**. Peter Chronowski, Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355, Joseph Maule, Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355, and James Fogel, Department of Transportation, Engineering District 6-0, 700 Geeredes Boulevard, King of Prussia, PA 19406 have submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with petroleum. The Remedial Investigation Report was approved by the Department of Environmental Protection on September, 2 2009.

Martin Limestone, Inc., Honeybrook Township, **Chester County**. Michael Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Paul Stoltzfus, Martin Limestone, Inc., 3580 Division Highway has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on September 1, 2009.

JD Byrider, Inc., City of Philadelphia, **Philadelphia County**. Mark Kuczynski, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Brad Pogachevsky, Harbison Properties, LLC, 2185—2187 Bridge Street, Philadelphia, PA 19124 has submitted a Baseline Environmental Report concerning the remediation of site groundwater and soil contaminated with gasoline. The Baseline Environmental Report was approved by the Department of Environmental Protection on August 24, 2009.

1574 Bristol Pike Site, Bensalem Township, **Bucks County**. Terry Harris, Boucher and James, Inc., Fountainville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Chris Mazullo, Mazmar, LLC, 77 West Court Street, Doylestown, PA 18901 has submitted a Final Report concerning the remediation of site groundwater contaminated with MTBE and benzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 28, 2009.

St. John Meumann Place, LP, City of Philadelphia **Philadelphia County**. Christopher Orzechowski, Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of Susan O'Grady Laurito, St. John Neumann Place, LP, 1941 Christiana Street, Philadelphia, PA 19146 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil contaminated with PAHs. The Remedial Investigation and Final Report was approved by the Department of Environmental Protection on August 24, 2009.

U. S. Steel Fairless Work 35.26 Acre Liberty Coating KIPC, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 and Kathleen Mayher, U. S. Steel Corporation, 600 Grant Street, Room 2068, Pittsburgh, PA 15219 on behalf of Donald Barder, Liberty Coating Company, 21 South Steel Road, Morrisville, PA 19067 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 24, 2009.

Wawa Food Market No. 168, East Norriton Township, **Montgomery County**. Matthew Winters, Wawa, Inc., 260 Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on April 17, 2009.

Suburban West Chester Facility, Borough of West Chester, **Chester County**. J. Neil Ketchum P. G., Groundwater Sciences Corporation, 2601 Market Place Street, Suite 130, Harrisburg, PA 17100, on behalf of Richard D. Williams, Suburban PA Property Acquisitions, LLC, P. O. Box 4833, Syracuse, NY 13221-4833 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Site-Specific Standard and was placed on hold by the Department of Environmental Protection on March 27, 2009.

Kotzen Residence, Hatboro Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 and Ed Applegate, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Jeffery Kotzen have submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 27, 2009.

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

Former Rouse's Market, Hampden Township, **Cumberland County**. Herbert, Rowland and Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Martin Rouse, 2707 Walnut Street, Camp Hill, PA 17011, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum fuel products released from underground storage tanks. The combined report demonstrated attainment of the Residential Statewide Health and Site-Specific Standards, and was approved by the Department of Environmental Protection on September 1, 2009.

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

The Pennsylvania State University, University Park Campus, Eastview Terrace Housing Complex, State College Borough, **Centre County**. Meiser and Earl, Inc., 1512 West College Avenue, State College, PA 16801 on behalf of Pennsylvania State University, Room 101P, Office of Physical Plant, University Park, PA 16802 has submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of Statewide Health Standard and was approved by the Department of Environmental Protection on September 4, 2009.

Former Beech Creek Market, Beech Creek Borough, **Clinton County**. ATC Associates, Inc., 101 Allegheny Street, Suite 2B, Hollidaysburg, PA 16648 on behalf of Former Beech Creek Market, 272 Main Street, Beech Creek, PA 16822 has submitted a Final Report concerning remediation of site soil contaminated with 1,3,5-trimethylbenzene and groundwater contaminated with benzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and MTBE. The Final Report demonstrated attainment of the Background Standard and was approved by the Department of Environmental Protection on September 2, 2009.

The News Item Property, City of Shamokin, **Northumberland County**. Golder Associates, Inc., The National Newark Building, 744 Broad Street, 25th Floor, Newark, NJ 07102 on behalf of Charles Moleski, Thomas Reuters Co., Metro Center, 1 Station Place, Stamford, CT 06902 has submitted a Final Report concerning remediation of site soil contaminated with MTBE. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 4, 2009.

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

Farmers Valley Wax Plant Former Fly Ash Areas (Farmers Valley Wax Plant), Keating Township, **McKean County**. URS Corporation, 501 Holiday Drive, Building No. 4, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 and Honeywell, Inc., has submitted a Final Report concerning remediation of site soil contaminated with toluene, aluminum, antimony, arsenic, barium, beryllium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, nickel, potassium, selenium, silver, sodium, vanadium, and zinc; site groundwater contaminated with aluminum, antimony, arsenic, barium, beryllium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, nickel, potassium, selenium, silver, sodium, thallium, and zinc. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on September 3, 2009.

Trinity Ind Soil (Former Trinity Industries Site), City of Butler, **Butler County**. Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of the Community Development Corporation of Butler County, 112 Woody Drive, Butler, PA 16001 has submitted a Final Report concerning the remediation of site soil contaminated with iron. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 2, 2009.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Modified under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 100549. Waste Management Disposal Services of Pennsylvania, Inc., 448 Lincoln Highway, Fairless Hills, PA 19030, Douglass and West Pottsgrove Townships, **Berks and Montgomery Counties**. This modification is to update and consolidate, into a single, comprehensive document, all the activities required for the postclosure care, monitoring, and maintenance of the closed Pottstown Landfill. The permit was modified by the Southeast Regional Office on September 1, 2009.

Permit No. 400593. Covanta Delaware Valley, LP, 10 Highland Avenue, Chester, PA 19013-2231, City of Chester, **Delaware County**. This permit is for a 10-year renewal for continuing operation at the Delaware Valley Resource Recovery Facility, an existing solid waste facility, located in the City of Chester, Delaware County. The permit was issued by the Southeast Regional Office on September 4, 2009.

Applications renewed 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. 100992. The Harrisburg Authority Waste Ash Landfill, located in Harrisburg City and Swatara Township, **Dauphin County**. An application was submitted to renew the Municipal Waste Ash Landfill permit. This notice approves a permit renewal.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, (717) 705-4706. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T 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

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

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

GP14-23-0124: Donohue Funeral Home (8401 West Chester Pike, Upper Darby, PA 19082) on September 4, 2009, to operate a human crematory in Upper Darby, **Delaware County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

GP5-30-00179A: Energy Corporation of America (501 56th Street South East, Charleston, WV 25304) on August 28, 2009, under GP5 to construct and operate two Caterpillar G3516 TALE natural gas compressor engines and one Natco 150/275 GR .275mmBtu/hr dehydrator at their Cumberland Compressor Station facility in Cumberland Township, **Greene County**.

GP14-32-00371: Blairsville Wilbert Vault Co. (P. O. Box 7, 100 North East Lane, Blairsville, PA 15717-0007) on August 31, 2009, under GP14 to operate one natural gas fired Matthews Cremation Division Model No. IE43-PPII human crematory rated at 150 pph at their facility in Blairsville Borough, **Indiana County**.

GP5-63-00937B: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on August 28, 2009, under GP5 to construct and operate four Caterpillar G3516LE compressor engines, two equipped with Miratech ZHS-30x31-12-H1 catalytic converter; one Natco 30 MMscfd dehydrator with 750,000 Btu/hr reboiler; and two 440-bbl condensate tanks with vapor recovery units at their Fulton Booster Station facility in Mt. Pleasant Township, **Washington County**.

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

GP-25-1025A: Erie Cemetery—City of Erie (2116 Chestnut Street, Erie, PA 16502) on September 2, 2009, to operate a human crematory (BAQ-GPA/GP-14) at their facility in the City of Erie, **Erie County**.

GP-27-029A: Pennsylvania General Energy Co., LLC (Allegheny National Forest Road 165, Jenks Township, PA 16239) on September 4, 2009, to operate a natural gas production facility (BAQ-GPA/GP-5) at their facility in Jenks Township, **Forest County**.

GP-43-313A: Greenville Regional Hospital—UPMC Greenville (110 North Main Street, Greenville, PA 16125-1795) on September 3, 2009, to operate Storage Tanks for Volatile Organic Liquids (BAQ-GPA/GP-2) at their facility in Greenville, **Mercer County**.

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

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

23-0106: BPG Real Estate Investors Straw Party I, LP (3815 West Chester Pike, Betsy Ross Cottage, Newtown Square, PA 19073) on September 4, 2009, a plan approval for two 20.412 mmBtu/hr Boilers at their Ellis Preserve in Newtown Township, **Delaware County**. This central utilities plant provides for the distribution of certain utilities to all tenants located on the Ellis Preserve campus, and is currently operating under the

State-only Operating Permit No. 23-00106. Two 34.0 mmBtu/hr boilers have been removed from the plant. The new Clever Brooks Boilers utilize low-NOx burners and flue gas recirculation and burn natural gas and No. 2 fuel oil. The facility is subjected to 40 CFR Subpart Dc—New Source Performance Standards for Small Industrial, Commercial, and Institutional Steam—Generating Units. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-0269A: Yellow Book USA, Inc. (2201 Renaissance Boulevard, King of Prussia, PA 19406) on September 4, 2009, to install one 1.5 MW diesel fuel-fired emergency generator to provide backup power at their office building in Upper Merion Township, **Montgomery County**. As a result of potential emissions of NOx, the facility is a State-only facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

03-00245A: T. J. S. Mining, Inc. (2340 Smith Road, Shelocta, PA 15774-2416) on August 31, 2009, to construct and operate the T. J. S. No. 6 Coal Preparation Plant in Plumcreek Township, **Armstrong County**.

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

24-165A: Elkhorn Gas Processing, LLC (5422 Highland Road, Lamont, PA 16365) on September 2, 2009, to construct a new gas processing facility consisting of three compressor engines, a dehydrator, and a storage tank at their facility in Jones Township, **Elk County**. This is a State-only facility.

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.

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

10-355A: Glacial Sand and Gravel Co. (Intersection of Swope and West Liberty Roads, Harrisville, PA 16038) on September 1, 2009, to construct a 400 tph sand and gravel operation previously in **Lawrence County** under Operating Permit 37-00308. This is a State-only facility.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05138: Quality Custom Kitchens, Inc. (125 Peters Road, New Holland, PA 17557-9205) on August 25, 2009, to operate a wooden cabinet manufacturing facility in Earl Township, **Lancaster County**. This Title V Operating Permit was administratively amended to incorporate Plan Approval No. 36-05138A. This is Revision No. 1.

67-05009: York Plant Holding, LLC (P. O. Box 3492, York, PA 17402-0492) on August 27, 2009, to operate their electrical power generating facility in Springettsbury Township, **York County**. This is a renewal of the Title V operating permit.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00167: Parkhouse (1600 Black Rock Road, Royersford, PA 19468) on September 4, 2009, for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in Upper Providence Township, **Montgomery County**. Parkhouse operates two boilers, two emergency generators, laundry dryers, space heaters, a parts washer and a gasoline dispensing facility. The two emergency generators are new, and these generators are subject to the requirements of 40 CFR Part 60, Subpart IIII. The permit contains a facility-wide limit for NOx emissions of less than 25 tpy. The facility has a potential to emit 3.12 tons PM per year, 10 tons SO₂ per year, 13.03 tons CO per year, and 5.15 tons VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00199: Mars Fishcare North America, Inc. (50 East Hamilton Street, Chalfont, PA 18914) on September 4, 2009, for an existing bulk material handling pneumatic conveying system, a dust collector and a vacuum filter receiver system at its facility in Chalfont Borough, **Bucks County**. The system will emit 1.03 tons of PM per year. This facility is a non-Title V (State-only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

54-00015: Sunoco Partners Marketing and Terminals, LP—Tamaqua Terminal (65 Tuscarora State Park Road, Tamaqua, PA 18242-4501) on August 31, 2009, to operate petroleum bulk stations and terminals in Rush Township, **Schuylkill County**. The State-only operating permit includes 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 State-only Synthetic Minor operating permit.

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

06-03010: Brenntag Northeast, Inc. (P. O. Box 13788, 81 West Huller Lane, Reading, PA 19612-3788) on September 1, 2009, to operate their Reading (Huller Lane) chemical distribution facility in Ontelaunee Township, **Berks County**. This is a renewal of the State-only operating permit.

06-05087: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 1, 2009, for their asphalt plant at 1355 Reading Avenue,

Bechtelsville, in Colebrookdale Township, **Berks County**. This is a renewal of the State-only operating permit.

06-05092: Reading Materials, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on September 1, 2009, for their asphalt plant at 148 Angstadt Lane in Cumru Township, **Berks County**. This is a renewal of the State-only operating permit.

22-03052: Harman Home Heating (352 Mountain House Road, Halifax, PA 17032-9733) on August 28, 2009, to construct three paint booths for stove and heating appliance coating operations in Jackson Township, **Dauphin County**. This is a renewal of the State-only operating permit.

67-03145: Weldon Machine Tool, Inc. (1800 West King Street, York, PA 17404-5643) on August 31, 2009, for operation of a coating booth at their facility in West Manchester Township, **York County**.

67-05101: Kinsley Construction, Inc. (P. O. Box 2886, York, PA 17405-2886) on August 27, 2009, for operation of their Global Stone Drum Mix Asphalt Plant in West Manchester Township, **York County**. This is a renewal of the State-only operating permit.

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

25-00883: Millcreek Township Erie County (3608 West 26th Street, Erie, PA 16506-2059) on September 3, 2009, to issue a Natural Minor Operating Permit to operate a hot mix asphalt plant in Millcreek Township, **Erie County**. The facility's primary emission source is a hot mix asphalt process.

25-00996: Advanced Finishing USA (7401 Kleir Drive, Fairview Business Park, Fairview, PA 16415-2462) on September 3, 2009, to issue a Natural Minor Operating Permit to operate a facility that applies plastic powder and surface coatings to industrial equipment, fabrications, extrusions and assorted metal parts in Fairview Township, **Erie County**. The facility's primary emission sources include surface coating operations, a batch process oven and a burn off oven.

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

N08-004: Integrated Power Services (3240 South 78th Street, Philadelphia, PA 19153) on September 4, 2009, to operate a reconditioning of electric rotating machinery facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include a 0.6 mmBtu/hr large burnout oven with a 0.825 mmBTU afterburner, a 0.150 mmBtu/hr small burnout oven with a 0.220 mmBtu/hr afterburner, a baghouse, a paint booth, and a varnish dip tank.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00187: Simsmetal East, LLC (300 South Steel Road, Morrisville, PA 19067) on September 4, 2009, has been amended for change of ownership in Falls Township, **Bucks County**. The amended State-only Operating Per-

mit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits.

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 Applications Returned

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

56070110 and NPDES No. PA0262498. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to add 13.9 acres for the installation of a haulroad, changing the total SMP acres from 282.4 to 296.3 in Stonycreek Township, **Somerset County**, affecting 282.4 acres. Receiving streams: Schrock Run and UNT No. 2 to Glades Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 7, 2009. Application returned September 3, 2009.

Coal Permits Actions

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

03871303 and NPDES Permit No. PA0213667. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to transfer the permit for and related NPDES permit for the Darmac No. 2 Deep Mine in Plumcreek and Washington Townships, **Armstrong County** and Armstrong Township, **Indiana County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. Application received January 6, 2009. Permit issued September 1, 2009.

17823701 and NPDES Permit No. PA0617083. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES Permit for the Bigler Coal Refuse Disposal Area No. 1 in Bradford Township, **Clearfield County** from Energy Resources, Inc. to Rosebud Mining Company and to change the operation name from Refuse Disposal Area No. 1. No additional discharges. Application received September 18, 2008. Permit issued September 1, 2009.

30861601 and NPDES Permit No. PA0214256. Coresco, LLC, (308 Dents Run Road, Morgantown, WV 26501), to transfer the permit for the Dunkard Preparation Plant in Monongahela Township, **Greene County** and related NPDES permit to Coresco, LLC from Cobra

Mining, LLC. No additional discharges. Application received August 1, 2008. Permit issued September 1, 2009

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

32010111 and NPDES No. PA0249050. Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to add 4.3 acres to the total SMP acres in Pine Township, **Indiana County**, affecting 34.6 acres. Receiving streams: a UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2009. Permit issued August 31, 2009.

56080108 and NPDES No. PA0262692. PBS Coals, Inc., 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 391.2 acres. Receiving streams: UNT to Blue Lick Creek, UNT to Swamp Creek and UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 6, 2008. Permit issued August 31, 2009.

56753048 and NPDES No. PA0119954. Gray Mining Company, Inc., 1134 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 296 acres. Receiving stream: Stonycreek classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received November 13, 2008. Permit issued August 31, 2009.

56960110 and NPDES No. PA0234281. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to change land use from woodland to cropland in Brothersvalley Township, **Somerset County**, affecting 312.2 acres. Receiving streams: UNT to and Bluelick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 20, 2009. Permit issued September 3, 2009.

56040101 and NPDES No. PA0249556. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit renewal for reclamation only of a bituminous surface coal refuse removal mine in Black Township, **Somerset County**, affecting 52 acres. Receiving stream: Rhoads Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 13, 2009. Permit issued September 3, 2009.

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

17703032 and NPDES No. PA0610291. River Hill Coal Company, Inc., P. O. Box 141, Kylertown, PA 16847. Permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 116.3 acres. Receiving streams: Moshannon Creek to West Branch Susquehanna to Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2009. Permit issued August 25, 2009.

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

54030201R and NPDES Permit No. PA0224324. Timber Coal Co., LLC, P. O. Box 188, Sacramento, PA 17968, renewal of an existing anthracite surface mine operation in Hegins and Porter Townships, **Schuylkill County** affecting 300 acres, receiving stream: East Branch Rausch Creek. Application received August 1, 2008. Renewal issued August 31, 2009.

54030201T and NPDES Permit No. PA0224324. Timber Coal Co., LLC, P. O. Box 188, Sacramento, PA 17968, transfer of an existing anthracite surface mine operation in Hegins and Porter Townships, **Schuylkill County** affecting 300 acres, receiving stream: East Branch Rausch Creek. Application received December 15, 2008. Transfer issued August 31, 2009.

40980101T. Hazleton Materials, LLC, 2052 Lucon Road, Skippack, PA 19474, transfer of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 1,261.0 acres, receiving stream: none. Application received November 14, 2008. Transfer issued September 3, 2009.

Noncoal Applications Returned

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

16082805. Pioneer Oil and Gas Field Services, LP, P. O. Box 368, Elderton, PA 15736, commencement, operation and restoration of a small noncoal sandstone operation in Ashland Township, **Clarion County** affecting 5 acres. Receiving stream: Cogley Run. Application received June 26, 2008. Permit Withdrawn August 31, 2009.

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

14900301 and NPDES No. PA0206229. Glenn O. Hawbaker, Inc., 711 East College Avenue, Bellefonte, PA 16823. Revision of an existing large, noncoal surface mine to modify water handling system in Spring Township, **Centre County**, affecting 282.1 acres. Receiving streams: Logan Branch to Spring Creek to Bald Eagle Creek to West Branch Susquehanna River, classified for the following uses: CWF, CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received October 2, 2007. Application withdrawn September 1, 2009.

Noncoal Permits Actions

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

44950803. Doug Sellers, 211 Greenbrier Road, Lewistown, PA 17044, bond release on a small noncoal (industrial minerals) operation in Bratton Township, **Mifflin County**, affecting 5 acres. Receiving streams: no discharge. Application received May 1, 2009. Permit issued August 25, 2009.

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

03090802. David Jay Edwards, 123 Wishbone Drive, Ford City, PA 162260. Permit issued for commencement, operation, and reclamation of a small noncoal (shale) surface mining site located in Manor Township, **Armstrong County**, affecting 2.3 acres. Receiving stream: UNT to Garrets Run. Application received March 27, 2009. Permit issued September 3, 2009.

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

25092802. J. D. Diversified Services, Inc., 3463 Beaver Street, Springboro, PA 16435, commencement, operation and restoration of a small noncoal sand and gravel operation in Springfield Township, **Erie County** affecting 5 acres. Receiving streams: UNT to Crooked Creek. Application received June 16, 2009. Permit Issued August 27, 2009.

20082806. A. A. Ames, Inc., 17162 Shreve Run Road, Pleasantville, PA 16341, commencement, operation and restoration of a small noncoal sandstone operation in Oil Creek Township, **Crawford County** affecting 5 acres. Receiving streams: UNT to McLaughlin Creek. Application received November 6, 2008. Permit Issued September 4, 2009.

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

58090814. John Nelson, 4018 Starrucca Road, Thompson, PA 18465, commencement, operation and restoration of a quarry operation in Thompson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received May 18, 2009. Permit issued September 2, 2009.

58090815. Richard C. Pompey, R. R. 1, Box 1125, Nicholson, PA 18446, commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 1 acre, receiving stream: none. Application received June 10, 2009. Permit issued September 2, 2009.

58080853. Harold N. Lewis, R. R. 6, Box 6178, Montrose, PA 18801, commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 3 acres, receiving stream: none. Application received June 30, 2009. Permit issued September 2, 2009.

40080301. Hazleton Materials, LLC, 2052 Lucon Road, Skippack, PA 19474, commencement, operation and restoration of a quarry operation in Foster Township, **Luzerne County** affecting 164 acres, receiving stream: none. Application received September 2, 2008. Permit issued September 3, 2009.

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.

21094135. J. Roy's, Inc., P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for utility development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is August 24, 2010. Permit issued August 26, 2009.

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

09094106. Schlouch, Inc., P. O. Box 69, Blandon, PA 19510, construction blasting for Walnut Grove Development in Lower Southampton Township, **Bucks County** with an expiration date of August 25, 2010. Permit issued August 31, 2009.

06094112. J. Roy's, Inc., P. O. Box 125, Bowmansville, PA 17507, construction blasting for Iron Mountain—Thousand Oaks in Caernarvon Township, **Berks County** with an expiration date of September 5, 2010. Permit issued September 2, 2009.

35094108. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for Leon Walczak Lumber in Greenfield Township, **Lackawanna County** with an expiration date of August 25, 2010. Permit issued September 2, 2009.

36094159. Keystone Blasting Service, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for a manure pit in Upper Leacock Township, **Lancaster County** with an expiration date of October 30, 2009. Permit issued September 2, 2009.

66094104. M and J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013, construction blasting for Citris PG3V pipeline in Meshoppen and Washington Townships, **Wyoming County** with an expiration date of August 10, 2010. Permit issued September 2, 2009.

64094004. Northeast Blasting, 403 Middle Street, Honesdale, PA 18431, construction blasting for the Bob Boogertman House and Driveway Project in Paupack Township, **Wayne County** with an expiration date of August 17, 2010. Permit issued September 3, 2009.

36094160. Gerlach's Drilling and Blasting, 172 Bender Mill Road, Lancaster, PA 17603, construction blasting for Kingsley Subdivision in West Lampeter Township, **Lancaster County** with an expiration date of September 1, 2010. Permit issued September 3, 2009.

58094104. Meshoppen Blasting, Inc., P. O. Box 127, Meshoppen, PA 18630, construction blasting for Hoover Pad in Dimock Township, **Susquehanna County** with an expiration date of September 30, 2009. Permit issued September 3, 2009.

58094105. Meshoppen Blasting, Inc., P. O. Box 127, Meshoppen, PA 18630, construction blasting for Heitzman Water Truck Storage Pad in Dimock Township, **Susquehanna County** with an expiration date of September 30, 2009. Permit issued September 3, 2009.

67094118. J. Roy's, Inc., P. O. Box 125, Bowmansville, PA 17507, construction blasting for Mt. Wolf Sewer Treatment Plant in Mt. Wolf Borough, **York County** with an expiration date of September 4, 2010. Permit issued September 3, 2009.

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 AT&T 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-345. Marple Associates, LP, 1604 Walnut Street, 4th Floor, Philadelphia, PA 19103, Marple Township, **Delaware County**, United States Army Corps of Engineers, Philadelphia District.

To extend and maintain the existing 340-foot long, 18-foot wide and 9-foot rise concrete box culvert across Langford Run (WWF, MF) approximately 30 feet on the upstream side associated with the construction of new Langford Run Road. This work also includes the construction and maintenance of the associated concrete head wall and wing walls.

This project connects West Chester Pike (SR 0003) and Langford Road located in Marple Township, Delaware County (Lansdowne, PA USGS Quadrangle N: 18 inches; W: 13 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E09-885. Highglen-Pineville Quakertown Associates, LP, 8120 Old York Road, Elkins Park, PA 19027,

Richland Township, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following activities associated with the Trainers Corner Shopping Center:

1. To place and maintain fill in 0.11 acre of wetlands (PEM) associated with the construction of the proposed SR 03909 multidirectional access drive. The construction of this access drive may also temporarily impact wetlands.

2. To extend an existing 48-inch stormwater outfall structure (EW 1) into wetlands associated with the construction of the proposed access drive.

3. To construct and maintain a 15-inch stormwater outfall structure (EW 2) into wetlands associated with the construction of the proposed access drive.

4. To modify an existing stream enclosure consisting of two pipes, a 48-inch RCP, and a 29-inch by 45-inch RCP. This enclosure which carries a UNT to Tohicken Creek (TSF) across SR 0309 was previously authorized by an encroachment Permit No. E09-738. The existing 29-inch by 45-inch RCP structure will be extended upstream by construction of 75 linear feet of twin 19-inch by 30-inch RCP and associated endwall. The existing 48-inch RCP structure will be modified by replacing the upstream 15 linear feet of pipe and endwall and placing a junction box and stormwater outfall associated with the proposed inlet 6.

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

E22-547. Steelton Borough, Jeffrey Wright, 123 North Front Street, Steelton, PA, 17112, Steelton Borough, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 48-inch SLCPP outfall to the Susquehanna River WWF temporarily impacting 0.03 acre of palustrine emergent wetlands (Hershey, PA Quadrangle N: 16.5 inches; W: 8.0 inches, Latitude: 40° 12' 32"; Longitude: 76° 48' 4") for the purpose of separating Steelton Borough's combined sewer system in Steelton Borough, Dauphin County.

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

E08-456. East Resources, Inc., 301 Brush Creek Road, Warrendale, PA 22203. Water Obstruction and Encroachment Joint Application, Troy Gas Gathering Pipeline, in Alba Borough, Canton, Troy and Armenia Townships, **Bradford County** and McNett Township, **Lycoming County**, United States Army Corps of Engineers, Baltimore District (Canton, PA Quadrangle N: 41° 45' 33"; W: 76° 54' 43").

To construct, operate and maintain 18.5 miles of 12-inch and 2 miles of 6-inch natural gas pipeline within the Susquehanna River Watershed (WWF). Construction of the pipeline will require 40 stream and 29 wetland crossings as follows:

| <i>Stream Name</i> | <i>Chapter 93 Designation</i> | <i>Latitude</i> | <i>Longitude</i> |
|-----------------------------------|-----------------------------------|-----------------|------------------|
| <i>~ Wetlands ~</i> | | | |
| Alba Creek | CWF | 76° 50' 00" | 41° 42' 57" |
| Alba Creek | CWF | 76° 49' 19" | 41° 42' 41" |
| Alba Creek | CWF | 76° 49' 13" | 41° 42' 41" |
| Alba Creek | CWF | 76° 49' 10" | 41° 42' 44" |
| Alba Creek | CWF | 76° 49' 04" | 41° 42' 47" |
| Alba Creek | CWF | 76° 48' 57" | 41° 42' 47" |
| Alba Creek | CWF | 76° 48' 32" | 41° 41' 39" |
| Alba Creek | CWF | 76° 48' 26" | 41° 41' 29" |
| Alba Creek | CWF | 76° 48' 18" | 41° 41' 12" |
| Alba Creek | CWF | 76° 48' 18" | 41° 41' 02" |
| Alba Creek | CWF | 76° 48' 16" | 41° 40' 05" |
| Alba Creek | CWF | 76° 48' 22" | 41° 39' 37" |
| Towanda Creek | CWF | 76° 48' 23" | 41° 39' 09" |
| Towanda Creek | CWF | 76° 48' 23" | 41° 39' 08" |
| Towanda Creek | CWF | 76° 48' 23" | 41° 39' 05" |
| Beech Flats Creek | CWF | 76° 49' 05" | 41° 38' 14" |
| Beech Flats Creek | CWF | 76° 49' 23" | 41° 37' 40" |
| Beech Flats Creek | CWF | 76° 49' 40" | 41° 37' 28" |
| Towanda Creek | CWF | 76° 49' 57" | 41° 37' 09" |
| Towanda Creek | CWF | 76° 50' 21" | 41° 36' 48" |
| Towanda Creek | CWF | 76° 50' 43" | 41° 36' 38" |
| Lycoming Creek | HQ-CWF | 76° 51' 34" | 41° 35' 48" |
| Lycoming Creek | HQ-CWF | 76° 51' 56" | 41° 34' 47" |
| Lycoming Creek | HQ-CWF | 76° 51' 57" | 41° 34' 46" |
| Lycoming Creek | HQ-CWF | 76° 52' 50" | 41° 34' 38" |
| Lycoming Creek | HQ-CWF | 76° 53' 28" | 41° 34' 30" |
| Lycoming Creek | HQ-CWF | 76° 53' 30" | 41° 34' 29" |
| Lycoming Creek | HQ-CWF | 76° 53' 32" | 41° 34' 29" |
| Cascade Run | HQ-CWF | 76° 54' 15" | 41° 34' 37" |
| <i>~ Streams~</i> | | | |
| UNT of North Branch Towanda Creek | CWF | 76° 50' 23" | 41° 44' 01" |
| UNT of North Branch Towanda Creek | CWF | 76° 50' 21" | 41° 43' 51" |
| North Branch Towanda Creek | CWF | 76° 50' 21" | 41° 43' 50" |
| UNT of North Branch Towanda Creek | CWF | 76° 50' 22" | 41° 43' 41" |
| UNT of Alba Creek | CWF | 76° 50' 02" | 41° 42' 58" |
| UNT of Alba Creek | CWF | 76° 48' 56" | 41° 42' 47" |
| UNT of North Branch Towanda Creek | CWF | 76° 48' 35" | 41° 42' 25" |
| UNT of Alba Creek | CWF | 76° 48' 31" | 41° 41' 38" |
| UNT of Alba Creek | CWF | 76° 48' 26" | 41° 41' 28" |
| UNT of Alba Creek | CWF | 76° 48' 19" | 41° 41' 14" |
| UNT of Alba Creek | CWF | 76° 48' 17" | 41° 41' 03" |
| UNT of Alba Creek | CWF | 76° 48' 20" | 41° 41' 00" |
| UNT of Alba Creek | CWF | 76° 48' 12" | 41° 40' 26" |
| Towanda Creek | CWF | 76° 48' 24" | 41° 39' 25" |
| UNT of Towanda Creek | CWF | 76° 48' 37" | 41° 38' 55" |
| UNT of Beech Flats Creek | CWF | 76° 49' 05" | 41° 38' 18" |

| <i>Stream Name</i> | <i>Chapter 93 Designation</i> | <i>Latitude</i> | <i>Longitude</i> |
|--------------------------|-----------------------------------|-----------------|------------------|
| UNT of Beech Flats Creek | CWF | 76° 49' 17" | 41° 37' 53" |
| UNT of Towanda Creek | CWF | 76° 49' 58" | 41° 37' 05" |
| UNT of Towanda Creek | CWF | 76° 50' 21" | 41° 36' 49" |
| UNT of Towanda Creek | CWF | 76° 50' 44" | 41° 36' 37" |
| UNT of Towanda Creek | CWF | 76° 50' 59" | 41° 36' 25" |
| UNT of Towanda Creek | CWF | 76° 51' 23" | 41° 36' 10" |
| UNT to Lycoming Creek | HQ-CWF | 76° 51' 34" | 41° 35' 47" |
| UNT to Lycoming Creek | HQ-CWF | 76° 51' 35" | 41° 35' 46" |
| UNT to Lycoming Creek | HQ-CWF | 76° 51' 38" | 41° 35' 34" |
| UNT to Lycoming Creek | HQ-CWF | 76° 51' 39" | 41° 35' 32" |
| UNT to Lycoming Creek | HQ-CWF | 76° 51' 39" | 41° 35' 31" |
| UNT to Lycoming Creek | HQ-CWF | 76° 51' 40" | 41° 35' 30" |
| UNT to Hawk Run | HQ-CWF | 76° 51' 57" | 41° 34' 46" |
| UNT of Lycoming Creek | HQ-CWF | 76° 52' 49" | 41° 34' 39" |
| UNT of Lycoming Creek | HQ-CWF | 76° 53' 21" | 41° 34' 31" |
| UNT to Lycoming Creek | HQ-CWF | 76° 53' 29" | 41° 34' 30" |
| Cascade Run | HQ-CWF | 76° 54' 08" | 41° 34' 38" |
| UNT of Cascade Run | HQ-CWF | 76° 54' 08" | 41° 34' 38" |
| UNT of Cascade Run | HQ-CWF | 76° 54' 09" | 41° 34' 38" |
| UNT of Cascade Run | HQ-CWF | 76° 54' 12" | 41° 34' 37" |
| UNT of Cascade Run | HQ-CWF | 76° 54' 13" | 41° 34' 37" |
| Hawk Run | CWF | 76° 51' 35" | 41° 34' 42" |
| UNT of Hawk Run | CWF | 76° 51' 30" | 41° 34' 42" |
| UNT of Hawk Run | CWF | 76° 51' 30" | 41° 34' 42" |

All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project temporarily impacts 2.49 acres of emergent wetland, 3.06 acres of scrub/shrub wetland and 0.03 acre of forested wetland. The project is centered south of SR 0414 approximately 2 miles east of the village of Canton, in Alba Borough, Canton, Troy and Armenia Townships, Bradford County and McNett Township, Lycoming County.

E14-523. Robyn Graboski, Randall Romesberg, Wendell and Ella Williams, and Kerry E. and Debra M. Becker, Engineering District 2-0, 1924—1930 Daisy Street, Clearfield, PA 16830. Kirstyn Lane drainage improvements, in Worth Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Port Matilda, PA Quadrangle N: 40° 49' 14"; W: 78° 1' 7").

To construct and maintain: 1) a 944-foot long rock-lined interceptor ditch; 2) a 29-inch by 45-inch elliptical reinforced concrete pipe with a Type D-E modified headwall, a Type D-W endwall and 26-foot long by 38-foot wide R-6 rock outlet apron to replace an existing 18-inch diameter corrugated plastic road crossing culvert and outlet; and 3) removal of three small existing cross pipes under Kirstyn Lane that will not be needed with the new interceptor

ditch, located 350 feet west of the intersection of Kirstyn Lane and SR 322. This permit also includes 401 Water Quality Certification.

E57-115. Garden Spot Hunting Club, c/o Christopher L. Hurst, 1750 Furnace Hill Road, Denver, PA 17517. Small Projects Water Obstruction and Encroachment Joint Permit, in Elkland Township, **Sullivan County**, United States Army Corps of Engineers, Susquehanna River Basin District (Shunk, PA Quadrangle N: 41° 34' 58"; W: 76° 38' 25").

To construct and maintain a residential addition measuring 12 feet by 26 feet in nondelineated floodway of a UNT to Elk Creek, all of which is located along the northern right-of-way of North Street 1.7 miles east of the intersection with SR 4007, in Elkland Township, Sullivan County. This permit was issued under Section 105.13(e) "Small Projects."

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

E26-352. Shallenberger Construction Company, 2611 Memorial Boulevard, Connellsville, PA 15425. To construct a water treatment facility in the floodway in Masontown Borough, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District (Masontown, PA Quadrangle N: 18.9 inches; W: 6.9 inches, Latitude: 39° 51' 15"; Longitude: 79° 55' 27"). To construct and maintain a discharge pipe associated with an industrial water treatment facility in the floodway of the Monongahela River (WWF) and to construct and

maintain its outfall structure in the bank and above normal pool elevation of said river. The purpose of the project is to treat industrial waste water produced during gas well drilling and extraction. The project is located approximately 500 feet from the SR 21 Bridge.

E02-1577. One Hundred, Limited, 60 Port Perry Road, North Versailles, PA 15137. To install a culvert and place fill in wetlands in North Versailles Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Braddock, PA Quadrangle N: 2.7 inches; W: 9.9 inches, Latitude: 40° 23' 24"; Longitude: 79° 49' 14"). To construct and maintain the following structures and channels located within UNTs to Turtle Creek (WWF) having drainage areas less than 100 acres:

1. 280 linear feet stream enclosure of UNT-1 with an 18-inch diameter pipe for the placement of fill for the development; and 760 linear feet of fill in the floodway of UNT-1; and stream improvement at the lower end of the project. Three rock-lined outfalls in UNT-1 from three stormwater ponds.

2. 130 linear feet stream enclosure of UNT-3 with an 18-inch diameter pipe for the placement of fill for the development and an access road for a proposed stormwater pond.

3. 230 linear feet stream enclosure of UNT-5 with an 18-inch diameter pipe for the placement of fill for a proposed stormwater pond.

4. 210 linear feet stream enclosure of UNT-6 with an 18-inch diameter pipe for the placement of fill for a proposed stormwater pond.

5. 305 linear feet stream enclosure of a UNT (EPH1) with an 18-inch diameter pipe for the placement of fill for the development.

6. 370 linear feet stream enclosure of a UNT (EPH6) with an 18-inch diameter pipe for the placement of fill for the development.

7. To place and maintain fill in 0.009 acre of PEM wetland associated with the development.

For the purpose of constructing of a proposed residential development (Longvue at North Versailles) located between Greensburg Pike and East Pittsburgh/McKeesport Boulevard (Braddock, PA Quadrangle N: 3.3 inches; W: 10.4 inches, Latitude: 40° 23' 35"; Longitude: 79° 49' 29") in North Versailles Township, **Allegheny County**. This project will impact 3,105 feet of seven UNTs to Turtle Creek. To compensate for the impacts the permittee shall construct and maintain a 990-foot long mitigation channel, which replaces 820 feet of a UNT to Turtle Creek (EPH3). The new channel shall have plantings within the riparian corridor between 20 to 50 feet in width. As part of the new mitigation channel a 98-foot long, 24-inch diameter culvert, under the proposed Chateau Ridge, and a 235-foot long, 24-inch diameter, stream enclosure under the proposed Cascade Terrace will be constructed and maintained.

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

E33-235. Open Flow Gas Supply Corporation, 90 Beaver Drive, Suite 110 B, DuBois, PA 15801. Beaver Meadow Run Gas Pipeline Crossings, in Snyder Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Carman, Hazen and Munderf, PA Quadrangles N: 41° 15' 3"; W: 78° 52' 50").

To construct and maintain a 9,247-foot long natural gas pipeline involving the crossing by means of boring of two channels of Beaver Meadow Run (EV) and the crossing by means of boring of an approximately 400-foot length of exceptional value wetlands adjacent to Beaver Meadow Run.

ENVIRONMENTAL ASSESSMENTS

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

EA33-050. Mill Creek Coalition, 6 East 8th Street, Clarion, PA 16214, Glenn Site 19 Abandoned Mine Drainage Treatment System, in Union Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Corsica, PA Quadrangle N: 41° 11' 25"; W: 79° 12' 18").

The applicant will construct, operate and maintain a passive treatment system to treat at least four discreet abandoned mine drainage discharges impacting a UNT to Little Mill Creek. The discharges have approximate flows of approximately 25 to 100 gpm. The passive treatment shall consist of an anoxic limestone drain to generate alkalinity, an aerobic pond for the oxidation, precipitation and settling of iron, and a limestone basin for removal of high manganese concentrations. The project intends to reduce abandoned mine drainage pollution to the UNT, leading to restoration of water quality sufficient to sustain aquatic life, to decrease the overall abandoned mine drainage impacts to Little Mill Creek, and to provide sufficient alkalinity to the tributary to neutralize additional acidity in Little Mill Creek. Little Mill Creek is a perennial stream classified as a HQ-CWF.

This Environmental Assessment was originally published on July 25, 2009 as EA33-001.

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D28-012EA. Richard Shoop, 13278 Stonewall Road, Shippensburg, PA 17257-9138. Southampton Township, **Franklin and Cumberland Counties**, United States Army Corps of Engineers, Baltimore District. Project proposes to breach and remove Lower Dam across Middle Spring Creek (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 1,200 feet of stream channel. The dam is located approximately 1,000 feet southwest of the intersection of Middle Spring (T334) and Fish Hatchery Roads (T304) (Shippensburg, PA Quadrangle Latitude: 40° 04' 45"; Longitude: -77° 03' 34").

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T 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 to 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 decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Southwest Region: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

08/25/09

ESCGP-1 No.: ESX09-059-0034
 Applicant Name: EQT Gathering, LLC
 Contact Person: Hanna E. McCoy
 Address: 625 Liberty Avenue
 City: Pittsburgh State: PA Zip Code: 15222
 County: Greene Township(s): Morris
 Receiving Stream(s) and Classifications: Brown's Creek, HQ-WWF, HQ

08/25/09

ESCGP-1 No.: ESX09-059-0036
 Applicant Name: EQT Production Company
 Contact Person: Todd Klaner
 Address: 225 North Shore Drive, 3rd Floor
 City: Pittsburgh State: PA Zip Code: 15212
 County: Greene Township(s): Morgan
 Receiving Stream(s) and Classifications: Brown's Run, Other

08/27/09

ESCGP-1 No.: ESX09-125-0031
 Applicant Name: MarkWest Liberty Midstream and Resources
 Contact Person: Robert McHale
 Address: 100 Plaza Drive, Suite 102
 City: Atlasburg State: PA Zip Code: 15004
 County: Washington Township(s): Hopewell
 Receiving Stream(s) and Classifications: Cross Creek, HQ

08/27/09

ESCGP-1 No.: ESX09-125-0031
 Applicant Name: MarkWest Liberty Midstream and Resources
 Contact Person: Robert McHale
 Address: 100 Plaza Drive, Suite 102
 City: Atlasburg State: PA Zip Code: 15004
 County: Washington Township(s): Mt. Pleasant
 Receiving Stream(s) and Classifications: Chartiers Run, Other

08/27/09

ESCGP-1 No.: ESX09-059-0037
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene Township(s): Dunkard
 Receiving Stream(s) and Classifications: Ohio Basin, Subbasin Number 19, Watershed G, Other

08/27/09

ESCGP-1 No.: ESX09-125-0029
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Washington Township(s): Deemston
 Receiving Stream(s) and Classifications: UNT to Tenmile Creek, Other

08/27/09

ESCGP-1 No.: ESX09-059-0033
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Greene Township(s): Monongahela
Receiving Stream(s) and Classifications: UNT to Whiteley Creek, Other

08/27/09

ESCGP-1 No.: ESX09-129-0021
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Westmoreland Township(s): Sewickley
Receiving Stream(s) and Classifications: Pinkerton Run, Other

08/27/09

ESCGP-1 No.: ESX09-129-0019
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Westmoreland Township(s): South Huntingdon
Receiving Stream(s) and Classifications: Painter's Run, Other

08/27/09

ESCGP-1 No.: ESX09-129-0020
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Westmoreland Township(s): South Huntingdon
Receiving Stream(s) and Classifications: Painter's Run, Other

08/27/09

ESCGP-1 No.: ESX09-051-0027
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Fayette Township(s): Nicholson
Receiving Stream(s) and Classifications: UNT to Monongahela River, Other

08/27/09

ESCGP-1 No.: ESX09-125-0026
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Washington Township(s): Deemston
Receiving Stream(s) and Classifications: UNT to Plum Run, Other

08/27/09

ESCGP-1 No.: ESX09-059-0031
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Greene Township(s): Monongahela and Cumberland
Receiving Stream(s) and Classifications: UNT to Goose Run, Other

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

Washington County Conservation District: 100 West Beau Street, Suite 105, Washington, PA 15301-4447, (724) 228-6774.

| <i>ESCGP-1 No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--------------------|--|---------------|---|---|
| 63 09 8 011 | Columbia Gas Transmission, LLC 1700 MacCorkle Avenue Southeast Charleston, WV 25314 | Washington | Blaine, Donegal, Hopewell, Mount Pleasant and West Finley Townships | UNT to Spotted Tail Creek WWF Spotted Tail Creek WWF Benham Run WWF UNT to Beham Run WWF UNT to Robinson Fork WWF UNT to Middle Wheeling Creek WWF UNT to Bonar Creek HQ-WWF Bonar Creek HQ-WWF Dutch Fork HQ-WWF UNT to Dutch Fork HQ-WWF UNT to Buck Run HQ-WWF UNT to Buffalo Creek HQ-WWF Buffalo Creek HQ-WWF Brush Run HQ-WWF UNT to Brush Run HQ-WWF Cross Creek HQ-WWF |

Westmoreland County Conservation District: 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

| <i>ESCGP-1 No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--------------------|---|---------------|-----------------------|----------------------------|
| 65 09 803 | Ray Reed Dominion Peoples Gas Company 432 Hyde Park Road Leechburg, PA 15656 | Westmoreland | City of Lower Burrell | Pucketa Creek TSF |

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

| <i>SSIP Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Tank Type</i> | <i>Tank Capacity</i> |
|------------------------|---|---------------|---------------------|--|-------------------------|
| 09-40-008 | MPW Industrial Water Services, Inc. 420 Stewart Road Wilkes-Barre, PA 18706-1457 Attn: Vishal Jain | Luzerne | Hanover Township | 3 ASTs storing hazardous substances | 40,674 gallons total |

| <i>SSIP Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Tank Type</i> | <i>Tank Capacity</i> |
|------------------------|--|---------------|-------------------------|--------------------------|----------------------|
| 09-15-003 | Sunoco Partners Marketing and Terminals, LP 525 Fritztown Road Sinking Spring, PA 19608 Attn: Jed A. Werner | Chester | West Whiteland Township | 2 ASTs storing biodiesel | 64,000 gallons total |

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 2009, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|---|---|------------------------------|
| Ronald Black | 1063 Mosser Road H-107 Breinigsville, PA 18031 | Testing |
| George Curry | 505 Philmar Court Unit B Springfield, PA 19064 | Mitigation |
| Richard Delaney, Jr. | 275 Pioneer Road Franklin, PA 16323 | Testing |
| Tony Domingues | 584 North Krocks Road Allentown, PA 18106 | Testing |
| Harlan Glebe | 1370 Horseshoe Drive Blue Bell, PA 19422 | Testing |
| Joseph Hancaviz | 406 Cherry Hill Road Nazareth, PA 18064 | Testing |
| Ross Hartley | 115 Hospital Road Gettysburg, PA 17325 | Testing |
| Brian Kampi | 2175 Ridge Drive Mars, PA 16046 | Testing |
| Kevin Kerr | 363 Hill Road Honey Brook, PA 19344 | Testing |
| Anthony LaMastra A. B. E. Radiation Measurements | 1005 Old 22 Lenhartsville, PA 19534 | Testing and Laboratory |
| Stephen Maurer | 3633 Buttonwood Drive Doylestown, PA 18902 | Testing |
| Robert Meyer, Jr. Central Penn Radon, Inc. | 247 Mine Bank Road Wellsville, PA 17365 | Testing |
| Lawrence Nies | 11021 May Road Wattsburg, PA 16442 | Mitigation |
| Rachelle Painter | 780 Pierson Run Road Pittsburgh, PA 15239 | Testing |
| Dominick Peda | 40 North Feathering Road Media, PA 19063 | Testing |
| Gerald Raible | 561 Janet Drive North Huntingdon, PA 15642 | Testing |
| Lynne Russell | 80 Cedar Ridge Road Hawley, PA 18428 | Testing |
| Martin Smith U.S. Inspect, LLC | 3650 Concorde Parkway No. 100 Chantilly, VA 20151 | Laboratory |

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|-------------------|---|------------------------------|
| James Stever | 411 Fifth Street Ocean City, NJ 08226 | Mitigation |
| Terry Wigfield | 222 East Oak Ridge Avenue Hagerstown, MD 21740 | Testing |
| William J. Wright | 768 SR 307 Moscow, PA 18444 | Testing |

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

Project Notification: WHS Coal Company, PBF 56793078.4, Mine Drainage Treatment Project; Stonycreek Township, **Somerset County.** The site is located on lands of Mark S. Pavlic and of Ray Carver. The work will include rehabilitating existing passive treatment ponds. This project issues on September 5, 2009. Project documents will be at the preproposal meeting. A mandatory preproposal meeting will be conducted at the site on September 16, 2009; call for time and directions. Proposals will be opened on September 23, 2009. Contractors must obtain a Coal Mining License to qualify for the final award as per 25 Pa. Code § 86.189. Act 181 proposals shall be submitted to Attn: Malcolm Crittenden, Department of Environmental Protection, 286 Industrial Park, Ebensburg, PA 15931. For more information call, Malcolm Crittenden, (814) 472-1908 or mcrittende@state.pa.us.

Project Notification: H & H Coal, PBF 56783046.3, Mine Drainage Treatment Project; Brothersvalley Township, **Somerset County.** The site is located on lands of James E. and Mary Ann Long. The work will include rehabilitating existing passive treatment ponds. This project issues on September 5, 2009. Project documents will be available at the preproposal meeting. A mandatory preproposal meeting will be conducted at the site on September 16, 2009; call for time and directions. Proposals will be opened on September 23, 2009. Contractors must obtain a Coal Mining License to qualify for the final award as per 25 Pa. Code § 86.189. Act 181 proposals shall be submitted to Attn: Malcolm Crittenden, Department of Environmental Protection, 286 Industrial Park, Ebensburg, PA 15931. For more information call, Malcolm Crittenden, (814) 472-1908 or mcrittende@state.pa.us.

[Pa.B. Doc. No. 09-1727. Filed for public inspection September 18, 2009, 9:00 a.m.]

effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for NPDES permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits through August 31, 2009.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the credit or offset proposal must be approved; (2) it must be verified; and (3) it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. All of the proposals, certifications and registrations described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 74 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 47 have been approved, one has been withdrawn and the remaining need additional clarification prior to certification.

Nutrient and Sediment Reduction Credit Trading Program

The Department of Environmental Protection (Department) provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken in relation to the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID No. 392-0900-001) (See 36 Pa.B. 7999 (December 30, 2006)). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-

Proposals under Review

There are no new proposals.

Certifications:

| <i>Applicant and proposal description</i> | <i>Nitrogen Credits</i> | <i>Phosphorus Credits</i> |
|---|-------------------------|---------------------------|
| 1. Lancaster County Conservation District: credits generated by exporting poultry manure from Lancaster to location outside of the watershed. | 43,055 | 5,382 |
| 2. AET Agriculture Consulting: Nitrogen credits are to be generated from off-stream watering with stream fencing (pasture), precision grazing and stream restoration on conventional till and pasture. Once a copy of the grazing plan is received and acknowledged, these credits can be sold for use by a purchaser to meet Chesapeake Bay nutrient reduction requirements. | 1,151 | |

Verifications and Registrations:

To date, there are no verifications and registrations.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: Nutrient Trading).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1728. Filed for public inspection September 18, 2009, 9:00 a.m.]

Temporary Radioactive Material Regulatory Relief

Pennsylvania is a U.S. Nuclear Regulatory Commission (NRC) Agreement State and has incorporated by reference many NRC regulations. The NRC has issued an "Exemption from 10 CFR Part 32 and 10 CFR Part 35 requirements on procurement and transfer for technetium-99m, and calibration of instrumentation using technetium-99m." Details of the exemption are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the exemption is ML091960585.

The Department of Environmental Protection (Department), Bureau of Radiation Protection, concurs with this exemption while there is a shortage of technetium-99m. Pennsylvania licensees should monitor the *Pennsylvania Bulletin* and the Department's web site for additional related information in the future.

Technetium-99m is a radioactive material that is used in approximately 16 million nuclear medicine procedures each year in the United States. The procedures include: detection and staging of cancer; detection of heart disease; detection of thyroid disease; study of brain and kidney function; and imaging of stress fractures. In addition to pinpointing the underlying cause of disease, physicians can see how disease is affecting other functions in the body.

For further information, contact Joseph M. Melnic, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-3720; or Andrew Bockis, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1729. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Westmoreland County

The Department of General Services will accept bids for the purchase of over 0.32-acre + of land and building formerly known as the Latrobe National Guard Armory located at 1017 Ridge Avenue, City of Latrobe, Westmoreland County. Bids are due Monday, November 9, 2009. Interested parties wishing to receive a copy of Solicitation No. 94302 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 09-1730. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Department Authorized Infant Formula Manufacturers, Wholesalers, Distributors and Retailers

Under 28 Pa. Code § 1105.3(a)(17) (relating to terms and conditions of participation), the WIC Program publishes notice of where to obtain the list of Department of Health authorized infant formula manufacturers, wholesalers, distributors and retailers. The list can be found at either of the following web links: http://www.pawic.com/retail/alerts/2005-11-02_Actual_List_of_Licensed_Infant_Formula_Sellers.pdf or <https://wic.health.state.pa.us/vendorassistant/>.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Chris Harr at Department of Health, Division of WIC, 2150 Herr Street, Harrisburg,

PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1731. Filed for public inspection September 18, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(c)(3) (relating to nurses' station).

Fox Subacute at Mechanicsburg
120 South Filbert Street
Mechanicsburg, PA 17055

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotope, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1732. Filed for public inspection September 18, 2009, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2009, through December 31, 2009, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.11 |
| Beans/Peas—Dry, 16 oz. | \$1.53 |
| Canned Fish—Pink Salmon | \$2.33 |
| Canned Fish—Sardines | \$1.41 |
| Canned Fish—Tuna | \$1.07 |
| Cereal (per oz.) | \$0.32 |
| Cheese, 16 oz. | \$6.17 |
| Eggs | \$1.51 |
| Gerber Infant Cereal, 8 oz. | \$2.01 |
| Infant Fruits, 100%, 4 oz. | \$0.59 |
| Infant Vegetables, 100%, 4 oz. | \$0.59 |
| Infant Meats, 100%, 2.5 oz. | \$1.05 |
| Juice, 11.5/12 oz. | \$2.28 |
| Juice, 48 oz. | \$3.36 |
| Juice, 64 oz. | \$3.79 |
| Kosher Cheese | \$6.92 |
| Kosher Low Fat Milk, quart | \$1.33 |
| Kosher Low Fat Milk, 1/2 gallon | \$1.74 |
| Kosher Whole Milk, quart | \$1.35 |
| Kosher Whole Milk, 1/2 gallon | \$2.22 |
| Milk, Dry, 16 oz. | \$6.03 |
| Milk, Evaporated, 12 oz. | \$1.25 |
| Milk, Low Fat, quart | \$1.18 |
| Milk, Low Fat, 1/2 gallon | \$2.10 |
| Milk, Low Fat Lactose Free, quart | \$2.12 |
| Milk, Whole, quart | \$1.20 |
| Milk, Whole, 1/2 gallon | \$2.15 |
| Milk, Whole Lactose Free, quart | \$2.12 |
| Milk, Whole Lactose Free, 1/2 gallon | \$3.71 |
| Peanut Butter | \$2.68 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 32 oz. | \$3.45 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 64 oz. | \$3.02 |
| Tofu—Soy Boy/House Premium, 12/16 oz. | \$2.51 |
| Whole Grain—Bread, 16 oz. | \$3.59 |
| Whole Grain—Bread, 24 oz. | \$3.72 |
| Whole Grain—Brown Rice, 16 oz. | \$2.20 |
| Whole Grain—Brown Rice, 24 oz. | \$2.70 |
| Whole Grain—Oats, 16 oz. | \$2.21 |
| Whole Grain—Oats, 24 oz. | \$5.89 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.24 |
| Alimentum Advance Ready-to-Feed Formula, 32 oz. | \$8.91 |
| Alimentum Advance Powder Formula, 16 oz. | \$25.41 |
| Boost Ready-to-Feed Formula, 8 oz. | \$2.00 |
| EnfaCare LIPIL w/Iron Ready to Feed, 32 oz. ... | \$7.01 |
| EnfaCare LIPIL w/Iron Powder Formula, 12.8 oz. | \$13.99 |
| Enfamil LIPIL Concentrate Formula, 13 oz. | \$4.48 |
| Enfamil LIPIL Ready-to-Feed Formula, 32 oz. ... | \$6.57 |
| Enfamil LIPIL Powder Formula, 12.9 oz. | \$13.48 |
| Isomil DF Ready-to-Feed Formula, 32 oz. | \$6.21 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$4.21 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.35 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$13.73 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.46 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.56 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$13.73 |
| Nestle Good Start Soy PLUS 2 Powder—Blue w/blue, 24 oz. | \$20.82 |
| Nestle Good Start Gentle Plus 2 Powder—Blue w/orange, 24 oz. | \$20.56 |
| Nestle Good Start Protect PLUS 2 Powder—Blue w/green, 24 oz. | \$26.44 |
| Nestle Good Start Protect PLUS 2 Powder—Green, 12 oz. | \$14.45 |
| Nestle Good Start Nourish PLUS Powder—Purple, 12 oz. | \$10.79 |
| Nutramigen Lipil Concentrate Formula, 13 oz. . . | \$7.01 |
| Nutramigen Lipil Ready-to-Feed Formula, 32 oz.. | \$8.98 |
| Nutramigen Lipil Powder Formula, 16 oz. | \$25.26 |
| Nutramigen Lipil w/Enflora Powder Formula, 12.6 oz. | \$22.16 |
| Pediasure Ready-to-Feed Formula, 8 oz. | \$1.80 |
| Pediasure w/Fiber Ready-to-Feed Formula, 8 oz. . | \$1.84 |
| Similac Advance Concentrate Formula, 13 oz. . . | \$4.32 |
| Similac Advance Ready-to-Feed Formula, 32 oz. . | \$6.34 |
| Similac Advance Powder Formula, 12.9 oz. | \$13.20 |
| Similac Neosure Advance Ready-to-Feed Formula, 32 oz. | \$7.40 |
| Similac Neosure Advance Powder Formula, 12.8 oz. | \$15.21 |
| Store Brand Milk Based Formula Concentrate, 13 oz. | \$2.84 |
| Store Brand Milk Based Formula—Ready-to-Feed, 32 oz. | \$3.79 |
| Store Brand Milk Based Formula—Powder, 25.75 oz. | \$16.13 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2009, through December 31, 2009, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|-------------------------------------|---------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.04 |
| Beans/Peas—Dry, 16 oz. | \$1.42 |
| Canned Fish—Pink Salmon | \$2.33 |
| Canned Fish—Sardines | \$1.41 |
| Canned Fish—Tuna | \$1.04 |
| Cereal (per oz.) | \$0.32 |
| Cheese, 16 oz. | \$5.12 |
| Eggs | \$1.40 |
| Gerber Infant Cereal, 8 oz. | \$2.01 |
| Infant Fruits, 100%, 4 oz. | \$0.57 |
| Infant Vegetables, 100%, 4 oz. | \$0.57 |

| <i>Description</i> | <i>Competitive Prices</i> |
|---|---------------------------|
| Infant Meats, 100%, 2.5 oz. | \$1.02 |
| Juice, 11.5/12 oz. | \$2.08 |
| Juice, 48 oz. | \$3.34 |
| Juice, 64 oz. | \$3.41 |
| Kosher Cheese | \$6.89 |
| Kosher Low Fat Milk, 1/2 gallon | \$1.74 |
| Kosher Whole Milk, 1/2 gallon | \$2.10 |
| Milk, Low Fat, 1/2 gallon | \$1.70 |
| Milk, Whole, 1/2 gallon | \$2.01 |
| Peanut Butter | \$2.52 |
| Whole Grain—Bread, 16 oz. | \$3.49 |
| Whole Grain—Brown Rice, 16 oz. | \$2.18 |
| Whole Grain—Oats, 16 oz. | \$2.19 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.20 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$4.21 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.35 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$13.73 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.46 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.56 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$13.73 |

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2009, through December 31, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--------------------------------------|--------------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.25 |
| Beans/Peas—Dry, 16 oz. | \$1.53 |
| Canned Fish—Pink Salmon | \$2.33 |
| Canned Fish—Sardines | \$1.41 |
| Canned Fish—Tuna | \$1.11 |
| Cereal (per oz.) | \$0.33 |
| Cheese, 16 oz. | \$6.17 |
| Eggs | \$1.67 |
| Gerber Infant Cereal, 8 oz. | \$2.13 |
| Infant Fruits, 100%, 4 oz. | \$0.64 |
| Infant Vegetables, 100%, 4 oz. | \$0.64 |
| Infant Meats, 100%, 2.5 oz. | \$1.05 |
| Juice, 11.5/12 oz. | \$2.43 |
| Juice, 48 oz. | \$3.39 |
| Juice, 64 oz. | \$3.89 |
| Kosher Cheese | \$7.07 |
| Kosher Low Fat Milk, quart | \$1.33 |
| Kosher Low Fat Milk, 1/2 gallon | \$1.76 |
| Kosher Whole Milk, quart | \$1.35 |
| Kosher Whole Milk, 1/2 gallon | \$2.22 |
| Milk, Dry, 16 oz. | \$6.45 |
| Milk, Evaporated, 12 oz. | \$1.35 |
| Milk, Low Fat, quart | \$1.18 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Milk, Low Fat, 1/2 gallon | \$2.10 |
| Milk, Low Fat Lactose Free, quart | \$2.12 |
| Milk, Whole, quart | \$1.20 |
| Milk, Whole, 1/2 gallon | \$2.15 |
| Milk, Whole Lactose Free, quart | \$2.15 |
| Milk, Whole Lactose Free, 1/2 gallon | \$3.97 |
| Peanut Butter | \$2.78 |
| Soy Beverage—Pacific Natural Foods/8th Continent 32 oz. | \$3.52 |
| Soy Beverage—Pacific Natural Foods/8th Continent 64 oz. | \$3.23 |
| Tofu—Soy Boy/House Premium 12/16 oz. | \$2.52 |
| Whole Grain—Bread, 16 oz. | \$3.59 |
| Whole Grain—Bread, 24 oz. | \$3.72 |
| Whole Grain—Brown Rice, 16 oz. | \$2.20 |
| Whole Grain—Brown Rice, 24 oz. | \$2.70 |
| Whole Grain—Oats, 16 oz. | \$2.43 |
| Whole Grain—Oats, 24 oz. | \$5.89 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.29 |
| Alimentum Advance Ready-to-Feed Formula, 32 oz. | \$9.43 |
| Alimentum Advance Powder Formula, 16 oz. | \$26.86 |
| Boost Ready-to-Feed Formula, 8 oz. | \$2.00 |
| EnfaCare LIPIL w/Iron Ready to Feed, 32 oz. | \$7.26 |
| EnfaCare LIPIL w/Iron Powder Formula, 12.8 oz. | \$14.44 |
| Enfamil LIPIL Concentrate Formula, 13 oz. | \$4.87 |
| Enfamil LIPIL Ready-to-Feed Formula, 32 oz. | \$6.70 |
| Enfamil LIPIL Powder Formula, 12.9 oz. | \$13.91 |
| Isomil DF Ready-to-Feed Formula, 32 oz. | \$6.34 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$ 4.73 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.57 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$13.87 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.90 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.91 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$13.87 |
| Nestle Good Start Soy PLUS 2 Powder—Blue w/blue, 24 oz. | \$22.19 |
| Nestle Good Start Gentle Plus 2 Powder—Blue w/orange, 24 oz. | \$22.19 |
| Nestle Good Start Protect PLUS 2 Powder—Blue w/green, 24 oz. | \$26.44 |
| Nestle Good Start Protect PLUS 2 Powder—Green, 12 oz. | \$14.76 |
| Nestle Good Start Nourish PLUS Powder—Purple, 12 oz. | \$10.79 |
| Nutramigen Lipil Concentrate Formula, 13 oz. | \$7.30 |
| Nutramigen Lipil Ready-to-Feed Formula, 32 oz. | \$9.20 |
| Nutramigen Lipil Powder Formula, 16 oz. | \$26.93 |
| Nutramigen Lipil w/Enflora Powder Formula, 12.6 oz. | \$23.56 |
| Pediasure Ready-to-Feed Formula, 8 oz. | \$2.13 |
| Pediasure w/Fiber Ready-to-Feed Formula, 8 oz. | \$2.09 |
| Similac Advance Concentrate Formula, 13 oz. | \$4.49 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Similac Advance Ready-to-Feed Formula, 32 oz. | \$6.38 |
| Similac Advance Powder Formula, 12.9 oz. | \$13.72 |
| Similac Neosure Advance Ready-to-Feed Formula, 32 oz. | \$7.65 |
| Similac Neosure Advance Powder Formula, 12.8 oz. | \$15.89 |
| Store Brand Milk Based Formula Concentrate, 13 oz. | \$2.89 |
| Store Brand Milk Based Formula—Ready-to-Feed, 32 oz. | \$3.86 |
| Store Brand Milk Based Formula—Powder, 25.75 oz. | \$16.99 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2009, through December 31, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|--|---------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.16 |
| Beans/Peas—Dry, 16 oz | \$1.42 |
| Canned Fish—Pink Salmon | \$2.33 |
| Canned Fish—Sardines | \$1.41 |
| Canned Fish—Tuna | \$1.04 |
| Cereal (per oz.) | \$0.33 |
| Cheese, 16 oz. | \$5.49 |
| Eggs | \$1.56 |
| Gerber Infant Cereal, 8 oz. | \$2.13 |
| Infant Fruits, 100%, 4 oz. | \$0.63 |
| Infant Vegetables, 100%, 4 oz. | \$0.63 |
| Infant Meats, 100%, 2.5 oz. | \$1.04 |
| Juice, 11.5/12 oz. | \$2.27 |
| Juice, 48 oz. | \$3.34 |
| Juice, 64 oz. | \$3.75 |
| Kosher Cheese | \$7.01 |
| Kosher Low Fat Milk, 1/2 gallon | \$1.74 |
| Kosher Whole Milk, 1/2 gallon | \$2.10 |
| Milk, Low Fat, 1/2 gallon | \$1.70 |
| Milk, Whole, 1/2 gallon | \$2.01 |
| Peanut Butter | \$2.78 |
| Whole Grain—Bread, 16 oz. | \$3.49 |
| Whole Grain—Brown Rice, 16 oz. | \$2.20 |
| Whole Grain—Oats, 16 oz. | \$2.42 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.24 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$4.73 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.57 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$13.87 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.90 |

| <i>Description</i> | <i>Competitive Prices</i> |
|--|---------------------------|
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.91 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$13.87 |

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2009, through December 31, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.27 |
| Beans/Peas—Dry, 16 oz. | \$1.64 |
| Canned Fish—Pink Salmon | \$2.33 |
| Canned Fish—Sardines | \$1.41 |
| Canned Fish—Tuna | \$1.18 |
| Cereal (per oz.) | \$0.36 |
| Cheese, 16 oz. | \$6.17 |
| Eggs | \$1.79 |
| Gerber Infant Cereal, 8 oz. | \$2.28 |
| Infant Fruits, 100%, 4 oz. | \$0.78 |
| Infant Vegetables, 100%, 4 oz. | \$0.78 |
| Infant Meats, 100%, 2.5 oz. | \$1.18 |
| Juice, 11.5/12 oz. | \$2.59 |
| Juice, 48 oz. | \$3.39 |
| Juice, 64 oz. | \$3.99 |
| Kosher Cheese | \$7.27 |
| Kosher Low Fat Milk, quart | \$1.34 |
| Kosher Low Fat Milk, 1/2 gallon | \$1.91 |
| Kosher Whole Milk, quart | \$1.38 |
| Kosher Whole Milk, 1/2 gallon | \$2.95 |
| Milk, Dry, 16 oz. | \$7.44 |
| Milk, Evaporated, 12 oz. | \$1.39 |
| Milk, Low Fat, quart | \$1.18 |
| Milk, Low Fat, 1/2 gallon | \$2.10 |
| Milk, Low Fat Lactose Free, quart | \$2.12 |
| Milk, Whole, quart | \$1.20 |
| Milk, Whole, 1/2 gallon | \$2.15 |
| Milk, Whole Lactose Free, quart | \$2.15 |
| Milk, Whole Lactose Free, 1/2 gallon | \$3.99 |
| Peanut Butter | \$2.87 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 32 oz. | \$3.52 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 64 oz. | \$3.43 |
| Tofu—Soy Boy/House Premium, 12/16 oz. | \$2.54 |
| Whole Grain—Bread, 16 oz. | \$3.59 |
| Whole Grain—Bread, 24 oz. | \$3.72 |
| Whole Grain—Brown Rice, 16 oz. | \$2.26 |
| Whole Grain—Brown Rice, 24 oz. | \$2.70 |
| Whole Grain—Oats, 16 oz. | \$2.47 |
| Whole Grain—Oats, 24 oz. | \$6.00 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.29 |
| Alimentum Advance Ready-to-Feed Formula, 32 oz. | \$9.48 |
| Alimentum Advance Powder Formula, 16 oz. | \$26.99 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Boost Ready-to-Feed Formula, 8 oz. | \$2.00 |
| EnfaCare LIPIL w/Iron Ready to Feed, 32 oz. ... | \$7.54 |
| EnfaCare LIPIL w/Iron Powder Formula, 12.8 oz. | \$15.19 |
| Enfamil LIPIL Concentrate Formula, 13 oz. | \$5.24 |
| Enfamil LIPIL Ready-to-Feed Formula, 32 oz. ... | \$7.54 |
| Enfamil LIPIL Powder Formula, 12.9 oz. | \$15.19 |
| Isomil DF Ready-to-Feed Formula, 32 oz. | \$8.19 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$ 4.85 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.94 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$14.49 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$5.12 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$7.28 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$14.49 |
| Nestle Good Start Soy PLUS 2 Powder—Blue w/blue, 24 oz. | \$22.19 |
| Nestle Good Start Gentle Plus 2 Powder—Blue w/orange, 24 oz. | \$22.76 |
| Nestle Good Start Protect PLUS 2 Powder—Blue w/green, 24 oz. | \$26.44 |
| Nestle Good Start Protect PLUS 2 Powder—Green, 12 oz. | \$14.77 |
| Nestle Good Start Nourish PLUS Powder—Purple, 12 oz. | \$10.79 |
| Nutramigen Lipil Concentrate Formula, 13 oz. ... | \$7.82 |
| Nutramigen Lipil Ready-to-Feed Formula, 32 oz. ... | \$9.38 |
| Nutramigen Lipil Powder Formula, 16 oz. | \$28.36 |
| Nutramigen Lipil w/Enflora Powder Formula, 12.6 oz. | \$23.56 |
| Pediasure Ready-to-Feed Formula, 8 oz. | \$2.58 |
| Pediasure w/Fiber Ready-to-Feed Formula, 8 oz. ... | \$2.63 |
| Similac Advance Concentrate Formula, 13 oz. ... | \$5.17 |
| Similac Advance Ready-to-Feed Formula, 32 oz. ... | \$7.18 |
| Similac Advance Powder Formula, 12.9 oz. | \$15.02 |
| Similac Neosure Advance Ready-to-Feed Formula, 32 oz. | \$9.23 |
| Similac Neosure Advance Powder Formula, 12.8 oz. | \$15.89 |
| Store Brand Milk Based Formula Concentrate, 13 oz. | \$3.10 |
| Store Brand Milk Based Formula—Ready-to-Feed, 32 oz. | \$4.32 |
| Store Brand Milk Based Formula—Powder, 25.75 oz. | \$17.99 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2009, through December 31, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> | <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|--|--------------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.18 | Juice, 11.5/12 oz. | \$2.57 |
| Beans/Peas—Dry, 16 oz. | \$1.54 | Juice, 48 oz. | \$3.36 |
| Canned Fish—Pink Salmon | \$2.33 | Juice, 64 oz. | \$4.00 |
| Canned Fish—Sardines | \$1.45 | Kosher Cheese | \$7.48 |
| Canned Fish—Tuna | \$1.14 | Kosher Low Fat Milk, quart | \$1.35 |
| Cereal (per oz.) | \$0.36 | Kosher Low Fat Milk, 1/2 gallon | \$1.76 |
| Cheese, 16 oz. | \$5.57 | Kosher Whole Milk, quart | \$1.35 |
| Eggs | \$1.71 | Kosher Whole Milk, 1/2 gallon | \$2.22 |
| Gerber Infant Cereal, 8 oz. | \$2.28 | Milk, Dry, 16 oz. | \$6.03 |
| Infant Fruits, 100%, 4 oz. | \$0.75 | Milk, Evaporated, 12 oz. | \$1.33 |
| Infant Vegetables, 100%, 4 oz. | \$0.76 | Milk, Low Fat, quart | \$1.29 |
| Infant Meats, 100%, 2.5 oz. | \$1.17 | Milk, Low Fat, 1/2 gallon | \$2.27 |
| Juice, 11.5/12 oz. | \$2.48 | Milk, Low Fat Lactose Free, quart | \$2.25 |
| Juice, 48 oz. | \$3.36 | Milk, Whole, quart | \$1.25 |
| Juice, 64 oz. | \$3.98 | Milk, Whole, 1/2 gallon | \$2.32 |
| Kosher Cheese | \$7.01 | Milk, Whole Lactose Free, quart | \$2.25 |
| Kosher Low Fat Milk, 1/2 gallon | \$1.91 | Milk, Whole Lactose Free, 1/2 gallon | \$3.87 |
| Kosher Whole Milk, 1/2 gallon | \$2.95 | Peanut Butter | \$2.80 |
| Milk, Low Fat, 1/2 gallon | \$1.76 | Soy Beverage—Pacific Natural Foods/8th Continent, 32 oz. | \$3.52 |
| Milk, Whole, 1/2 gallon | \$2.01 | Soy Beverage—Pacific Natural Foods/8th Continent, 64 oz. | \$3.19 |
| Peanut Butter | \$2.82 | Tofu—Soy Boy/House Premium 12/16 oz. | \$2.65 |
| Whole Grain—Bread, 16 oz. | \$3.49 | Whole Grain—Bread, 16 oz. | \$3.59 |
| Whole Grain—Brown Rice, 16 oz. | \$2.26 | Whole Grain—Bread, 24 oz. | \$3.72 |
| Whole Grain—Oats, 16 oz. | \$2.45 | Whole Grain—Brown Rice, 16 oz. | \$2.26 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.28 | Whole Grain—Brown Rice, 24 oz. | \$2.70 |
| Nestle Good Start Gentle PLUS Concentrate— Orange Formula, 13 oz. | \$4.85 | Whole Grain—Oats, 16 oz. | \$2.37 |
| Nestle Good Start Gentle PLUS Ready-to-Feed— Orange Formula, 32 oz. | \$6.94 | Whole Grain—Oats, 24 oz. | \$6.19 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$14.49 | Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.26 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$5.12 | Alimentum Advance Ready-to-Feed Formula, 32 oz. | \$9.18 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$7.28 | Alimentum Advance Powder Formula, 16 oz. | \$26.21 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$14.49 | Boost Ready-to-Feed Formula, 8 oz. | \$2.00 |
| Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties | | | |
| Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties. | | | |
| Maximum Allowable Prices | | | |
| Effective October 1, 2009, through December 31, 2009, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows: | | | |
| <i>Description</i> | <i>Maximum Allowable Price</i> | | |
| Beans, Canned, 15.5/16 oz. | \$1.16 | Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$ 4.48 |
| Beans/Peas—Dry — 16 oz. | \$1.75 | Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.49 |
| Canned Fish—Pink Salmon | \$2.45 | Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$13.89 |
| Canned Fish—Sardines | \$1.45 | Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.64 |
| Canned Fish—Tuna | \$1.12 | Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.64 |
| Cereal (per oz.) | \$0.33 | Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$13.89 |
| Cheese, 16 oz. | \$6.23 | Nestle Good Start Soy PLUS 2 Powder—Blue w/blue, 24 oz. | \$21.65 |
| Eggs | \$1.64 | Nestle Good Start Gentle Plus 2 Powder—Blue w/orange, 24 oz. | \$21.44 |
| Gerber Infant Cereal, 8 oz. | \$2.13 | Nestle Good Start Protect PLUS 2 Powder—Blue w/green, 24 oz. | \$26.44 |
| Infant Fruits, 100%, 4 oz. | \$0.60 | Nestle Good Start Protect PLUS 2 Powder—Green, 12 oz. | \$14.52 |
| Infant Vegetables, 100%, 4 oz. | \$0.60 | Nestle Good Start Nourish PLUS Powder—Purple, 12 oz. | \$10.79 |
| Infant Meats, 100%, 2.5 oz. | \$1.06 | Nutramigen Lipil Concentrate Formula, 13 oz. | \$7.17 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Nutramigen Lipil Ready-to-Feed Formula, 32 oz. | \$9.02 |
| Nutramigen Lipil Powder Formula, 16 oz. | \$26.02 |
| Nutramigen Lipil w/Enflora Powder Formula, 12.6 oz. | \$22.52 |
| Pediasure Ready-to-Feed Formula, 8 oz. | \$1.85 |
| Pediasure w/Fiber Ready-to-Feed Formula, 8 oz. | \$1.92 |
| Similac Advance Concentrate Formula, 13 oz. ... | \$4.43 |
| Similac Advance Ready-to-Feed Formula, 32 oz. | \$6.34 |
| Similac Advance Powder Formula, 12.9 oz. | \$13.60 |
| Similac Neosure Advance Ready-to-Feed Formula, 32 oz. | \$7.62 |
| Similac Neosure Advance Powder Formula, 12.8 oz. | \$15.60 |
| Store Brand Milk Based Formula Concentrate, 13 oz. | \$2.87 |
| Store Brand Milk Based Formula—Ready-to-Feed, 32 oz. | \$3.85 |
| Store Brand Milk Based Formula—Powder, 25.75 oz. | \$16.19 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2009, through December 31, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|---------------------------------------|---------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.08 |
| Beans/Peas—Dry, 16 oz. | \$1.61 |
| Canned Fish—Pink Salmon. | \$2.37 |
| Canned Fish—Sardines. | \$1.44 |
| Canned Fish—Tuna. | \$1.05 |
| Cereal (per oz.) | \$0.33 |
| Cheese, 16 oz. | \$5.26 |
| Eggs. | \$1.54 |
| Gerber Infant Cereal, 8 oz. | \$2.13 |
| Infant Fruits, 100%, 4 oz. | \$0.57 |
| Infant Vegetables, 100%, 4 oz. | \$0.57 |
| Infant Meats, 100%, 2.5 oz. | \$1.02 |
| Juice, 11.5/12 oz. | \$2.31 |
| Juice, 48 oz. | \$3.34 |
| Juice, 64 oz. | \$3.82 |
| Kosher Cheese. | \$7.38 |
| Kosher Low Fat Milk, 1/2 gallon. | \$1.75 |
| Kosher Whole Milk, 1/2 gallon. | \$2.10 |
| Milk, Low Fat, 1/2 gallon. | \$1.75 |
| Milk, Whole, 1/2 gallon. | \$2.16 |
| Peanut Butter. | \$2.66 |
| Whole Grain—Bread, 16 oz. | \$3.49 |
| Whole Grain—Brown Rice, 16 oz. | \$2.25 |
| Whole Grain—Oats, 16 oz. | \$2.34 |

| <i>Description</i> | <i>Competitive Prices</i> |
|---|---------------------------|
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.26 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$4.48 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.49 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$13.89 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.64 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.64 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$13.89 |

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2009, through December 31, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.28 |
| Beans/Peas—Dry, 16 oz. | \$1.75 |
| Canned Fish—Pink Salmon. | \$2.45 |
| Canned Fish—Sardines. | \$1.45 |
| Canned Fish—Tuna. | \$1.21 |
| Cereal (per oz.) | \$0.35 |
| Cheese, 16 oz. | \$6.23 |
| Eggs. | \$1.70 |
| Gerber Infant Cereal, 8 oz. | \$2.21 |
| Infant Fruits, 100%, 4 oz. | \$0.64 |
| Infant Vegetables, 100%, 4 oz. | \$0.64 |
| Infant Meats, 100%, 2.5 oz. | \$1.11 |
| Juice, 11.5/12 oz. | \$2.63 |
| Juice, 48 oz. | \$3.41 |
| Juice, 64 oz. | \$4.07 |
| Kosher Cheese. | \$7.48 |
| Kosher Low Fat Milk, quart. | \$1.36 |
| Kosher Low Fat Milk, 1/2 gallon. | \$1.76 |
| Kosher Whole Milk, quart. | \$1.35 |
| Kosher Whole Milk, 1/2 gallon. | \$2.22 |
| Milk, Dry, 16 oz. | \$6.45 |
| Milk, Evaporated, 12 oz. | \$1.40 |
| Milk, Low Fat, quart. | \$1.29 |
| Milk, Low Fat, 1/2 gallon. | \$2.27 |
| Milk, Low Fat Lactose Free, quart. | \$2.25 |
| Milk, Whole, quart. | \$1.25 |
| Milk, Whole, 1/2 gallon. | \$2.32 |
| Milk, Whole Lactose Free, quart. | \$2.25 |
| Milk, Whole Lactose Free, 1/2 gallon. | \$3.97 |
| Peanut Butter. | \$2.81 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 32 oz. | \$3.52 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 64 oz. | \$3.45 |
| Tofu—Soy Boy/House Premium, 12/16 oz. | \$2.67 |
| Whole Grain—Bread, 16 oz. | \$3.59 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Whole Grain—Bread, 24 oz. | \$3.72 |
| Whole Grain—Brown Rice, 16 oz. | \$2.33 |
| Whole Grain—Brown Rice, 24 oz. | \$2.70 |
| Whole Grain—Oats, 16 oz. | \$2.44 |
| Whole Grain—Oats, 24 oz. | \$6.19 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.35 |
| Alimentum Advance Ready-to-Feed Formula, 32 oz. | \$9.74 |
| Alimentum Advance Powder Formula, 16 oz. | \$27.51 |
| Boost Ready-to-Feed Formula, 8 oz. | \$2.00 |
| EnfaCare LIPIL w/Iron Ready to Feed, 32 oz. | \$7.74 |
| EnfaCare LIPIL w/Iron Powder Formula, 12.8 oz. | \$15.30 |
| Enfamil LIPIL Concentrate Formula, 13 oz. | \$4.87 |
| Enfamil LIPIL Ready-to-Feed Formula, 32 oz. | \$7.05 |
| Enfamil LIPIL Powder Formula, 12.9 oz. | \$14.61 |
| Isomil DF Ready-to-Feed Formula, 32 oz. | \$6.64 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$ 4.78 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.86 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$14.47 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.95 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.91 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$14.47 |
| Nestle Good Start Soy PLUS 2 Powder—Blue w/blue, 24 oz. | \$22.34 |
| Nestle Good Start Gentle Plus 2 Powder—Blue w/orange, 24 oz. | \$22.19 |
| Nestle Good Start Protect PLUS 2 Powder—Blue w/green, 24 oz. | \$26.44 |
| Nestle Good Start Protect PLUS 2 Powder—Green, 12 oz. | \$14.85 |
| Nestle Good Start Nourish PLUS Powder—Purple, 12 oz. | \$10.79 |
| Nutramigen Lipil Concentrate Formula, 13 oz. | \$7.51 |
| Nutramigen Lipil Ready-to-Feed Formula, 32 oz. | \$9.20 |
| Nutramigen Lipil Powder Formula, 16 oz. | \$27.39 |
| Nutramigen Lipil w/Enflora Powder Formula, 12.6 oz. | \$23.82 |
| Pediasure Ready-to-Feed Formula, 8 oz. | \$2.29 |
| Pediasure w/Fiber Ready-to-Feed Formula, 8 oz. | \$2.22 |
| Similac Advance Concentrate Formula, 13 oz. | \$4.70 |
| Similac Advance Ready-to-Feed Formula, 32 oz. | \$6.71 |
| Similac Advance Powder Formula, 12.9 oz. | \$14.44 |
| Similac Neosure Advance Ready-to-Feed Formula, 32 oz. | \$7.93 |
| Similac Neosure Advance Powder Formula, 12.8 oz. | \$16.68 |
| Store Brand Milk Based Formula Concentrate, 13 oz. | \$2.95 |
| Store Brand Milk Based Formula—Ready-to-Feed, 32 oz. | \$4.05 |
| Store Brand Milk Based Formula—Powder, 25.75 oz. | \$16.99 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2009, through December 31, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|--|---------------------------|
| Beans, Canned, 15.5/16 oz. | \$1.19 |
| Beans/Peas—Dry, 16 oz. | \$1.66 |
| Canned Fish—Pink Salmon. | \$2.45 |
| Canned Fish—Sardines. | \$1.44 |
| Canned Fish—Tuna. | \$1.14 |
| Cereal (per oz.) | \$0.35 |
| Cheese, 16 oz. | \$5.60 |
| Eggs. | \$1.58 |
| Gerber Infant Cereal, 8 oz. | \$2.21 |
| Infant Fruits, 100%, 4 oz. | \$0.63 |
| Infant Vegetables, 100%, 4 oz. | \$0.63 |
| Infant Meats, 100%, 2.5 oz. | \$1.09 |
| Juice, 11.5/12 oz. | \$2.45 |
| Juice, 48 oz. | \$3.34 |
| Juice, 64 oz. | \$4.01 |
| Kosher Cheese. | \$7.38 |
| Kosher Low Fat Milk, 1/2 gallon. | \$1.75 |
| Kosher Whole Milk, 1/2 gallon. | \$2.10 |
| Milk, Low Fat, 1/2 gallon. | \$1.75 |
| Milk, Whole, 1/2 gallon. | \$2.16 |
| Peanut Butter. | \$2.80 |
| Whole Grain—Bread, 16 oz. | \$3.49 |
| Whole Grain—Brown Rice, 16 oz. | \$2.33 |
| Whole Grain—Oats, 16 oz. | \$2.44 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.34 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$4.78 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$6.86 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$14.47 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$4.95 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$6.91 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$14.47 |

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2009, through December 31, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned, 15.5/16 oz | \$1.29 |
| Beans/Peas—Dry, 16 oz. | \$1.75 |
| Canned Fish—Pink Salmon | \$2.45 |
| Canned Fish—Sardines | \$1.45 |
| Canned Fish—Tuna | \$1.25 |
| Cereal (per oz.) | \$0.37 |
| Cheese, 16 oz. | \$7.09 |
| Eggs | \$1.95 |
| Gerber Infant Cereal, 8 oz. | \$2.42 |
| Infant Fruits, 100%, 4 oz. | \$0.81 |
| Infant Vegetables, 100%, 4 oz. | \$0.81 |
| Infant Meats, 100%, 2.5 oz. | \$1.18 |
| Juice, 11.5/12 oz. | \$2.83 |
| Juice, 48 oz. | \$3.41 |
| Juice, 64 oz. | \$4.10 |
| Kosher Cheese | \$7.48 |
| Kosher Low Fat Milk, quart | \$1.59 |
| Kosher Low Fat Milk, 1/2 gallon | \$2.13 |
| Kosher Whole Milk, quart | \$1.50 |
| Kosher Whole Milk, 1/2 gallon | \$2.95 |
| Milk, Dry, 16 oz. | \$7.44 |
| Milk, Evaporated, 12 oz. | \$1.40 |
| Milk, Low Fat, quart | \$1.48 |
| Milk, Low Fat, 1/2 gallon | \$2.39 |
| Milk, Low Fat Lactose Free, quart | \$2.36 |
| Milk, Whole, quart | \$1.30 |
| Milk, Whole, 1/2 gallon | \$2.54 |
| Milk, Whole Lactose Free, quart | \$2.36 |
| Milk, Whole Lactose Free, 1/2 gallon | \$3.99 |
| Peanut Butter | \$3.05 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 32 oz. | \$3.52 |
| Soy Beverage—Pacific Natural Foods/8th Continent, 64 oz. | \$3.46 |
| Tofu—Soy Boy/House Premium, 12/16 oz. | \$2.77 |
| Whole Grain—Bread, 16 oz. | \$3.59 |
| Whole Grain—Bread, 24 oz. | \$3.72 |
| Whole Grain—Brown Rice, 16 oz. | \$2.34 |
| Whole Grain—Brown Rice, 24 oz. | \$2.70 |
| Whole Grain—Oats, 16 oz. | \$2.78 |
| Whole Grain—Oats, 24 oz. | \$6.25 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.35 |
| Alimentum Advance Ready-to-Feed Formula, 32 oz. | \$10.33 |
| Alimentum Advance Powder Formula, 16 oz. | \$30.11 |
| Boost Ready-to-Feed Formula, 8 oz. | \$2.00 |
| EnfaCare LIPIL w/Iron Ready to Feed, 32 oz. | \$9.01 |
| EnfaCare LIPIL w/Iron Powder Formula, 12.8 oz. | \$17.26 |
| Enfamil LIPIL Concentrate Formula, 13 oz. | \$5.66 |
| Enfamil LIPIL Ready-to-Feed Formula, 32 oz. | \$8.45 |
| Enfamil LIPIL Powder Formula, 12.9 oz. | \$16.70 |
| Isomil DF Ready-to-Feed Formula, 32 oz. | \$8.22 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$ 5.74 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$8.14 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$16.36 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$5.53 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$7.47 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$16.36 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Nestle Good Start Soy PLUS 2 Powder—Blue w/blue, 24 oz. | \$22.34 |
| Nestle Good Start Gentle Plus 2 Powder—Blue w/orange, 24 oz. | \$22.76 |
| Nestle Good Start Protect PLUS 2 Powder—Blue w/green, 24 oz. | \$26.44 |
| Nestle Good Start Protect PLUS 2 Powder—Green, 12 oz. | \$15.89 |
| Nestle Good Start Nourish PLUS Powder—Purple, 12 oz. | \$12.83 |
| Nutramigen Lipil Concentrate Formula, 13 oz. | \$8.63 |
| Nutramigen Lipil Ready-to-Feed Formula, 32 oz. | \$10.94 |
| Nutramigen Lipil Powder Formula, 16 oz. | \$30.29 |
| Nutramigen Lipil w/Enflora Powder Formula, 12.6 oz. | \$23.89 |
| Pediasure Ready-to-Feed Formula, 8 oz. | \$2.64 |
| Pediasure w/Fiber Ready-to-Feed Formula, 8 oz. | \$2.63 |
| Similac Advance Concentrate Formula, 13 oz. | \$5.59 |
| Similac Advance Ready-to-Feed Formula, 32 oz. | \$8.04 |
| Similac Advance Powder Formula, 12.9 oz. | \$16.51 |
| Similac Neosure Advance Ready-to-Feed Formula, 32 oz. | \$9.99 |
| Similac Neosure Advance Powder Formula, 12.8 oz. | \$19.19 |
| Store Brand Milk Based Formula Concentrate, 13 oz. | \$3.24 |
| Store Brand Milk Based Formula—Ready-to-Feed, 32 oz. | \$4.82 |
| Store Brand Milk Based Formula—Powder, 25.75 oz. | \$17.99 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2009, through December 31, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|--------------------------------|---------------------------|
| Beans, Canned, 15.5/16 oz | \$1.24 |
| Beans/Peas—Dry, 16 oz | \$1.71 |
| Canned Fish—Pink Salmon | \$2.45 |
| Canned Fish—Sardines | \$1.45 |
| Canned Fish—Tuna | \$1.23 |
| Cereal (per oz.) | \$0.37 |
| Cheese, 16 oz. | \$5.87 |
| Eggs | \$1.92 |
| Gerber Infant Cereal, 8 oz. | \$2.42 |
| Infant Fruits, 100%, 4 oz. | \$0.75 |
| Infant Vegetables, 100%, 4 oz. | \$0.76 |
| Infant Meats, 100%, 2.5 oz. | \$1.17 |
| Juice, 11.5/12 oz. | \$2.78 |
| Juice, 48 oz. | \$3.36 |

| <i>Description</i> | <i>Competitive Prices</i> |
|--|---------------------------|
| Juice, 64 oz. | \$4.09 |
| Kosher Cheese | \$7.38 |
| Kosher Low Fat Milk, 1/2 gallon | \$2.13 |
| Kosher Whole Milk, 1/2 gallon | \$2.95 |
| Milk, Low Fat, 1/2 gallon | \$2.36 |
| Milk, Whole, 1/2 gallon | \$2.52 |
| Peanut Butter | \$2.99 |
| Whole Grain—Bread, 16 oz. | \$3.49 |
| Whole Grain—Brown Rice, 16 oz. | \$2.34 |
| Whole Grain—Oats, 16 oz. | \$2.75 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.35 |
| Nestle Good Start Gentle PLUS Concentrate—Orange Formula, 13 oz. | \$5.74 |
| Nestle Good Start Gentle PLUS Ready-to-Feed—Orange Formula, 32 oz. | \$8.14 |
| Nestle Good Start Gentle PLUS Powder—Orange Formula, 12 oz. | \$16.36 |
| Nestle Good Start Soy PLUS Concentrate—Blue Formula, 13 oz. | \$5.53 |
| Nestle Good Start Soy PLUS Ready-to-Feed—Blue Formula, 32 oz. | \$7.47 |
| Nestle Good Start Soy PLUS Powder—Blue Formula, 12.9 oz. | \$16.36 |

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons VTT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1733. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Pharmacy; Prior Authorization List

The Department of Public Welfare (Department) announces that it will add conventional antipsychotics agents, when prescribed for children under 6 years of age, to the Medical Assistance (MA) Program's list of services and items requiring prior authorization, effective September 21, 2009.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for conventional antipsychotic agents.

Fiscal Impact

It is estimated that the prior authorization requirement will result in minimal savings in the MA-Outpatient Program.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-620. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1734. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Big Winner Spectacular Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Big Winner Spectacular.

2. *Price:* The price of a Pennsylvania Big Winner Spectacular instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Big Winner Spectacular instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Moneybag symbol (MNYBAG), 10X symbol (10TIMES) and a Star symbol (STAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$500, \$1,000, \$10,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Big Winner Spectacular instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the "Prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the

"Prize" areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "Prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol

(MNYBAG), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 12,000,000 Tickets:</i> |
|---|-------------|-----------------------------------|---|
| \$5 × 2 | \$10 | 24 | 500,000 |
| \$5 w/MONEYBAG | \$10 | 23.53 | 510,000 |
| \$10 | \$10 | 21.82 | 550,000 |
| \$5 × 3 | \$15 | 57.14 | 210,000 |
| \$15 | \$15 | 52.17 | 230,000 |
| \$5 × 4 | \$20 | 60 | 200,000 |
| \$10 × 2 | \$20 | 60 | 200,000 |
| \$10 w/MONEYBAG | \$20 | 60 | 200,000 |
| \$20 | \$20 | 60 | 200,000 |
| \$5 × 8 | \$40 | 400 | 30,000 |
| \$10 × 4 | \$40 | 400 | 30,000 |
| \$20 w/MONEYBAG | \$40 | 400 | 30,000 |
| \$40 | \$40 | 400 | 30,000 |
| \$5 × 10 | \$50 | 1,200 | 10,000 |
| \$5 w/10X | \$50 | 300 | 40,000 |
| (\$20 w/MONEYBAG) + (\$5 × 2) | \$50 | 400 | 30,000 |
| \$40 + \$10 | \$50 | 600 | 20,000 |
| \$50 | \$50 | 600 | 20,000 |
| STAR w/(\$5 × 10) + (\$10 × 5) | \$100 | 400 | 30,000 |
| \$10 w/10X | \$100 | 400 | 30,000 |
| \$20 × 5 | \$100 | 400 | 30,000 |
| \$50 × 2 | \$100 | 400 | 30,000 |
| \$50 w/MONEYBAG | \$100 | 300 | 40,000 |
| \$100 | \$100 | 300 | 40,000 |
| STAR w/(\$40 × 10) + (\$20 × 5) | \$500 | 10,000 | 1,200 |
| (\$40 × 10) + (\$50 × 2) | \$500 | 10,000 | 1,200 |
| \$50 w/10X | \$500 | 10,000 | 1,200 |
| \$100 × 5 | \$500 | 10,000 | 1,200 |
| (\$100 w/MONEYBAG) + (\$100 × 3) | \$500 | 10,000 | 1,200 |
| \$500 | \$500 | 9,231 | 1,300 |
| STAR w(\$50 × 10) + (\$100 × 5) | \$1,000 | 12,000 | 1,000 |
| \$100 × 10 | \$1,000 | 12,000 | 1,000 |
| \$100 w/10X | \$1,000 | 12,000 | 1,000 |
| \$500 w/MONEYBAG | \$1,000 | 12,000 | 1,000 |
| \$1,000 | \$1,000 | 12,000 | 1,000 |
| \$1,000 × 10 | \$10,000 | 96,000 | 125 |
| \$10,000 | \$10,000 | 96,000 | 125 |
| \$250,000 | \$250,000 | 480,000 | 25 |

Get a "MONEYBAG" (MNYBAG) symbol, win double the prize under that symbol.
 Get a "10X" (10TIMES) symbol, win 10 times the prize under that symbol.
 Get a "STAR" (STAR) symbol, win all 15 prizes shown.

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

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Big Winner Spectacular, prize money from winning Pennsylvania Big Winner Spectacular 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 Big Winner Spectacular instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Big Winner Spectacular or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1735. Filed for public inspection September 18, 2009, 9:00 a.m.]

Pennsylvania Winner Take All '09 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winner Take All '09.

2. *Price:* The price of a Pennsylvania Winner Take All '09 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Winner Take All '09 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "WINNER TAKE ALL NUMBER" area. The play symbols and their captions located in the "WINNING NUMBERS" area and in the "WINNER TAKE ALL NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV),

13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Cash symbol (CASH).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$24,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Winner Take All '09 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$24,000 (TWYFORTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$50.⁰⁰ (FIFTY) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$40.⁰⁰ (FORTY) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$20.⁰⁰ (TWENTY) appears in five of the "prize" areas, a prize symbol of \$50.⁰⁰ (FIFTY) appears in four of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and

a prize symbol of \$100 (ONE HUN) appears under the Cash symbol (CASH), on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$50⁰⁰ (FIFTY) appears under the Cash symbol (CASH), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in five of the "prize" areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the "prize" areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in three of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in five of the "prize" areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the Cash symbol (CASH), on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$2⁰⁰

(TWO DOL) appears in five of the "prize" areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Cash symbol (CASH), on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Cash symbol (CASH), on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(bb) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the Cash symbol (CASH), on a single ticket, shall be entitled to a prize of \$4.

(cc) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(dd) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the Cash symbol (CASH), on a single ticket, shall be entitled to a prize of \$2.

(ee) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>When Any Of Your Numbers Match Either Winning Number Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 12,000,000 Tickets</i> |
|---|-------------|-----------------------------------|--|
| \$1 × 2 | \$2 | 37.50 | 320,000 |
| \$1 w/CASH | \$2 | 18.75 | 640,000 |
| \$2 | \$2 | 75 | 160,000 |
| \$1 × 4 | \$4 | 75 | 160,000 |
| \$2 × 2 | \$4 | 75 | 160,000 |
| \$2 w/CASH | \$4 | 37.50 | 320,000 |
| \$4 | \$4 | 75 | 160,000 |
| \$1 × 5 | \$5 | 150 | 80,000 |
| (\$1 w/CASH) + (\$1 × 3) | \$5 | 75 | 160,000 |
| \$5 | \$5 | 150 | 80,000 |
| WINNER TAKE ALL MATCH w/\$1 × 10 | \$10 | 166.67 | 72,000 |
| \$1 × 10 | \$10 | 750 | 16,000 |
| \$2 × 5 | \$10 | 750 | 16,000 |
| \$5 w/CASH | \$10 | 500 | 24,000 |
| \$5 × 2 | \$10 | 750 | 16,000 |
| \$10 | \$10 | 750 | 16,000 |
| WINNER TAKE ALL MATCH w/\$2 × 10 | \$20 | 375 | 32,000 |
| \$2 × 10 | \$20 | 750 | 16,000 |
| \$4 × 5 | \$20 | 750 | 16,000 |
| \$5 × 4 | \$20 | 1,500 | 8,000 |
| \$10 w/CASH | \$20 | 1,500 | 8,000 |
| \$20 | \$20 | 1,500 | 8,000 |
| WINNER TAKE ALL MATCH w/(\$2 × 5) + (\$5 × 4) + \$10 | \$40 | 1,714 | 7,000 |
| WINNER TAKE ALL MATCH w/\$4 × 10 | \$40 | 1,714 | 7,000 |
| \$5 × 8 | \$40 | 4,000 | 3,000 |
| \$10 × 4 | \$40 | 4,000 | 3,000 |
| \$20 w/CASH | \$40 | 3,000 | 4,000 |
| \$20 × 2 | \$40 | 4,000 | 3,000 |
| \$40 | \$40 | 4,000 | 3,000 |
| WINNER TAKE ALL MATCH w/(\$2 × 5) + (\$5 × 4) + \$20 | \$50 | 4,000 | 3,000 |
| WINNER TAKE ALL MATCH w/\$5 × 10 | \$50 | 4,000 | 3,000 |
| \$10 × 5 | \$50 | 6,000 | 2,000 |
| (\$10 w/CASH) + (\$10 × 3) | \$50 | 4,615 | 2,600 |
| \$50 | \$50 | 6,000 | 2,000 |
| WINNER TAKE ALL MATCH w/(\$4 × 5) + (\$10 × 2) + (\$20 × 3) | \$100 | 6,000 | 2,000 |
| WINNER TAKE ALL MATCH w/\$10 × 10 | \$100 | 6,000 | 2,000 |
| \$20 × 5 | \$100 | 12,000 | 1,000 |
| \$50 w/CASH | \$100 | 6,000 | 2,000 |
| \$100 | \$100 | 12,000 | 1,000 |
| WINNER TAKE ALL MATCH w/(\$20 × 5) + (\$50 × 4) + \$100 | \$400 | 24,000 | 500 |
| WINNER TAKE ALL MATCH w/\$40 × 10 | \$400 | 24,000 | 500 |
| (\$100 w/CASH) + (\$100 × 2) | \$400 | 24,000 | 500 |
| \$400 | \$400 | 24,000 | 500 |
| WINNER TAKE ALL MATCH w/\$50 × 10 | \$500 | 40,000 | 300 |
| \$100 × 5 | \$500 | 40,000 | 300 |
| \$500 | \$500 | 40,000 | 300 |
| (\$100 × 5) + \$500 | \$1,000 | 60,000 | 200 |
| \$500 × 2 | \$1,000 | 60,000 | 200 |
| \$1,000 | \$1,000 | 60,000 | 200 |
| \$24,000 | \$24,000 | 60,000 | 20 |

CASH (CASH) = Win double the prize under it.

WINNER TAKE ALL MATCH = Match any of YOUR NUMBERS to the WINNER TAKE ALL NUMBER, win all 10 prizes shown.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winner Take All '09 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winner Take All '09, prize money from winning Pennsylvania Winner Take All '09 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 Winner Take All '09 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Winner Take All '09 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1736. Filed for public inspection September 18, 2009, 9:00 a.m.]

DEPARTMENT OF STATE

Statewide Uniform Registry of Electors Advisory Board and State Plan Advisory Board Meetings

On Thursday, October 1, 2009, the Statewide Uniform Registry of Electors (SURE) Advisory Board will meet from 10 a.m. to 12 p.m. in Senate Hearing Room 3 of the North Office Building, Harrisburg, PA. The SURE Advisory Board was established under section 1302-C of the Pennsylvania Election Code (25 P. S. § 3150.2), for the purpose of conferring with the Department of State (Department) on matters relative to the SURE system. Persons wishing to attend should contact Jonathan Marks of the Department by Friday, September 25, by e-mailing e-mail at jmaks@state.pa.us or (717) 346-0461.

The State Plan Advisory Board (Board) will meet on Thursday, October 1, 2009. The Board will meet from 1 p.m. to 3 p.m., in Senate Hearing Room 3 of the North Office Building, Harrisburg, PA. The Board is responsible for developing a plan, which details how the Commonwealth will use grants from the Federal government to meet the requirements of the Federal Help America Vote Act of 2002, and "to carry out other activities to improve the administration of elections." This meeting will afford the Secretary the opportunity to address the Board as a whole and will also provide an opportunity for the new members to be introduced to the established members. Persons wishing to attend should contact Dorothy Cox of the Department by Friday, September 25, by e-mailing dorcox@state.pa.us or by calling (717) 787-5280.

PEDRO A. CORTÉS,
Secretary

[Pa.B. Doc. No. 09-1738. Filed for public inspection September 18, 2009, 9:00 a.m.]

Public Utility Realty Tax Act; Surcharge Rate Notice for the Tax Year Beginning January 1, 2010

Section 8111-A(d) of 72 P. S. requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2010, is zero mills. Therefore, no PURTA surcharge under 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2010.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1737. Filed for public inspection September 18, 2009, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Milton Regional Sewer Authority v. DEP; EHB Doc. No. 2009-121-R; NPDES Permit No. PA0020273

Milton Regional Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Milton Regional Sewer Authority for a facility in West Chillisquaque Township, Northumberland County.

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

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

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

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 09-1739. Filed for public inspection September 18, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Grandview Health Homes, Inc.

Grandview Health Homes, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Grandview Health Homes in Danville, PA. The initial filing was received on September 1, 2009, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1740. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital Advantage Insurance Company; Filing No. 09-JJJ; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan A, Hospital Benefits; Rate Filing

Capital Advantage Insurance Company has filed for approval revised rates for the hospital benefits component of its nongroup Medicare Supplemental Security Plan A Program. The aggregate rate increase requested is 19.6%, and the average monthly premium increase is \$13.18. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for first eligible issues is \$67.64, and the requested rate is \$80.90. The rate adjustment would affect approximately 519 members, and would produce approximately \$82,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us.

To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1741. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital Advantage Insurance Company; Filing No. 09-KKK; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan F, Medical Benefits; Rate Filing

Capital Advantage Insurance Company has filed for approval revised rates for the medical benefits component of its nongroup Medicare Supplemental Security Plan F Program. The aggregate rate increase requested is 15.0%, and the average monthly premium increase is \$10.90. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for first eligible issues is \$67.08, and the requested rate is \$77.14. The rate adjustment would affect approximately 517 members, and would produce approximately \$68,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1742. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital Advantage Insurance Company; Filing No. 09-RRR; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan B, Medical Benefits; Rate Filing

Capital Advantage Insurance Company has filed for approval revised rates for the medical benefits component

of its nongroup Medicare Supplemental Security Plan B Program. The aggregate rate increase requested is 19.6%, and the average monthly premium increase is \$13.18. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$67.64, and the requested rate is \$80.90. The rate adjustment would affect approximately 7,964 members, and would produce approximately \$1,257,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1743. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital Advantage Insurance Company; Filing No. 09-SSS; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan C, Medical Benefits; Rate Filing

Capital Advantage Insurance Company has filed for approval revised rates for the medical benefits component of its nongroup Medicare Supplemental Security Plan C Program. The aggregate rate increase requested is 18.0%, and the average monthly premium increase is \$13.96. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$78.46, and the requested rate is \$92.55. The rate adjustment would affect approximately 20,317 members, and would produce approximately \$3,405,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA

17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1744. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital Advantage Insurance Company; Filing No. 09-TTT; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan H, Medical Benefits; Rate Filing

Capital Advantage Insurance Company has filed for approval revised rates for the medical benefits component of its nongroup Medicare Supplemental Security Plan H Program. The aggregate rate increase requested is 19.6%, and the average monthly premium increase is \$13.18. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$67.64, and the requested rate is \$80.90. The rate adjustment would affect approximately 1,717 members, and would produce approximately \$272,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1745. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital BlueCross; Filing No. 09-EEE; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan A, Hospital Benefits; Rate Filing

Capital BlueCross has filed for approval revised rates for the hospital benefits component of its nongroup Medicare Supplemental Security Plan A Program. The aggregate rate increase requested is 17.6%, and the average monthly premium increase is \$4.49. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$25.07, and the requested rate is \$29.48. The rate adjustment would affect approximately 519 members, and would produce approximately \$28,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1746. Filed for public inspection September 18, 2009, 9:00 a.m.]

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Capital BlueCross; Filing No. 09-FFF; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan F, Hospital Benefits; Rate Filing

Capital BlueCross has filed for approval revised rates for the hospital benefits component of its nongroup Medicare Supplemental Security Plan F Program. The aggregate rate increase requested is 15.0%, and the average monthly premium increase is \$8.28. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for first eligible issues is \$50.03, and the requested rate is \$57.53. The rate adjustment would affect approximately 517 members, and would produce approximately \$51,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1747. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital BlueCross; Filing No. 09-OOO; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan B, Hospital Benefits; Rate Filing

Capital BlueCross has filed for approval revised rates for the hospital benefits component of its nongroup Medicare Supplemental Security Plan B Program. The aggregate rate increase requested is 11.7%, and the average monthly premium increase is \$6.44. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for first eligible issues is \$54.53, and the requested rate is \$60.91. The rate adjustment would affect approximately 7,964 members, and would produce approximately \$615,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1748. Filed for public inspection September 18, 2009, 9:00 a.m.]

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Capital BlueCross; Filing No. 09-PPP; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan C, Hospital Benefits; Rate Filing

Capital BlueCross has filed for approval revised rates for the hospital benefits component of its nongroup Medicare Supplemental Security Plan C Program. The aggregate rate increase requested is 17.6%, and the average monthly premium increase is \$13.81. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. The current rate for first eligible issues is \$77.94, and the requested rate is \$91.63. The rate adjustment would affect approximately 20,317 members, and would produce approximately \$3,367,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1749. Filed for public inspection September 18, 2009, 9:00 a.m.]

Capital BlueCross; Filing No. 09-QQQ; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plan H, Hospital Benefits; Rate Filing

Capital BlueCross has filed for approval revised rates for the hospital benefits component of its nongroup Medicare Supplemental Security Plan H Program. The aggregate rate increase requested is 4.1% for insureds who retained prescription drug coverage, and 12.5% for insureds who chose to eliminate their prescription drug benefits. The average monthly premium increase is \$6.26 for insureds who retained prescription drug coverage, and \$11.32 for insureds who chose to eliminate their prescription drug benefits. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate revision for this program took effect on January 1, 2009. For insureds who retained prescription drug coverage, the current rate for first eligible issues is \$151.42, and the requested rate is \$157.67. For insureds who chose to eliminate their prescription drug benefits, the current rate for first eligible issues is \$90.77, and the requested rate is \$102.08. These rate adjustments would affect approximately 1,717 members, and would produce approximately \$172,000 in additional premium annually.

Unless formal administrative action is taken prior to December 9, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1750. Filed for public inspection September 18, 2009, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Glenda Whitaker; file no. 09-216-73758; American Independent Insurance Company; Doc. No. PH09-08-018; October 8, 2009, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischaer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1751. Filed for public inspection September 18, 2009, 9:00 a.m.]

The Travelers Home and Marine Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On August 28, 2009, the Insurance Department (Department) received from The Travelers Home and Marine Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 1.38% increase amounting to \$2.148 million annually, to be effective October 30, 2009.

Unless formal administrative action is taken prior to October 27, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1752. Filed for public inspection September 18, 2009, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of the *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.38—Emergency Evacuation and Safe Assembly, Amended July 31, 2009.

Management Directive No. 325.5—State-Level Single Audit Costs, Amended August 17, 2009.

Management Directive No. 325.6—Auditing Computer-Based Systems, Amended August 17, 2009.

Management Directive No. 325.7—Implementation of the Commonwealth's State-Level Single Audit Process, Amended August 20, 2009.

Management Directive No. 325.8—Remedies for Recipient Noncompliance with Audit Requirements, Amended August 17, 2009.

Management Directive No. 325.9—Processing Audits of Federal Pass-Through Funds, Amended August 20, 2009.

Administrative Circular No. 09-13—Revenue Estimates, 2010-11 Fiscal Year, Dated July 31, 2009.

Administrative Circular No. 09-14—Availability—Commonwealth Telephone Directory, Dated July 29, 2009.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 09-1753. Filed for public inspection September 18, 2009, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on November 4, 2009, commencing at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. 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 2008 and 2009; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to 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 No. 1. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an 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 30, 2009, 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 30, 2009, notification of their desire to be included as a party. Parties should 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.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on October 7, 2009, Board Staff shall file with the Board, in person or by mail, one original and six 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 compiling the subjects each witness's testimony will cover. 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 October 21, 2009, each responding 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 October 28, 2009, 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 1 p.m. on October 23, 2009.

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. 09-1754. Filed for public inspection September 18, 2009, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 2

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. 2 on November 4, 2009, commencing at 10:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. 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 2008 and 2009; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to 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 No. 2. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 2.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to

have entered an 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 30, 2009, 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 30, 2009, notification of their desire to be included as a party. Parties should 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.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on October 7, 2009, Board Staff shall file with the Board, in person or by mail, one original and six 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 compiling the subjects each witness's testimony will cover. 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 October 21, 2009, each responding 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 October 28, 2009, 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 1 p.m. on October 23, 2009.

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. 09-1755. Filed for public inspection September 18, 2009, 9:00 a.m.]

**PENNSYLVANIA
INFRASTRUCTURE
INVESTMENT AUTHORITY
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

**Clean Water and Drinking Water State Revolving
Fund Programs; Public Meeting on Federal Fiscal
Year 2009 Intended Use Plans**

The Department of Environmental Protection (Department) and the Pennsylvania Infrastructure Investment Authority (PENNVEST) have prepared the Federal Fiscal Year (FY) 2009 Intended Use Plans (IUPs). These plans include a list of drinking water, wastewater treatment and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from the Federal FY 2009 Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs. In accordance with United States Environmental Protection Agency guidelines on the development of the IUPs, a public meeting has been scheduled for September 30 at 1 p.m. in the 2nd Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting is scheduled for the purpose of receiving comments from the public regarding the Federal FY 2009 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the set aside work plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Division of Technical and Financial Assistance at the address or telephone number listed at the end of this notice or by e-mail to vbkasi@state.pa.us by 4 p.m. on September 29, 2009. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a loan from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to use of the DWSRF and CWSRF loan funds. Projects listed in the FY 2009 IUPs are on the Commonwealth's Project Priority Lists (PPLs) and are expected to proceed with design and engineering or construction within the next 2 years. A project must appear on a PENNVEST-approved IUP before it can receive a loan from the SRF programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The DWSRF will be capitalized with approximately \$49.1 million in Federal funds and approximately \$9.8 million of State funds. Approximately \$5.5 million of these funds will be set aside for technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under the Safe Drinking Water Act. Another \$3.6 million will be set aside for program administration. The DWSRF IUP also includes a narrative work plan that describes how these set aside funds will be used.

The CWSRF will be capitalized with approximately \$26.9 million of Federal funds and approximately \$1.05 million of State funds. Approximately \$0.2 million will be set aside for program administration costs.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set aside work plan or the PPLs. Interested persons may also submit written comments to the Department at the address that follows. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Division of Technical and Financial Assistance by close of business, October 10, 2009.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Veronica Kasi at (717) 772-4053 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUPs, the PPLs, and the DWSRF set aside work plan may be obtained by contacting the Division of Technical and Financial Assistance at (717) 772-4053 or through the Department's web site <http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1263&Q=448094&watersupplyNav|30198>

Department of Environmental Protection
Bureau of Water Standards and Facility Regulation
Division of Technical and Financial Assistance
P. O. Box 8467
11th Floor
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101
(717) 787-0122

PENNVEST
22 South Third Street
4th Floor
Keystone Building
Harrisburg, PA 17101
(717) 787-8137

JOHN HANGER,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority

PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 09-1756. Filed for public inspection September 18, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 5, 2009. 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-2009-2128001. Edna Weiler (2601 Newport Road, Manheim, Lancaster County, PA 17545)—for the right to begin to transport, as a common carrier by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Lancaster County.

A-2009-2128939. Personal Touch Transportation, LLC (3186 Greentree Drive, Lancaster, Lancaster County, PA 17601)—a limited liability company of the Commonwealth—for the right to begin to transport persons, in paratransit service, from points in the Counties of Lancaster, York, Dauphin, Cumberland, Adams and Lebanon, to points in Pennsylvania, and return.

A-2009-2129062. Ryan Duane Morgan, t/a Morgan's Taxi Service (209 South Smith Street, Port Matilda, Centre County, PA 16870)—persons, upon call or demand in the Counties of Centre, Clearfield, Clinton, Union, Mifflin, Huntingdon, Blair and Cambria.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under the application.*

A-2009-2129120. Goose Moving, LLC (220 Second Avenue, Hanover, York County, PA 17331), a limited liability company of the Commonwealth—begin right to transport by motor vehicle, household goods in use, from points in the Counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon and York.

Applications of the following for the approval of the *transfer of stock as described under each application.*

A-2009-2128308. Harrisburg City Cab, Inc. (1601 Paxton Street, Harrisburg, Dauphin County, PA 17104), a corporation of the Commonwealth—ownership transfer—for the approval of the transfer of 50 shares of outstanding stock held by Peter Equere to Lamont Palmer. *Attorney: J. Bruce Walter, Rhoads & Sinon, LLP, P.O. Box 1146, Harrisburg, PA 17108-1146.*

A-2009-2128476. Armen Limousines Corporation (One Penn Center, 19th Floor, Philadelphia, Philadelphia

County, PA 19103), a corporation of the Commonwealth—ownership transfer—for the approval of the transfer of 100 shares of issued and outstanding stock held by Dezdemonna Bijani, Administratrix of the Estate of Armen Carapetian, Deceased to Larry H. Heard, Jr. *Attorney: Jack M. Bernard, 1930 Land Title Building, 100 South Broad Street, Philadelphia, PA 19110.*

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2009-2117512. Renzenberger, Inc. (14325 West 95th Street, Lenexa, Johnson County, KS 66215), a corporation of the State of Kansas—for the discontinuance of service and cancellation of its Certificate of Public Convenience, as a contract carrier, by motor vehicle, persons for CSX between points in the Counties of Allegheny, Mercer, Somerset, Westmoreland, Huntingdon, Cameron, Lycoming, Snyder, Cumberland, York, Lehigh, Philadelphia, Chester, Beaver, Crawford, Fayette, Cambria, Mifflin, Potter, Union, Dauphin, Franklin, Lebanon, Northampton, Delaware, Lawrence, Erie, Greene, Blair, McKean, Clinton, Northumberland, Perry, Lancaster, Berks, Bucks and Montgomery.

A-2009-2124283. Deer Lake Services, Inc., d/b/a Deer Lake Limousine Services, Inc. (1728 Centre Turnpike, Auburn, Schuylkill County, PA 17922), a corporation of the Commonwealth—for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier, by motor vehicle, authorizing the transportation of persons in group and party service in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Berks, Carbon, Columbia, Dauphin, Lebanon, Luzerne, Northumberland and Schuylkill, and from points in said counties to points in Pennsylvania and return.

A-2009-2124284. Deer Lake Services, Inc., t/a Deer Lake Limousine Services, Inc. (1728 Centre Turnpike, Auburn, Schuylkill County, PA 17922), a corporation of the Commonwealth—for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier by motor vehicle, authorizing the transportation of persons in limousine service between points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1757. Filed for public inspection September 18, 2009, 9:00 a.m.]

Smart Meter Technology Plan; Notice of Technical Conference

M-2009-2123948, Duquesne Light Company. The Pennsylvania Public Utility Commission (Commission) has directed that a technical conference be held on the previously-captioned case. At the technical conference, Duquesne Light Company will present personnel with in-depth knowledge of the Smart Meter Technology Plan who can respond to questions regarding all aspects of the plan. Only lay persons affiliated with an admitted party of record will be permitted to directly ask questions of the company representatives.

To be admitted as a party of record, a Petition to Intervene must be filed with the Secretary and served on

the company, on all parties of record and on the presiding Administrative Law Judge on or before 4:30 p.m., Friday, September 25, 2009. The presiding officer is Administrative Law Judge Robert P. Meehan, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 565-3550, fax (412) 565-5692.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that the Technical Conference in the perviously-captioned case will be held as follows:

Type: Technical Conference
Date: Tuesday, October 27, 2009
Time: 10 a.m.
Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Presiding: Administrative Law Judge Louis G. Cocheres*
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 783-5452
Fax: (717) 787-0481

*Note ALJ Cocheres will only preside over the Technical Conference.

Person with a disability, and who wish to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1758. Filed for public inspection September 18, 2009, 9:00 a.m.]

Smart Meter Technology Plan; Notice of Technical Conference

M-2009-2123950, Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company for Approval of Smart Meter Technology Procurement and Installation Plan. The Pennsylvania Public Utility Commission (Commission) has directed that a technical conference be held on the previously-captioned case. At the technical conference, Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company will present personnel with in-depth knowledge of the Smart Meter Technology Plan who can respond to questions regarding all aspects of the plan. Only lay persons affiliated with an admitted party of record will be permitted to directly ask questions of the company representatives.

To be admitted as a party of record, a Petition to Intervene must be filed with the Secretary and served on the company, on all parties of record and on the presiding Administrative Law Judge on or before 4:30 p.m., Friday, September 25, 2009. The presiding officer is Administrative Law Judge Susan D. Colwell, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 783-5452, fax (717) 787-0481.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that the Technical Conference in the previously-captioned case will be held as follows:

Type: Technical Conference
Date: Tuesday, October 20, 2009
Time: 10 a.m.
Location: Hearing Room 1
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Presiding: Administrative Law Judge David A. Salapa*
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 783-5452
Fax: (717) 787-0481

*Note ALJ Salapa will only preside over the Technical Conference.

Persons with a disability, and who wish to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1759. Filed for public inspection September 18, 2009, 9:00 a.m.]

Smart Meter Technology Plan; Notice of Technical Conference

M-2009-2123945, PPL Electric Utilities Corporation. The Pennsylvania Public Utility Commission (Commission) has directed that a technical conference be held on the previously-captioned case. At the technical conference, PPL Electric Utilities Corporation will present personnel with in-depth knowledge of the Smart Meter Technology Plan who can respond to questions regarding all aspects of the plan. Only lay persons affiliated with an admitted party of record will be permitted to directly ask questions of the company representatives.

To be admitted as a party of record, a Petition to Intervene must be filed with the Secretary and served on the company, on all parties of record and on the presiding

Administrative Law Judge on or before 4:30 p.m., Friday, September 25, 2009. The presiding officer is Administrative Law Judge Wayne L. Weismandel, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 783-5452, fax (717) 787-0481.

By the Commission

JAMES J. MCNULTY
Secretary

Notice

This is to inform you that the Technical Conference in the previously-captioned case will be held as follows:

Type: Technical Conference
Date: Tuesday, October 6, 2009
Time: 10 a.m.
Location: Hearing Room 5
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Presiding: Administrative Law Judge Kandace F. Melillo*
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 783-5452
Fax: (717) 787-0481

*Note ALJ Melillo will only preside over the Technical Conference.

Persons with a disability, and who wish to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1760. Filed for public inspection September 18, 2009, 9:00 a.m.]

To be admitted as a party of record, a Petition to Intervene must be filed with the Secretary and served on the company, on all parties of record and on the presiding Administrative Law Judge on or before 4:30 p.m., Friday, September 25, 2009. The presiding officer is Administrative Law Judge Marlane R. Chestnut, 801 Market Street, 4th Floor, Philadelphia, PA 19103, (215) 560-2105, fax (215) 560-3133.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that the Technical Conference in the previously-captioned case will be held as follows:

Type: Technical Conference
Date: Wednesday, October 7, 2009
Time: 10 a.m.
Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Presiding: Administrative Law Judge David A. Salapa*
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 783-5452
Fax: (717) 787-0481

*Note ALJ Salapa will only preside over the Technical Conference.

Persons with a disability, and who wish to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1761. Filed for public inspection September 18, 2009, 9:00 a.m.]

Smart Meter Technology Plan; Notice of Technical Conferencetion Plans

M-2009-2123944, Petition of PECO Energy Company for Approval of its Smart Meter Technology Procurement and Installation Plan. The Pennsylvania Public Utility Commission (Commission) has directed that a technical conference be held on the previously-captioned case. At the technical conference, PECO Energy Company will present personnel with in-depth knowledge of the Smart Meter Technology Plan who can respond to questions regarding all aspects of the plan. Only lay persons affiliated with an admitted party of record will be permitted to directly ask questions of the company representatives.

Smart Meter Technology Plan; Notice of Technical Conference

M-2009-2123951, Petition of West Penn Power Company, d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Instatation Plan. The Pennsylvania Public Utility Commission (Commission) has directed that a technical conference be held on the previously-captioned case. At the technical conference, West Penn Power Company will present personnel with in-depth knowledge of the Smart Meter Technology Plan who can respond to questions regarding all aspects of the plan. Only lay persons affiliated with an admitted party of record will be permitted to directly ask questions of the company representatives.

To be admitted as a party of record, a Petition to Intervene must be filed with the Secretary and served on the company, on all parties of record and on the presiding Administrative Law Judge on or before 4:30 p.m., Friday, September 25, 2009. The presiding officer is Administrative Law Judge Mark A. Hoyer, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 565-3550 fax (412) 565-5692.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that the Technical Conference in the previously-captioned case will be held as follows:

Type: Technical Conference
Date: Monday, October 5, 2009
Time: 10 a.m.
Location: Hearing Room 2
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Presiding: Administrative Law Judge Louis G. Cocheres*
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 783-5452
Fax: (717) 787-0481

*Note ALJ Cocheres will only preside over the Technical Conference.

Persons with a disability, and who wish to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1762. Filed for public inspection September 18, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
August 27, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

In re: Dynalink Communications, Inc.;
Doc. No. A-311424

Tentative Order

By the Commission:

Dynalink Communications, Inc. (Dynalink) has failed to file its 2007 Annual Report pursuant to section 504 of the Public Utility Code. 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Dynalink is a reseller of interexchange toll services certificated at A-311424. By Default Order entered March 19, 2009, the Commission revoked Dynalink's certificate as a competitive local exchange carrier that was docketed at A-311424F0002. In the earlier case, Dynalink failed to respond to the complaint that was filed against it. In the present case, Dynalink has similarly failed to respond to Commission attempts by mail using the same address to have the company file the missing report.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the above facts, we tentatively conclude that it is appropriate to revoke Dynalink's certificate of public convenience without the necessity of a formal complaint as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Dynalink seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. The revocation of Dynalink Communications, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.
3. The absence of the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.
4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Dynalink Communications, Inc. at A-311424 shall be canceled, and Dynalink Communications, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1763. Filed for public inspection September 18, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
August 27, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyronne J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

In re: Preferred Carrier Services, Inc.;
Doc. No. A-310403

Tentative Order

By the Commission:

Preferred Carrier Services, Inc. (Preferred Carrier) has failed to file its 2007 Annual Report pursuant to section 504 of the Public Utility Code. 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Preferred Carrier is a reseller of interexchange toll services certificated at A-310403. By Final Order entered April 21, 2009, the Commission approved an earlier Tentative Order entered December 24, 2008, at C-2008-2036563, revoking Preferred Carrier's certificate as a competitive local exchange that was docketed at A-310403F0002. The address and telephone number for both certificated businesses are the same, and, as found in the earlier Tentative Order, the company's address and telephone number are both no longer valid and no information is available for any new address or phone number. Notwithstanding the above facts, Commission staff has made several attempts to reach Preferred Carrier by mail, e-mail, and phone to file the missing report and each of these attempts has been unsuccessful.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the above facts, we tentatively conclude that it is appropriate to revoke Preferred Carrier's certificate of public convenience without the necessity of a formal complaint as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Preferred Carrier seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. The revocation of Preferred Carrier Services, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Preferred Carrier Services, Inc. at A-310403 shall be canceled, and Preferred Carrier Services, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1764. Filed for public inspection September 18, 2009, 9:00 a.m.]

Wastewater Service

A-2009-2129046. Pennsylvania American Water Company—Wastewater Division. Application of Pennsylvania American Water Company—Wastewater Division, for approval to offer, render, furnish or supply wastewater service to the public in a portion of South Coatesville Borough, Chester 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 October 5, 2009. 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: Pennsylvania American Water Company—Wastewater Division

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1765. Filed for public inspection September 18, 2009, 9:00 a.m.]

**STATE BOARD
OF NURSING**

**Bureau of Professional and Occupational Affairs v.
Martha Serbin Hudson, R.N., Doc. No. 0308-51-08**

On July 30, 2009, Martha Serbin Hudson, R.N., license number RN-527559-L, of McKeesport, Allegheny County, had her license to practice professional nursing indefinitely suspended, retroactive to May 11, 2009, based on her inability to practice professional nursing with reasonable skill and safety to patients due to mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

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

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

ANN L. O’SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 09-1766. Filed for public inspection September 18, 2009, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania’s Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for

odor management plans under 3 Pa.C.S. §§ 501–522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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, therefore individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

| <i>Ag Operation Name, Address</i> | <i>County/Township</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New or Amended</i> | <i>Action Taken</i> |
|--|------------------------------------|--|--------------------|---------------------------|-------------------------|
| Stephan Zook 1387 Route 403 North Northern Cambria, PA 15714 | Indiana County Pine Township | 0—Manure Storage Only | None | New | 9/1/2009 |
| Lloyd Hoover 40 Lenge Road Myerstown, PA 17067 | Lebanon County Jackson Township | 197 | Broiler | New | 9/1/2009 |

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1767. Filed for public inspection September 18, 2009, 9:00 a.m.]

