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PENNSYLVANIA BULLETIN

Volume 36
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for the Subject Index for
January—September 2006

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Liquor Control Board
Patient Safety Authority
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Philadelphia Regional Port Authority
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State Horse Racing Commission

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

No. 383, October 2006

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

September 26, 2006

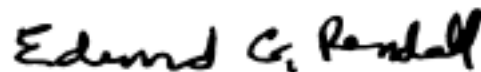
Whereas, on June 28, 2006, I proclaimed a Disaster Emergency in Adams, Armstrong, Bedford, Berks, Blair, Bradford, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, resulting in extensive damage to public and private property; and

Whereas, this Proclamation expires September 26, 2006.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of June 28, 2006, as follows:

1. The period of the Disaster Emergency is extended from September 26, 2006, to December 26, 2006.
2. I hereby direct that the other operational provisions of the June 28, 2006, Proclamation of Disaster Emergency that remain applicable to the current emergency circumstances in the counties shall continue in full force and effect.
3. This amendment to the Proclamation shall take effect immediately.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this twenty-sixth day of September in the year of our Lord two thousand and six, and of the Commonwealth the two hundred and thirty-first.



Governor

[Pa.B. Doc. No. 06-1957. Filed for public inspection October 6, 2006, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 21 AND 25]

Order Amending Pa.R.A.P. 2140 and 2544; No. 174 Appellate Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 22nd day of September, 2006, upon the recommendation of the Appellate Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice, pursuant to Pa.R.J.A. 103(a)(3):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rules of Appellate Procedure 2140 and 2544 are amended in the following form.

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

Anne A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.

* * * * *

(d) *Page limits.*—A substituted brief shall not exceed [50 pages of conventional typographical printing or 70 pages of reproduction by any other process of duplicating or copying] 70 pages when produced on a word processor/computer or typewriter. A supplemental brief shall not exceed [25 pages of conventional typographical printing or 40 pages of reproduction by any other process of duplicating or copying] 40 pages when produced on a word processor/computer or typewriter. A reply brief shall not exceed [15 pages of conventional typographical printing or 25 pages of reproduction by any other process of duplicating or copying] 25 pages when produced on a word processor/computer or typewriter.

* * * * *

CHAPTER 25. POST-SUBMISSION PROCEEDINGS APPLICATION FOR REARGUMENT

Rule 2544. Contents of Applications for Reargument

* * * * *

(c) *Length.*—Except by permission of the court, an application for reargument shall not exceed [ten pages of conventional typographical printing or 15 pages

of any other process of duplicating or copying] 15 pages when produced on a word processor/computer or typewriter, exclusive of pages containing table of contents, table of citations and any addendum containing opinions, etc., or any other similar supplementary matter provided for by this rule.

* * * * *

[Pa.B. Doc. No. 06-1958. Filed for public inspection October 6, 2006, 9:00 a.m.]

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 67]

Guidelines for the Photographing, Recording and Broadcasting of Commonwealth Court Proceedings

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. [INTERNAL OPERATING PROCEDURES OF THE] COMMONWEALTH COURT

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- 67.101. Guidelines for the Photographing, Recording and Broadcasting of Commonwealth Court Proceedings by the Pennsylvania Cable Network (PCN).

§ 67.101. Guidelines for the Photographing, Recording and Broadcasting of Commonwealth Court Proceedings by the Pennsylvania Cable Network (PCN).

(a) *General Provisions.*

(1) From the date of these Guidelines until further order of this Court, the recording by PCN of en banc proceedings before Commonwealth Court for future broadcast on PCN is permissible only in accordance with these Guidelines.

(2) Three business days advance notice is required of a request to be present to record a scheduled en banc proceeding electronically for future broadcast on PCN electronically. Such requests must be submitted to the Executive Administrator for approval by the President Judge. The President Judge, or presiding judge of the en banc panel will retain the authority, in his or her sole discretion, to prohibit camera coverage of any proceeding.

(3) There shall be no coverage of an en banc proceeding involving any case that the Court has designated SEALED, or of any case involving the expungement or the refusal to expunge founded or indicated reports of child abuse.

(4) The President Judge, or presiding judge of an en banc proceeding may limit or terminate coverage, or direct the removal of camera coverage personnel when necessary to protect the rights of the parties or to assure the orderly conduct of the proceedings.

(5) No expense by Commonwealth Court is to be incurred for equipment, wiring or personnel needed to provide coverage by PCN.

(6) Introductory commentary, if any, shall be supplied by members of the Pennsylvania Bar approved by the Board of Judges of the Commonwealth Court.

(7) All coverage must be gavel-to-gavel, including re-broadcasts, with the exceptions covered in a(3) and (4) above.

(8) All copyrights to the broadcasts are the possession of the Commonwealth Court of Pennsylvania and may not be used without the approval of the Commonwealth Court of Pennsylvania. PCN shall provide to the court DVD or videotape recordings of all sessions covered by PCN, whether or not broadcasted.

(9) This shall become effective November 1, 2006.

(b) *Limitations.*

(1) Camera coverage of en banc proceedings must be conducted in conformity with applicable statutes, national rules, any guidelines that may be issued by the U.S. Judicial Conference or the Supreme Court of Pennsylvania.

(2) There shall be no audio pickup or broadcast of conferences between co-counsel or among the judges.

(c) *Equipment and Personnel.*

(1) Only two television cameras, with one operator per camera will be permitted in the courtroom. The Executive Administrator, or designee, shall identify the location in the courtroom for the camera equipment and operators.

(2) Equipment shall not produce distracting sound or light. Signal lights or devices to show when the equipment is operating shall not be visible. Motorized drives, moving lights, flash attachments or sudden light changes shall not be used.

(3) Except as otherwise approved by the Executive Administrator, or designee, existing courtroom sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a television camera's built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the Executive Administrator or designee.

(4) All equipment must be set up prior to the opening of the court session and may not be removed until after the conclusion of the day's proceedings. Video tape recording equipment which is not a component part of a television camera shall be located in an area remote from the courtroom. Camera operators shall not exit or enter the courtroom once the proceedings are in session except during a recess or adjournment. Camera operators shall wear suitable attire in the courtroom.

(5) PCN personnel shall adhere to the direction of the Executive Administrator, or designee, in such matters as security, parking, noise avoidance, and other related issues.

(d) *Impermissible Use of Material.*

(1) None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of an en banc proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent and collateral thereto, or upon any appeal of such proceedings.

[Pa.B. Doc. No. 06-1959. Filed for public inspection October 6, 2006, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 84

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, January 12, 2007 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175
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By the Domestic Relations
Procedural Rules Committee

NANCY P. WALLITSCH, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.13-1. Modification of Custody Order.

(a) A petition for modification of an existing custody order shall be substantially in the form set forth in Rule 1915.15(b) and shall specifically set forth the material and substantial change in circumstances which have occurred from the date of the last order upon which the petition is based.

(b) The petition shall also set forth whether it involves legal custody, sole custody, physical custody, partial custody, shared custody or visitation, the specific relief requested and explain fully how the requested modification will serve the best interests and permanent welfare of the child(ren).

(c) Unless the court is satisfied that there has been a material and substantial change in circumstances, it will not consider the merits of the petition.

(d) If the trier of fact finds a material and substantial change in circumstances, it may modify the existing

custody order in an appropriate manner consistent with the best interests and permanent welfare of the child(ren).

Explanatory Comment—2006

Custody litigation is difficult and stressful, particularly for the children who are the subjects of the proceedings. The commonwealth has a duty of paramount importance to protect a child's best interests and welfare which is not served by continued relitigation of matters decided by the court and/or agreed upon by the parties, without there being a material and substantial basis for the request for change. New Rule 1915.13-1 requires that petitions for modification of existing custody orders specifically state the material and substantial change in circumstances that have occurred from the date of the last order, and that a court find such change before considering the merits of a modification petition. This amendment supercedes *Karis v. Karis*, 518 Pa. 601, 544 A.2d 1328 (1988), to the extent that it held that a petition for modification of a custody order does not require a showing of a substantial change in circumstances.

Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Partial Custody or Visitation Order.

* * * * *

(b) A petition to modify a [partial] custody [or visitation] order shall be in substantially the following form:

(Caption)

PETITION FOR MODIFICATION OF A [PARTIAL] CUSTODY [OR VISITATION] ORDER

1. The petition of _____ respectfully represents that on _____ (date) _____, [19__] _____ an Order of Court was entered for (LEGAL CUSTODY) (SOLE CUSTODY) (PHYSICAL CUSTODY) (PARTIAL CUSTODY) (SHARED CUSTODY) (VISITATION), a true and correct copy of which is attached.

2. This Order should be modified because there has been a material and substantial change in circumstances as follows (set forth the specific facts explaining fully the material and substantial change in circumstances necessitating a modification of custody which will serve the best interests and permanent welfare of the child(ren): _____

WHEREFORE, Petitioner requests that the Court modify the existing Order for (LEGAL CUSTODY) (SOLE CUSTODY) (PHYSICAL CUSTODY) (PARTIAL CUSTODY) (SHARED CUSTODY) (VISITATION) because it will be in the best interest of the child(ren).

(Attorney for Petitioner) (Petitioner)

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date Petitioner

* * * * *

[Pa.B. Doc. No. 06-1960. Filed for public inspection October 6, 2006, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES [237 PA. CODE CH. 5]

Proposed Amendments to Rule 512 and Proposed Rule 518

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rule 512 and the new rule 518 be adopted and prescribed. The proposed modified Rule 512 sets forth that the trial court shall ensure the juvenile is advised of the right to file post-dispositional motions and the right to an appeal. Rule 518 sets forth the procedures of a post-dispositional motion. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

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

no later than Monday, November 6, 2006.

By the Juvenile Court Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 512. Dispositional Hearing.

A. *Manner of hearing.* The court shall conduct the dispositional hearing in an informal but orderly manner.

1) *Evidence.* The court shall receive any oral or written evidence which is helpful in determining disposition, including evidence that was not admissible at the adjudicatory hearing.

2) *Opportunity to be heard.* Before deciding disposition, the court shall give the juvenile and the victim an opportunity to make a statement.

B. *Recording.* The dispositional hearing shall be recorded. The recording shall be transcribed:

- 1) at the request of a party;
- 2) pursuant to a court order; or
- 3) when there is an appeal.

C. *Duties of the court.* The court shall determine on the record that the juvenile has been advised of the following:

- 1) the right to file a post-dispositional motion;
- 2) the right to file an appeal;
- 3) the time limits for a post-dispositional motion and appeal;
- 4) the right to counsel to prepare the motion and appeal;
- 5) the time limits within which the post-dispositional motion must be decided; and
- 6) that issues raised before and during adjudication shall be deemed preserved for appeal whether or not the juvenile elects to file a post-dispositional motion.

Comment

Under paragraph (A)(2), for victim's right to be heard, see Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

* * * * *

Rule 518. Post-Dispositional Motions.

A. *Optional Post-Dispositional Motion.*

1) The parties shall have the right to make a post-dispositional motion. All requests for relief from the court shall be stated with specificity and particularity, and shall be consolidated in the post-dispositional motion.

2) Issues raised before or during the adjudicatory hearing shall be deemed preserved for appeal whether or not the party elects to file a post-dispositional motion on those issues.

B. *Timing.*

1) If a post-dispositional motion is filed, it shall be filed no later than ten days after the imposition of disposition.

2) If a timely post-dispositional motion is filed, the notice of appeal shall be filed:

- a) within thirty days of the entry of the order deciding the motion;
- b) within thirty days of the entry of the order denying the motion by operation of law in cases which the judge fails to decide the motion; or
- c) within thirty days of the entry of the order memorializing the withdrawal in cases in which a party withdraws the motion.

3) If a post-dispositional motion is not timely filed, a notice of appeal shall be filed within thirty days of the imposition of disposition.

C. *Trial Court Action.*

1) *Briefing Schedule and Argument.* Within ten days of the filing of the post-dispositional motion, the court shall:

- a) determine if briefs, memoranda of law, or oral arguments are required;
- b) set a briefing schedule and dates for oral argument, if necessary.

2) *Failure to Set Schedule.* If the court fails to act according to paragraph (C)(1), briefs and oral arguments are deemed unnecessary.

3) *Transcript.* If the grounds asserted in the post-dispositional motion do not require a transcript, neither the briefs nor arguments on the post-dispositional motion shall be delayed for transcript preparation.

D. *Time Limits for Decision on Motion.* The judge shall not vacate disposition pending the decision on the post-dispositional motion, but shall decide the motion as provided in this paragraph.

1) Except as provided in paragraph (D)(2), the judge shall decide the post-dispositional motion as soon as possible but within 30 days of the filing of the motion. If the judge fails to decide the motion within 30 days, or to grant an extension as provided in paragraph (D)(2), the motion shall be deemed denied by operation of law.

2) Upon motion of a party within the 30-day disposition period, for good cause shown, the judge may grant one 30-day extension for decision on the motion. If the judge fails to decide the motion within the 30-day extension period, the motion shall be deemed denied by operation of law.

3) When a post-dispositional motion is denied by operation of law, the clerk of courts shall forthwith enter an order on behalf of the court, and, as provided pursuant to Rule 167, forthwith shall serve a copy of the order on each attorney and the juvenile, if unrepresented, that the post-dispositional motion is deemed denied. This order is not subject to reconsideration.

4) If the judge denies the post-dispositional motion, the judge promptly shall issue an order and the order shall be filed and served as provided in Rule 167.

5) If a party withdraws a post-dispositional motion, the judge promptly shall issue an order memorializing the withdrawal, and the order shall be filed and served as provided in Rule 167.

E. *Contents of order.* An order denying a post-dispositional motion, whether issued by the judge pursuant to paragraph (D)(4) or entered by the clerk of courts pursuant to paragraph (D)(3), or an order issued following a party's withdrawal of the post-dispositional motion pursuant to paragraph (D)(5), shall include notice to the party of the following:

- 1) the right to appeal;
- 2) the time limits within which the appeal must be filed; and
- 3) the right to counsel in the preparation of the appeal.

F. *After-discovered evidence.* A motion for a new adjudication on the grounds of after-discovered evidence shall be filed in writing promptly after such discovery. If an appeal is pending, the judge may grant the motion only upon remand of the case.

Comment

The purpose of this rule is to promote the fair and prompt disposition of all issues relating to admissions, adjudication, and disposition by consolidating all possible motions to be submitted for trial court review, and by setting reasonable but firm time limits within which the motion must be decided. Because the post-dispositional motion is optional, a party may choose to raise any or all properly preserved issues in the trial court, in the appellate court, or both.

Optional Post-Dispositional Motion

See *In re Brandon Smith*, 393 Pa. Super. 39, 573 A.2d 1077 (1990) for motions on ineffective assistance of counsel.

Under paragraph (A)(2), any issue raised before or during adjudication is deemed preserved for appeal whether or not a party chooses to raise the issue in a post-dispositional motion. It follows that the failure to

brief or argue an issue in the post-dispositional motion would not waive that issue on appeal as long as the issue was properly preserved, in the first instance, before or during adjudication. Nothing in this rule, however, is intended to address Pa.R.A.P. 1925(b) or the preservation of appellate issues once an appeal is filed. See *Commonwealth v. Lord*, 553 Pa. 415, 719 A.2d 306 (1998) (any issues not raised in a 1925(b) statement will be deemed waived).

Under paragraph (B)(1), if a party chooses to file a post-dispositional motion, the motion must be filed within 10 days of imposition of disposition. The filing of the written post-dispositional motion triggers the time limits for decision on the motion. See paragraph (D)(1).

Timing

Paragraph (B) contains the timing requirements for filing the optional post-dispositional motion and taking an appeal. Under paragraph (B)(1), the post-dispositional motion must be filed within 10 days of imposition of disposition. Supplemental motions may be filed but the time requirements of paragraph (B)(1) must be followed.

When a party files a timely post-dispositional motion, the 30-day period for the juvenile's direct appeal on all matters in that case is triggered by the trial judge's decision on the post-dispositional motion, the denial of the motion by operation of law, or the withdrawal of the post-dispositional motion. The appeal period runs from the entry of the order. As to the date of entry of orders, see Pa.R.A.P. 108. No direct appeal may be taken by the party while the post-dispositional motion is pending. See paragraph (B)(2).

If no timely post-dispositional motion is filed, the party's appeal period runs from the date disposition is imposed. See paragraph (B)(3).

Briefs; Transcripts; Argument

Under paragraph (C)(1), the judge should determine, on a case-by-case basis, whether briefs, memoranda of law, or arguments are required for a fair resolution of the post-dispositional motion. If they are not needed, or if a concise summary of the relevant law and facts is sufficient, the judge should so order. Any local rules requiring briefs or oral argument are inconsistent with this rule. See Rule 121(C).

Under paragraph (C)(3), the judge, in consultation with the attorneys, should determine what, if any, portions of the notes of testimony must be transcribed so that the post-dispositional motion can be resolved. The judge should then set clear deadlines for the court reporter to insure timely disposition of the motion. Nothing in this rule precludes the judge from ordering the transcript or portions of it immediately after the conclusion of the adjudicatory hearing or the entry of an admission.

For the recording and transcribing of court proceedings generally, see Rule 127. The requirements for the record and the writing of an opinion on appeal are set forth in the Pennsylvania Rules of Appellate Procedure.

There is no requirement that oral argument be heard on every post-dispositional motion. When oral argument is heard on the post-dispositional motion, the juvenile need not be present.

Disposition

Under paragraph (D), once a party makes a timely written post-dispositional motion, the judge retains jurisdiction for the duration of the disposition period. The judge may not vacate the order imposing disposition pending decision on the post-dispositional motion.

Paragraph (D)(2) permits one 30-day extension of the 30-day time limit, for good cause shown, upon motion of a party. In most cases, an extension would be requested and granted when new counsel has entered the case. Only a party may request such an extension. The judge may not, sua sponte, extend the time for decision: a congested court calendar or other judicial delay does not constitute "good cause" under this rule.

The possibility of an extension is not intended to suggest that 30 days are required for decision in most cases. The time limits for disposition of the post-dispositional motion are the outer limits. Easily resolvable issues, such as a modification of disposition or an admission challenge, should ordinarily be decided in a much shorter period of time.

If the trial judge decides the motion within the time limits of this rule, the judge may grant reconsideration on the post-dispositional motion pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701(b)(3), but the judge may not vacate the disposition pending reconsideration. The reconsideration period may not be used to extend the timing requirements set forth in paragraph (D) for decision on the post-disposition motion: the time limits imposed by paragraphs (D)(1) and (D)(2) continue to run from the date the post-dispositional motion was originally filed. The trial judge's reconsideration must therefore be resolved within the 30-day decision period of paragraph (D)(1) or the 30-day extension period of paragraph (D)(2), whichever applies. If a decision on the reconsideration is not reached within the appropriate period, the post-dispositional motion, including any issues raised for reconsideration, will be denied pursuant to paragraph (D)(3).

Under paragraph (D)(1), on the date when the court disposes of the motion, or the date when the motion is denied by operation of law, the judgment becomes final for the purposes of appeal. See Judicial Code, 42 Pa.C.S. §§ 102, 722, 742, 5105(a) and *Commonwealth v. Bolden*, 472 Pa. 602, 373 A.2d 90 (1977). See Pa.R.A.P. Rule 341.

An order entered by the clerk of courts under paragraph (D)(3) constitutes a ministerial order and, as such, is not subject to reconsideration or modification pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701.

If the motion is denied by operation of law, paragraph (D)(3) requires that the clerk of courts enters an order denying the motion on behalf of the court and immediately notifies the attorneys, or the juvenile, if unrepresented, that the motion has been denied. This notice is intended to protect the party's right to appeal. The clerk of courts also must comply with the filing, service, and docket entry requirements of Rule 167.

Contents of Order

Paragraph (E) protects a party's right to appeal by requiring that the judge's order denying the motion, the clerk of courts' order denying the motion by operation of law, or the order entered memorializing a party's withdrawal of a post-dispositional motion, contain written notice of the party's appeal rights. This requirement ensures adequate notice to the party, which is important given the potential time lapse between the notice pro-

vided at disposition and the resolution of the post-dispositional motion. See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. Ct. 1998), concerning the contents of the order memorializing the withdrawal of a post-sentence motion.

When a party withdraws a post-dispositional motion in open court and on the record, the judge should orally enter an order memorializing the withdrawal for the record, and give the party notice of the information required by paragraph (E). See *Commonwealth v. Miller*, supra.

Miscellaneous

Under paragraph (A)(1), the grounds for the post-dispositional motion should be stated with particularity. Motions alleging insufficient evidence, for example, must specify in what way the evidence was insufficient, and motions alleging that the court's findings were against the weight of the evidence must specify why the findings were against the weight of the evidence.

Because the post-dispositional motion is optional, the failure to raise an issue with sufficient particularity in the post-dispositional motion will not constitute a waiver of the issue on appeal as long as the issue was preserved before or during adjudication. See paragraph (A)(2).

Issues properly preserved at the dispositional hearing need not, but may be raised again in a motion to modify disposition in order to preserve them for appeal. In deciding whether to move to modify disposition, counsel must carefully consider whether the record created at the dispositional hearing is adequate for appellate review of the issues, or the issues may be waived. See *Commonwealth v. Jarvis*, 444 Pa. Super. 295, 663 A.2d 790 (1995). As a general rule, the motion to modify disposition under paragraph (A)(1) gives the dispositional judge the earliest opportunity to modify the disposition. This procedure does not affect the court's inherent powers to correct an illegal disposition or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. See, e.g., *Commonwealth v. Jones*, 520 Pa. 385, 554 A.2d 50 (1989) (trial court can, sua sponte, correct an illegal sentence even after the defendant has begun probation or placement) and *Commonwealth v. Cole*, 437 Pa. 288, 263 A.2d 339 (1970) (inherent power of the court to correct obvious and patent mistakes).

Once a disposition has been modified or reimposed pursuant to a motion to modify disposition under paragraph (A)(1), a party wishing to challenge the decision on the motion does not have to file an additional motion to modify disposition in order to preserve an issue for appeal, as long as the issue was properly preserved at the time disposition was modified or reimposed.

Explanatory Report

Rule 512—Dispositional Hearing

The Committee is proposing that paragraph (C) be added to Rule 512. At the dispositional hearing, the court is to determine on the record if the juvenile has been advised of the right to file a post-dispositional motion, the right to file an appeal, the time limits for a post-dispositional motion and appeal, the right to counsel to prepare the post-dispositional motion and appeal, the time limits within which the post-dispositional motion must be decided, and that issues raised before and during adjudication shall be deemed preserved for appeal whether the juvenile elects to file a post-dispositional motion.

In some counties, the District Attorney advises the juvenile of these rights on the record. In other counties, the juvenile's attorney advises the juvenile of these rights. Under the proposed rule change, any person can advise the juvenile of these rights. It is the court's duty to ensure that someone has spoken to the juvenile about these rights.

Rule 518—Post-Dispositional Motions

This proposed rule gives the parties the option to file a post-dispositional motion. A motion may include, but is not limited to, a motion challenging the validity of an admission pursuant to Rule 407 or a motion to withdraw the admission, a motion for reconsideration of findings, a motion for a new adjudication, a motion to modify disposition, or a motion of ineffective assistance of counsel.

See *In re Brandon Smith*, 573 A.2d 1077 (Pa. Super. Ct. 1990), for a matter of first impression when the Superior Court sitting en banc held that a post-dispositional motion is the appropriate means for alleging ineffective assistance of counsel.

Under paragraph (B)(1), a supplemental motion may be filed but it must be filed within the ten-day limit. Because of the urgency of moving the juvenile case through the system and the judge has only thirty days to respond to the motion pursuant to paragraph (D)(1), no supplemental motions can be filed after the original ten-day time frame. Pursuant to paragraph (A)(2), issues raised before or during the adjudicatory hearing are deemed preserved regardless of whether the party elects to file a post-dispositional motion. See also Rule 512 (C)(6).

Paragraph (B)(2) sets forth the time clock for when an appeal must be taken. If a post-dispositional motion is not filed, a notice of appeal must be filed within thirty days of the imposition of disposition. See paragraph (B)(3).

Under paragraph (C), the judge shall determine within ten days of the filing of a post-dispositional motion, if briefs, memoranda of law, or arguments are necessary. If they are deemed necessary, the judge is set a briefing and argument schedule.

Paragraph (D) sets forth the time limits for the decision on the post-dispositional motion. If the court fails to respond to the motion, the motion is denied by operation of law pursuant to paragraph (D)(3). The clerk of courts shall forthwith enter an order denying the motion on behalf of the judge.

[Pa.B. Doc. No. 06-1961. Filed for public inspection October 6, 2006, 9:00 a.m.]

Administrative Order
No. 34

Discontinuances in Asbestos
Cases—Notice to Other
Parties Under Pa.R.C.P. 229

In all asbestos cases where more than one party has been named as an original defendant or joined as an additional defendant, the case against any party may be discontinued as to less than all defendants under the procedures set forth in Pa.R.C.P. 229.

Under Rule 229, a discontinuance may not be entered without leave of Court.

Notice requirements:

The party requesting discontinuance shall notify all other parties by ordinary mail: (1) that a discontinuance approval will be requested from the Court; (2) the reason for the proposed discontinuance; and (3) that a discontinuance motion will be filed after the expiration of 20 days from the date of mailing said notice if no objections are received by counsel for the discontinuing party within that time.

Uncontested discontinuances:

If no objections have been received by discontinuing counsel, he or she may file a motion and proposed order with the Court certifying that the discontinuance is unopposed and setting forth compliance with the notice requirements.

The Prothonotary is directed to forward said motion to the asbestos judge forthwith.

Bucks County Rule 208.3(B) memoranda are not required in uncontested discontinuance cases.

Contested discontinuances:

If an objection has been received, discontinuance will be allowed only after motion and rule to show cause upon the objecting party. If an issue of fact is raised by the answer to the motion, the Court may fix a hearing upon the request of any party.

Multiple Actions:

Leave is hereby granted to file a single uncontested discontinuance motion involving more than one party. In such event, the caption shall list all cases to which the motion applies.

By the Court

DAVID W. HECKLER,
President Judge

[Pa.B. Doc. No. 06-1962. Filed for public inspection October 6, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Amending Administrative Order No. 34 Regarding Discontinuances in Asbestos Cases; No. 89-90000

Order

And Now, this 15th day of September, 2006, Bucks County Administrative Order No. 34 is hereby amended as follows:

MIFFLIN COUNTY

Proposed Rule of Criminal Procedure

Local Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 a.m. to 4:30 p.m., prevailing time.

(2) Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the

issuance of emergency orders under the Protection from Abuse Act, and for those services set forth in Pa.R.Crim.P. 117(A)(2)(a), (b), (c) and (d) (e.g., for the holding of preliminary arraignments and summary trials, and for the setting and accepting of bail and collateral) shall be in accordance with the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.

(3) Magisterial District Judges, the Clerk of Courts and the Warden, or in his absence his designee in charge of the Mifflin County Correctional Facility, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

TIMOTHY S. SEARER,
President Judge

[Pa.B. Doc. No. 06-1963. Filed for public inspection October 6, 2006, 9:00 a.m.]

NORTHAMPTON COUNTY

Implementation of Recommendations of Pennsylvania State Police Risk and Vulnerability Assessment Team (Building Access and Weapon Screening); AD-310-2006

Administrative Order 2006-11

And Now, this 18th day of September, 2006, based upon the recommendations of the Pennsylvania State Police, Domestic Security Office, Risk and Vulnerability Assessment Team, it is hereby ordered that the Sheriff of Northampton County shall implement the following building access and weapon screening procedures at the Northampton County Courthouse complex:

1. The Sheriff shall issue identification cards to public officials and county employees, who shall enter the Courthouse complex through either the Employee Entrance on the east side of the courthouse complex or the Rotunda Entrance. The Sheriff shall design and implement a random weapon screening procedure for public officials and county employees.

2. All other persons, including attorneys not employed by the county and title searchers, shall enter the courthouse complex through the Rotunda Entrance where they shall pass through a weapon screening procedure designed and implemented by the Sheriff.

3. Entrance and departure through all doors other than the Rotunda Entrance and the Employee Entrance shall be prohibited.

4. Persons with physical disabilities may enter the courthouse complex through either the Employee Entrance or the Rotunda Entrance as they choose. They shall be subject to the same weapon screening procedure as other members of the public.

5. The Sheriff shall design and implement a procedure whereby persons making deliveries through the loading dock communicate with the Sheriff's control center to gain access. The Sheriff shall design and implement a weapon screening procedure for delivery persons and for the items which they deliver.

6. Appropriate security personnel shall be present from 7:00 A.M. to 11:00 P.M. daily to control access to the courthouse complex and to screen for weapons for visitors during other than regular business hours. Monitoring of the complex after 11:00 P.M. shall be performed at the Northampton County Prison control center or by on-duty security personnel as the County Executive shall determine. Only public officials, county employees, and members of the public attending governmental meetings shall be permitted in the Courthouse complex at times other than regular business hours.

7. The County Executive or the President of County Council may direct that members of the public attending governmental meetings in the courthouse complex after regular business hours shall enter through the Employee Entrance.

8. This Order is effective immediately.

By The Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 06-1964. Filed for public inspection October 6, 2006, 9:00 a.m.]

SCHUYLKILL COUNTY

Amended Civil Rules of Procedure; S2025-2006

Order of Court

And Now, this 20th day of September, 2006, at 11:45 a.m., the Court hereby amends Schuylkill County Rules of Civil Procedure No. 1302(f) and No. 1308(a). The rules are amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.

4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rules as they existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 1302(f)

Members of the Board of Arbitration will generally be assigned to a panel for a period of one day. The chairperson and each associate member of the panel shall receive the payment rate established by the President Judge. Fees paid to arbitrators shall not be taxed as costs nor follow the award as other costs.

Rule 1308(a)

In filing an appeal, the appellant shall make payment to the Prothonotary for compensation of the arbitrators. The compensation assessed by the Prothonotary of Schuylkill County shall be the arbitration daily compensation rate established by the President Judge. The parties thereafter shall proceed as set forth in Sch.R.C.P. No. 212.1

[Pa.B. Doc. No. 06-1965. Filed for public inspection October 6, 2006, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Continued Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated September 19, 2006, the Court ordered that Jose Matos Quinones remain under suspension pursuant to Rule 301(e) (relating to disabled attorneys) until further Order of the Supreme Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1966. Filed for public inspection October 6, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

STATE HORSE RACING COMMISSION

[58 PA. CODE CH. 163]

Pennsylvania Breeding Fund Program

The State Horse Racing Commission (Commission) amends Chapter 163 (relating to rules of racing).

Statutory Authority

The Race Horse Industry Reform Act (act) (4 P. S. §§ 325.101—325.402) provides the general legal authority for this final-form rulemaking.

Section 202 of the act (4 P. S. § 325.202) provides the Commission authority to adopt rules and regulations necessary to its supervision of thoroughbred horse race meetings; and section 223(b) of the act (4 P. S. § 325.223(b)) requires the Commission to promulgate regulations describing awards under the Pennsylvania Breeding Fund Program (Program).

Purpose of the Final-Form Rulemaking

The final-form rulemaking amends and clarifies several definitions regarding the Program and meets the statutory requirement that the Commission promulgate a regulation providing for Program awards.

Background

The Pennsylvania Breeding Fund (Fund) is intended to stimulate and sustain this Commonwealth's thoroughbred breeding industry. The Fund currently receives an amount equivalent to 1% of the dollar amount wagered each day on thoroughbred horses at facilities in this Commonwealth conducting pari-mutuel wagering. The Fund is a restricted account in the State Racing Fund and helps support live thoroughbred racing for a series of incentive award payments to: (1) breeders of Pennsylvania-bred thoroughbred horses sired either by a registered Pennsylvania sire or a nonregistered sire; (2) owners of registered Pennsylvania sires; and (3) licensed owners of registered Pennsylvania-bred thoroughbred horses. The act, since 1981, provides a clear description of how awards are to be calculated and distributed, but also requires that the Commission address this subject in regulation.

The Pennsylvania Horse Breeders' Association retains records relevant to the Commission's administration of the Program and performs other functions described in section 223 of the act.

Comments and Responses

Notice of proposed rulemaking was published at 36 Pa.B. 2173 (May 6, 2006) affording the public, the Legislature and the Independent Regulatory Review Commission (IRRC) the opportunity to offer comments. No comments were offered.

Fiscal Impact

The final-form rulemaking imposes no additional costs and has no fiscal impact upon the Commonwealth, political subdivisions, the public sector or the general public.

Paperwork Requirements

The final-form rulemaking will result in no additional paperwork for the Commission.

Effective Date

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

Additional Information

Individuals who need information about the final-form rulemaking should contact Benjamin H. Nolt, Jr., Executive Secretary, State Horse Racing Commission, Room 304, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 346-9643.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 24, 2006, the Commission submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 2173, to IRRC and the Chairpersons of the House State Government Committee and the Senate State Government Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 6, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. The final-form rulemaking was deemed approved under section 5(g) of the Regulatory Review Act, effective September 7, 2006.

Findings

The Commission finds that:

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

(2) A public comment period was provided as required by law and no comments were received.

(3) The adoption of the amendments in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 163, are amended by amending §§ 163.531 and 163.538 to read as set forth at 36 Pa.B. 2173.

(b) The Executive Secretary of the Commission shall submit this order and 36 Pa.B. 2173 to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Executive Secretary of the Commission shall certify and deposit this order and 36 Pa.B. 2173 with the Legislative Reference Bureau as required by law.

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

BENJAMIN H. NOLT, Jr.,
Executive Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 5941 (September 23, 2006).)

Fiscal Note: Fiscal Note 34-65 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1967. Filed for public inspection October 6, 2006, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

STATE CONSERVATION COMMISSION

[25 PA. CODE CH. 83]

Corrective Amendment to 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483, and 83.491

The State Conservation Commission has discovered a discrepancy between the agency text of 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491 as deposited with the Legislative Reference Bureau and the official text published at 36 Pa.B. 2636 (June 3, 2006) and the text currently appearing in the *Pennsylvania Code*. Those sections were intended to be rescinded and were not so indicated when published in the *Pennsylvania Bulletin* on June 3, 2006.

Therefore, under 45 Pa.C.S. § 901: The State Conservation Commission has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code

§§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491.

The corrective amendment to 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491 is effective as of October 1, 2006, the effective date of the amendments included in the document printed at 36 Pa.B. 2636.

The correct version of 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491 appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 83. STATE CONSERVATION COMMISSION

Subchapter D. NUTRIENT MANAGEMENT

§ 83.391. (Reserved).

§ 83.392. (Reserved).

§§ 83.401—83.404. (Reserved).

§ 83.411. (Reserved).

§ 83.421. (Reserved).

§ 83.431. (Reserved).

§ 83.441. (Reserved).

§§ 83.451—83.453. (Reserved).

§ 83.461. (Reserved).

§ 83.471. (Reserved).

§ 83.472. (Reserved).

§§ 83.481—83.483. (Reserved).

§ 83.491. (Reserved).

[Pa.B. Doc. No. 06-1968. Filed for public inspection October 6, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 57]

[L-00040167]

Inspection and Maintenance Standards for the Electric Distribution Companies

The Pennsylvania Public Utility Commission, on April 20, 2006, adopted a proposed rulemaking order which seeks to implement minimum inspection, maintenance, repair and replacement standards on electric distribution companies (EDC) operation in this Commonwealth.

Executive Summary

The Electricity Generation Customer Choice and Competition Act (Act), 1996, Dec. 3, P.L. 802, No. 138 § 4, became effective January 1, 1997. The Act amends 66 Pa.C.S. (Public Utility Code or Code) by adding Chapter 28 to establish standards and procedures to create direct access by retail customers to the competitive market for the generation of electricity, while maintaining the safety and reliability of the electric system. Specifically, 66 Pa.C.S. § 2802(20) provides:

(20) Since continuing and ensuring the reliability of electric service depends on adequate generation and on conscientious inspection and maintenance of transmission and distribution systems, the independent system operator or its functional equivalent should set, and the commission shall set through regulations, inspection, maintenance, repair and replacement standards and enforce those standards.

In our Final Rulemaking Order entered May 20, 2004, at L-00030161 *Rulemaking Re Amending Electric Service Reliability Regulations at 52 Pa. Code Chapter 57*, Final Rulemaking Order, the Commission declined at that time to require specific inspection and maintenance standards reasoning that technological advances continue to improve the inspection and testing process. The Commission asked companies to report their own internal inspection and maintenance standards. The Commission measured the EDCs' progress towards meeting their individual goals and considered this information along with whether the EDCs were meeting their reliability standards to determine whether service was deteriorating or not within a given service territory due to the fault of the EDC.

After the blackout of August 2003, new information arose which caused this Commission to reevaluate the need for specific inspection and maintenance standards. One of the causes of the blackout was the failure of FirstEnergy Corporation to adequately manage tree growth along transmission lines. *Final Report on the August 14 Blackout in the U.S. and Canada*, U.S.—Canada Power System Outage Task Force, pp. 17, 57-64 (April 2004).

This proposed rulemaking order seeks to implement minimum inspection, maintenance, repair and replacement standards on electric distribution companies operating in this Commonwealth. The Commission proposes to require an initial inspection and maintenance plan for upcoming calendar years due by October 1, 2007, and every 2 years thereafter. The plan shall detail a program

for the maintenance of poles, wires, conduits or other fixtures, along public highways or streets for the transmission or distribution of electric current, owned, operated, managed or controlled by a company in a format as Commission staff shall prescribe. These plans are subject to acceptance or rejection by Commission staff if the minimum inspection and maintenance intervals as outlined in Annex A, proposed regulation § 57.198(e) are not included in the plans. Annex A contains minimum standards for vegetation management, pole inspections, overhead line inspections, and substation inspections.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 27, 2006, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate 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 any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Meeting held
April 20, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson, concurring in result; Bill Shane; Kim Pizzigrilli, concurring in result, statement follows; Terrance J. Fitzpatrick

Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 pertaining to adding Inspection and Maintenance Standards for the Electric Distribution Companies; Docket No. L-00040167

Proposed Rulemaking Order

By the Commission:

Presently before this Commission for consideration are comments filed in response to the Commission's Advance Notice of Proposed Rulemaking Order adopted on November 18, 2004 and published at 34 Pa.B. 6550, on December 11, 2004. The Commission has reviewed the comments as well as inspection and maintenance standards from other States, and now enters this Proposed Rulemaking Order for public comment.

Procedural History

On May 7, 2004, the Commission entered a Final Rulemaking Order¹ at L-00030161 which amended the Electric Distribution Companies' (EDCs) reporting requirements found at 52 Pa. Code § 57.195. The Final Rulemaking Order improved the Commission's ability to monitor EDC service reliability.

Specifically, the Commission now receives quarterly and annual reliability reports as opposed to only annual reports. This allows the Commission to better track a

¹ On September 18, 2004, the Final Rulemaking Order was published in the *Pennsylvania Bulletin* at 34 Pa.B. 5135; thus, the regulations stemming from that Order are effective as of September 18, 2004.

company's performance and contact the company earlier regarding corrective action. The rulemaking also increased the amount of information an EDC must report to the Commission. EDCs must now provide the causes of outages and percentages categorized by type as well as an annual report of each company's plans for the upcoming year's inspection and maintenance of transmission systems including: (1) vegetation management; (2) distribution and substation maintenance activity; and (3) capital improvement projects. The EDC must report its own standards regarding vegetation management and other inspection and maintenance procedures. The EDC must report whether it is meeting its goals regarding inspection, maintenance and repair and, if not, explain what efforts are being made to do so in the future.

The Commission also determined that, based on more recent experience and information, the issue of whether EDCs should be subject to specific inspection and maintenance standards should be evaluated.

In particular, new information arising out of the blackout on August 14, 2003 formed a basis for evaluating the need for inspection and maintenance standards. One of the causes of the blackout was the failure to adequately manage tree growth along transmission lines. *Final Report on the August 14 Blackout in the U.S. and Canada*, U.S.-Canada Power System Outage Task Force, pp. 17, 57-64 (April 2004). In the wake of the blackout, the Federal Energy Regulatory Commission (FERC) commissioned a study of utility vegetation management practices. This led to a report entitled "Utility Vegetation Management Final Report" prepared by CN Utility Consulting, LLC and released by FERC in March, 2004. The report concluded, among other things, that the "[c]urrent oversight of UVM [utility vegetation management activities by appropriate agencies or organizations is overwhelmingly inadequate" (Report, p. 68).

To remedy this inadequacy, the report recommended that oversight organizations should work with the utilities, the utility vegetation management industry and other stakeholders to develop measurable and achievable program objectives to identify what can be done to reduce the likelihood of a recurrence of tree and power line conflicts. (Report at 68-69).

Furthermore, the Public Utility Code at 66 Pa.C.S. § 2802(20) provides:

(20) Since continuing and ensuring the reliability of electric service depends on adequate generation and on conscientious inspection and maintenance of transmission and distribution systems, the independent system operator or its functional equivalent should set, and the Commission shall set through regulations, inspection, maintenance, repair and replacement standards and enforce those standards.

In view of this provision, and in light of the national attention to inspection and maintenance standards with particular regard to vegetation management procedures, a rulemaking proceeding was initiated at this docket on November 18, 2004, to consider revising 52 Pa. Code, Chapter 57, relating to electric distribution reliability. See 34 Pa.B. 6550. Comments were filed by the following parties: AFL-CIO Utility Caucus (AFL-CIO), Allegheny Power, Citizens' Electric Company (Citizens), Duquesne

Light, Energy Association of Pennsylvania (EAP), FirstEnergy, Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), PECO Energy Company (PECO), PPL, Pennsylvania Utility Contractors Association (PUCA), UGI Electric, and Wellsboro Electric.

Comments were requested and received on the following topics:

1. *Whether it is appropriate for the Commission to adopt specific inspection and maintenance standards. If so, whether standards should be placed in the regulations which are specific to each individual EDC, or whether all EDCs should be held to the same standard, and how would this be monitored and regulated.*

A. *Parties in Favor of Establishing Regulations Setting Inspection and Maintenance Standards*

Comments of the Office of Consumer Advocate

The OCA comments that pursuant to Section 2802(20), the Commission must establish regulations regarding the inspection, maintenance, repair and replacement standards (I & M standards) for the distribution and transmission systems operated by Pennsylvania electric distribution companies (EDCs). The OCA fully supports standards and states that Ohio, California and New York have all established inspection and maintenance standards. The OCA believes the Commission should use New York as a guide in establishing its own regulations. The OCA further urges this Commission to adopt a broad set of inspection and maintenance standards designed to promote high-quality service and a distribution system that is safe and reliable for the public. Broad standards allow for flexibility in techniques and processes used, and will allow for further innovation. By establishing broad standards that set forth minimum requirements, industry practices should continue to develop.

OCA argues the Commission should take a two-tiered approach to inspection and maintenance standards. First, the Commission should establish specific minimum inspection and maintenance standards that apply to all EDCs. Since each EDC remains obligated, however, to implement inspection and maintenance standards that will enable it to achieve the level of reliability that is required to provide safe, adequate, reliable and reasonably continuous service, a review of individual inspection and maintenance plans based on the unique characteristics of each EDC may be necessary.

The second tier though is that compliance with minimum standards does not serve as a "safe haven" for the EDC. The EDC must still maintain safe, adequate, reliable and reasonably continuous service as required by the Public Utility Code. It must meet its CAIDI, SAIFI and SAIDI² reliability standards on a quarterly and annual basis. An EDC that has failed to maintain adequate reliability cannot use as a defense that it met the Commission's minimum standards. Thus, the OCA suggests the Commission use both minimum standards and individual plan filings.

² CAIDI is Customer Average Interruption Duration Index. It is the average interruption duration of sustained interruptions for those customers who experience interruptions during the analysis period. CAIDI represents the average time required to restore service to the average customer per sustained interruption. It is determined by dividing the sum of all sustained customer interruption durations, in minutes, by the total number of interrupted customers. SAIFI is System Average Interruption Frequency Index. SAIFI measures the average frequency of sustained interruptions per customer occurring during the analysis period. SAIDI is System Average Interruption Duration Index. SAIDI measures the average duration of sustained customer interruptions per customer occurring during the analysis period. These indices are accepted national reliability performance indices as adopted by the Institute of Electrical and Electronics Engineers, Inc. (IEEE), and are defined with formulas at 52 Pa. Code § 57.192.

Comments of the Pennsylvania Utility Contractors Association (PUCA)

PUCA suggests the Commission establish minimum specific I & M standards. PUCA further proposed some standards based upon talks between nearly 300 contractors, subcontractors and suppliers throughout Pennsylvania. These standards concerned line hits, marking, depth, pre-construction meetings, subsurface utility engineering, the pulling of abandoned lines, and billing issues.

Comments of the Pennsylvania AFL-CIO Utility Caucus

The AFL-CIO argues the Commission is required to establish specific inspection and maintenance standards. The AFL-CIO states that the Act created or increased an incentive for EDCs and their holding companies to invest in non-utility ventures and created a potentially lethal combination of incentives including the promise of unrestricted profits on generation investments coupled with distribution rate caps that would prohibit utilities from receiving a full return on new distribution investments for an extended period of time. Section 2802(20) and other provisions of the Act were designed to ensure that the transition to, and ultimate attainment of, a restructured electricity market would not jeopardize the safety and reliability of regulated distribution service.

The AFL-CIO claims that the Act has been in effect for more than eight years, and, unfortunately in response to rate caps and changed investment incentives, Pennsylvania's EDCs have dramatically reduced their distribution work force, reduced their budgets for system maintenance and testing, and changed inspection and maintenance practices. AFL-CIO believes all EDCs in Pennsylvania should be held to the same minimum standards. There will be differences within a utility system that might require more frequent inspection or maintenance, but AFL-CIO submits that the Commission should establish statewide, minimum levels of performance. AFL-CIO proposed specific minimum standards designed to be applicable throughout Pennsylvania, without regard to the characteristics of the service area. It proposes a minimum inspection and treatment cycle for vegetation management of four years for distribution facilities and 5 years for transmission facilities. Additionally, if a circuit experiences 5 or more trips during a 12-month period, it should be scheduled for an immediate vegetation inspection. Finally, utilities should be encouraged to increase the frequency of their inspection cycles if their service areas experience a wetter than normal growing season. AFL-CIO further proposes minimum standards for pole inspections, transmission line inspections, distribution line inspections by foot patrol, substations, transformers, reclosers and other types of inspection and maintenance practices.

The AFL-CIO further comments that all EDCs in Pennsylvania should be held to the same minimum standards. There always will be differences within a utility system that might require more frequent inspection or maintenance, but AFL-CIO submits that the Commission should establish statewide, minimum levels of performance. AFL-CIO does not like the Ohio model of utility-specific standards set by each utility. It is not effective and is difficult to enforce. The AFL-CIO argues if an EDC is having difficulty meeting its reliability benchmarks, or is otherwise not able to provide safe and reliable service to its customers, by following the statewide minimum standards, then the EDC should adopt a more frequent inspection and maintenance cycle.

Comments by the Office of Small Business Advocate

The OSBA commented that the Commission should concentrate on holding each EDC accountable for meeting the SAIFI, CAIDI and SAIDI standards which are already in place and use the imposition of prescriptive requirements only as part of corrective action ordered under 52 Pa. Code § 57.197. OSBA further recommends that if there are levels of SAIFI, CAIDI and SAIDI which are nationally recognized as evidence of satisfactory reliability, the Commission should require each Pennsylvania EDC to achieve those levels. If there is not a nationally recognized standard, the Commission should require each EDC to achieve results on the SAIFI, CAIDI and SAIDI which are no worse than the average of the standards for all Pennsylvania EDCs which the Commission set at Docket No. M-00991220. Under such an approach, each EDC would be required to achieve the higher of its own SAIFI, CAIDI and SAIDI standards or the statewide average standards for SAIFI, CAIDI, and SAIDI. OSBA recommends that, if an EDC fails to achieve the reliability index standard for a calendar year or 4 quarters, the Commission should automatically initiate an investigation under 52 Pa. Code § 57.197(a). If the EDC is unable to justify its violation, the Commission should order the EDC to implement a corrective action plan. If the EDC fails to adhere to the plan, the Commission should then impose civil penalties in accordance with 66 Pa.C.S. § 3301. Under no circumstances should the EDC be permitted to recover those penalties from ratepayers.

B. Parties Opposed to the Creation of Regulations Setting Inspection and Maintenance Standards

Comments of the Energy Association of Pennsylvania

The Energy Association of Pennsylvania (EAP) opposes establishing prescriptive inspection and maintenance standards. The EAP argues the Commission has already met its statutory responsibilities under 66 Pa.C.S. § 2802(20) through its regulations at 52 Pa. Code § 57.194. The EAP argues that it is sufficient that there are regulations at 52 Pa. Code Chapter 57 which require EDCs to make periodic inspections of their equipment and facilities in accordance with 52 Pa. Code § 57.194(c), "to strive to prevent interruptions of electric service and, when interruptions occur, restore service within the shortest reasonable time", in accordance with 52 Pa. Code § 57.194(d), and to "design and maintain procedures to achieve the reliability performance standards established under subsection (h)." The EAP argues the New York standards adopted in January, 2004 are too new to be effectively evaluated. California's standards adopted in 1997 were not the determining factor in the reliability issues the people of California endured since the deregulation of electric generation. The EAP criticizes the AFL-CIO's comments. The EAP states that the AFL-CIO's comments fail to recognize the major EDC capital expenditures undertaken since the inception of the Act. For example, EAP claims that since the Act, there have been significant capital investments by the EDCs in remotely operated electronic reclosers. These devices are used to isolate outages and thereby improve reliability.

Moreover, the Energy Association opposes setting standards which would be the same for EDCs operating in Pennsylvania. EAP argues individual EDC service territories can vary significantly and the systems and service territories have many differences such as percentage of overhead versus underground, mountainous terrain versus flat, and rural or urban settings. EDCs presently utilize numerous and various company-specific inspection techniques and reliability-targeted programs for predic-

tive and preventive maintenance to improve reliability. Variances exist between systems such as operating voltage, ampacity, load characteristics, number of phases, and grounded wye versus delta, and there are differences in components such as type, style, functionality, application, manufacturer and vintage.

Comments of Allegheny Power

Allegheny Power believes the inspection and maintenance standards are not necessary to ensure reliable electric delivery in Pennsylvania. Allegheny Power argues that establishing I & M standards while simultaneously mandating reliability benchmarks will hinder a company's flexibility to achieve efficiencies in work processes.

Comments of Duquesne Light Company

Duquesne believes that it is not appropriate for the Commission to adopt specific I & M standards. Setting I & M standards while also requiring performance meeting reliability benchmarks removes a company's ability to manage its own work processes in order to work at its most efficient levels to meet its performance goals. Utilities use various company-specific combinations of predictive maintenance, preventive maintenance, reliability-centered maintenance and inspection techniques to manage reliability. Duquesne argues uniform standards across all EDC types or specific standards for each EDC are not appropriate.

Comments of Pike County Light and Power

Pike County is one of the smaller EDCs operating in Pennsylvania. It commented that this Commission does not have to adopt inspection and maintenance standards in order to ensure reliable electric delivery service in Pennsylvania. Pike County argues that mandating the reliability performance benchmarks that an EDC must satisfy, while also mandating the content of I & M standards, will severely hamper the flexibility of an EDC to meet its reliability standards cost-effectively, as well as hinder its ability to achieve efficiencies in work processes. Instead of minimum standards, Pike recommends that the Commission establish certain broad reliability criteria and afford individual utilities the flexibility to meet such criteria in the most efficient, cost-effective manner. Any standards adopted by the Commission must not conflict with similar standards adopted by FERC or the PJM Interconnection. Finally, the Commission should consider exempting a small utility like Pike from all or parts of such requirements.

Comments of UGI Utilities, Inc.—Electric Division

UGI argues the Commission should not adopt the prescriptive and unnecessary inspection and maintenance standards advocated by the OCA and AFL-CIO. The Commission already established new rules for the monitoring and enforcement of new electric reliability standards, and these rules should be given a reasonable opportunity to achieve their desired purpose. UGI comments the North American Reliability Council (NERC) already is establishing guidelines for vegetation management along transmission lines and the Commission should not attempt to duplicate this effort.

Comments of PECO Energy Company

PECO believes the development of standards is unnecessary at this time. The recently adopted reliability regulations are an ample means of addressing inspection and maintenance programs and their impact on reliability. The complex nature of transmission and distribution systems and the large number of variables that exist within each individual system make the creation of such

standards impractical due to the lack of flexibility inherent in regulatory provisions. PECO argues both the spirit and the letter of Section 2802(20) requirements have been met. The section does not mandate adoption of further inspection and maintenance standards when the PUC has satisfied the objective of "continuing and ensuring the reliability of electric service" through other regulations. Further, PECO believes to set one standard to which all EDCs would be held would be impractical. In order to accommodate all the variances that exist in each system and among each EDC, the standards would have to be broadly written, which would have no meaningful effect on reliability. Further, there are no historic records the Commission would be able to use in developing a fair standard applicable to all EDCs across Pennsylvania.

Comments of Citizens' Electric Company

Citizens believes it is not necessary for the PUC to adopt inspection and maintenance standards to ensure continued reliable electric delivery service in Pennsylvania. Citizens claims a uniform standard for the entire state may require an EDC to perform work that does not generate a measurable reliability benefit and will consequently limit the efficiency and flexibility of an individual EDC to direct resources in accordance with its own reliability program priorities. Any mandated expansion of an EDC's existing inspection and maintenance program must have a corresponding quantifiable value or benefit for its customers. Due to its small service territory, Citizens generally has direct knowledge of specific threats and deterioration of its system reliability and can therefore direct corrective action toward these issues as needed.

Comments of FirstEnergy

Met-Ed, Penelec and Penn Power (collectively FirstEnergy) comment that specific I & M standards are unnecessary. Each EDC should develop its own company specific I & M standards that are available for review by the Commission. This would take into account the differences among EDCs while optimizing the opportunity to improve reliability. FirstEnergy claims the differences between EDCs includes percentage of overhead versus underground lines, mountainous terrain versus flat and rural versus urban areas. FirstEnergy claims that a set of uniform and specific I & M standards could detrimentally impact an EDC's operational efficiency, cost effectiveness, and reliability performance due to the variations that exist among the EDCs. Further, if the Commission monitors EDC compliance through requiring regular progress reporting and self-certification towards completing its work plan, it is not necessary for the Commission to impose I & M standards.

Comments of Wellsboro Electric Company

Wellsboro Electric Company (Wellsboro) believes it is not necessary for the Commission to adopt inspection and maintenance standards to ensure reliability service in Pennsylvania. Wellsboro needs flexibility in management of its distribution system and the allocation of its resources and equipment to the specific areas that will provide the greatest increase in reliability. Wellsboro has a small territory and its employees can observe a large portion of the system on any given day during the normal course of business and are directed to be observant of the system and report or repair anything that could potentially cause a problem on the system. Wellsboro believes that uniform standards across all EDCs would not be effective or productive for an individual EDC.

Comments of PPL Electric Utilities Corporation (PPL)

PPL believes that specific inspection and maintenance standards are unnecessary and would impose a significant burden on the Commission and all EDCs and would be counterproductive. Prescriptive rules are likely to stifle the development of creative and innovative methods to maintain and enhance system reliability.

2. *What standards, if any, should be created regarding vegetation management practices, pole inspections, transmission and distribution line inspections, substations, transformers, reclosers, and other types of inspection and maintenance practices.*

Comments of the AFL-CIO

The AFL-CIO commented that the statewide minimum inspection and treatment cycles for vegetation management should be four years for distribution facilities and five years for transmission facilities. Additionally, if a circuit experiences five or more trips during a 12-month period, it should be scheduled for an immediate vegetation inspection. Utilities should be encouraged to increase the frequency of their inspection cycles if their service areas experience a wetter than normal growing season. AFL-CIO comments the statewide minimum inspection cycle for distribution poles should be 10 years. Pole tests should include drill tests at and below ground level, a shell test, visual inspection for holes or evidence of insect infestation, a visual inspection for evidence of unauthorized backfilling or excavation near the pole, visual inspection for signs of lightning strikes and a load calculation. If a pole exhibits 67% or less of the strength of a new pole of comparable size, then it should be replaced within 60 days. If a pole fails the ground line inspection, shows dangerous levels of rot or infestation, or otherwise exhibits dangerous conditions, it should be replaced as soon as possible, but no later than 30 days.

Transmission lines should be inspected aerially twice per year in the spring and fall. They should be inspected on foot every two years. The integrity of transmission towers should be inspected and tested at least once every 25 years. AFL-CIO notes that the increased use of ground patrols and aerial surveillance for high-voltage transmission lines also has been recommended by the Department of Homeland Security. If any problems are found that affect the integrity of the circuit, they should be repaired or replaced as soon as possible, but not later than 30 days.

Distribution lines should be inspected by foot patrol once per year. If any problems are found that affect the integrity of the circuit, they should be repaired or replaced as soon as possible, but not later than 30 days. Less severe problems should be scheduled for repair or replacement within one year. Substation equipment, structures and hardware should be inspected monthly. Substation circuit breakers should undergo operational testing at least once per year, diagnostic testing at least once every 4 years, and comprehensive inspection and maintenance on a 4-year cycle.

Transformers should be visually inspected annually as part of the distribution line inspection. Inspections should include checking for rust, dents or other evidence of contact, leaking oil, broken insulators, and any other conditions that may affect operation of the transformer. Above-ground pad-mounted transformers should be inspected on a 2-year cycle, which would include checking for rust, dents or other evidence of contact, leaking oil, installation of fences or shrubbery that could affect access to and operation of the transformer, and unauthorized excavation near the transformer.

Reclosers should be inspected and tested at least once per year. Electronic reclosers should be inspected at least every 2 years, but more frequently depending on their use. Reclosers in substations should be inspected monthly. Other critical system facilities include group-operated line switches (which should be inspected and tested annually), relays (inspected and tested every 2 years). Underground vaults with larger connections should be visually inspected and thermo-vision tested for hot spots annually. In addition, vaults, regardless of size, should be visually inspected and cleaned once per year.

Comments of the EAP

The EAP commented that an individual EDC should preserve flexibility to modify its own program approaches and resources in order to maintain its system to meet reliability targets. Requiring fixed maintenance practices could hinder opportunities for improvement. Further, FERC and NERC are developing Transmission Vegetation Standards to prevent further blackouts, so there is no need for the Commission to develop its own.

Comments of FirstEnergy

FirstEnergy commented that the Commission can assist EDCs by imposing regulation that mitigates jurisdictional barriers to implementing an EDC's I & M program. Examples include Commission regulations that supercede local city, borough and other municipal ordinances that may attempt to limit tree pruning, removal of vegetation, the use of herbicides or that require stump removals, all of which are impediments to completing required and essential vegetation management in a cost effective and timely manner. FirstEnergy encourages the Commission to impose regulation supporting removal of non-compatible vegetation on transmission rights-of-way, use of herbicides and state level interdepartmental cooperation among agencies such as the Game Commission, Department of Environmental Protection and Department of Conservation and Natural Resources.

Comments of Duquesne Light

Duquesne Light commented that each EDC has its own frequencies for inspecting and maintaining equipment and managing vegetation cycles. The Commission has the authority to review and approve these cycles. If EDC reliability targets are not achieved, further actions can be addressed between the Commission and that company, as is currently done, on a case specific basis.

Comments of Citizens

Citizens commented it is not practical to establish a single common standard for uniform application to the wide variety of situations that exist among the various EDCs serving Pennsylvania. Citizens is concerned statewide standards will restrict efficiency and could lead to unnecessary expenditures to perform low value tasks.

3. *Whether standards should be established for repair and maintenance of electric distribution company equipment or facilities that are critical for system reliability.*

Comments of The EAP

The EAP does not recommend specific repair and maintenance standards to be adopted for critical electric distribution equipment and facilities. Actual system design and configuration for each EDC and specific circuit or component status and current configuration for each EDC will factor into the "criticality" of an individual piece of equipment or facility. The dynamic nature of a distribution system would make it extremely difficult to define "criticality" and specify appropriate repair standards per-

herent to system configuration at any given moment. Factors include circuit configuration, system loading, status of adjacent components or circuits and weather forecasts. Equipment and facilities that are critical to system reliability receive the most attention in terms of design, investment in redundant systems, back-up systems, automated monitoring, inspection, preventative maintenance, priority of corrective maintenance, minor upgrades, major upgrades, spares, total replacement, and design changes to reduce risk.

Comments of FirstEnergy

FirstEnergy commented there are no distribution facilities designated as critical to system reliability. The East Central Area Reliability Transmission System Performance Panel is developing criteria to be used to develop such a list. PJM has not designated any critical transmission facilities below 230 kV. Facilities above 230 kV are maintained in accord with NERC requirements.

Comments of Duquesne Light

Duquesne Light commented the definition of "critical" would be subjective and would depend on multiple variables.

4. *Whether there should be automatic civil penalties written into the regulations for failure to meet standards for more than three consecutive quarters or some other reasonable time period, depending upon the type of inspection and maintenance that is at question.*

A. Parties in Favor of Establishing Automatic Civil Penalties

Comments of the Office of Consumer Advocate

The OCA supports pre-established consequences for failure of an EDC to meet a reliability requirement. Some states have implemented a system of financial penalties for failure to achieve reliability performance or inspection and maintenance performance. New York PSC, in its recent safety standards, implemented a performance mechanism for failure to achieve the stated inspection targets. NY Safety Standards, Section 10. Failure to achieve stated target for stray voltage testing results in a 75 basis point rate adjustment to the return on equity. Additionally, failure to achieve the other inspection targets also results in a 75 basis point rate adjustment to the return on equity. Thus, an EDC that fails to meet any of its obligations under the safety standards could see a 150 basis point rate adjustment to its return on equity.

OCA recommends the Commission consider using a financial mechanism to better ensure that reliability is maintained and that the EDC's statutory obligations are met. OCA recommends that the Commission's already adopted reliability performance benchmarks and standards be used in concert with the inspection and maintenance standards when considering financial consequences. OCA further recommends automatic compensation to ratepayers in the form of rate reductions or bill credits if the EDC fails to meet its relevant reliability performance standards and fails to meet the minimum inspection and maintenance standards.

A system of predetermined rate reductions or bill credits, and possibly civil penalties, should also be part of any compliance plan that is developed to remedy failure to meet the inspection and maintenance standards. If an EDC has failed to comply with the minimum inspection and maintenance standards, the Commission should first require the EDC to submit a plan demonstrating how it intends to come into compliance with the standards. The

compliance plan should have detailed milestones as well as periodic reporting to ensure compliance with the plan.

B. Parties Opposed to Establishing Automatic Civil Penalties

Comments of the EAP

The EAP commented establishing additional penalties in the regulations is unnecessary, duplicative and confusing. It is duplicative of the Pennsylvania Public Utility Code (66 Pa.C.S. Section 3301) which allows the Commission to assess civil penalties already.

Comments of the AFL-CIO

The AFL-CIO does not believe that automatic civil penalties are an appropriate enforcement mechanism for inspection and maintenance standards. There could be legitimate reasons why a utility did not precisely meet an inspection and maintenance cycle. For example, if there is a serious storm that diverts the skilled work force to restoration and repair work for an extended period, that work would take precedence over routine inspection and maintenance. If, however, the utility continually exhibits an inability to meet the required inspection and maintenance cycles, then the Commission should consider the imposition of serious penalties.

The AFL-CIO does believe it would be reasonable to establish monetary penalties if a utility fails to repair or replace critical or dangerous facilities within a stated period of time. Failing to repair dangerous conditions or replace dangerous and defective equipment poses a danger to utility workers and the public. If the Commission establishes mandatory repair or replacement intervals for critical facilities or dangerous conditions, as AFL-CIO has recommended, then those standards should be enforced through automatic civil penalties of \$1,000 per day for each day that the violation continues after the mandated repair interval, as authorized by 66 Pa.C.S. § 3301.

Comments of FirstEnergy

FirstEnergy commented automatic penalties should not be imposed on EDCs that fail to meet I & M standards. There are factors outside of an EDC's control, such as weather, that impact an EDC's ability to conduct inspections and maintenance. As with other reliability-related regulations, there should be a process for further discussion to determine causation and whether or not further action is necessary.

Comments of Duquesne Light

Duquesne Light commented that any penalties or rewards, if deemed necessary by the Commission, should be based upon the EDC's performance (the reliability indices) and not on I & M practices and standards. An EDC's management of its own system maintenance is reflected in its performance measures.

Comments of PECO

PECO commented that there should not be automatic penalties. Should the Commission choose to develop inspection and maintenance standards, it should avoid imposing automatic penalties.

Comments of Citizens

Citizens' commented that establishing automatic penalties will limit the Commission's ability to exercise judgment when considering the facts surrounding specific inspection and maintenance issues. Additionally, many factors can affect the completion of maintenance activities. These range from weather to availability of equipment, material and contractors. If such circumstances

arise that cause an unavoidable delay to the completion of an EDC's inspection and maintenance program, an automatic penalty will not change an EDC's response to these circumstances which are beyond its control.

Discussion

Many state commissions have some guidelines regarding inspection and maintenance standards. At least three have regulations or policies on tree trimming: Maryland³, Ohio⁴ and Oregon⁵. Five states have rules regarding inspection of facilities: Iowa⁶, Kentucky⁷, Ohio, Oregon and Wisconsin, Delaware⁸, New Jersey⁹, Michigan¹⁰ and Massachusetts¹¹ are in the process of developing standards for inspection and maintenance. California¹² and New York¹³ have adopted inspection standards for various system components. Connecticut requires detailed electric wire maintenance plans by regulation. Indiana has no standards yet, but is exploring the issue further.

Apparently, no state presently sets forth cycles for vegetation control. Of the states that have adopted inspection standards, five set forth prescriptive standards for the inspection of the distribution system. Many states have adopted the NESC as the standard for the installation, operation and maintenance of electrical systems.

The inspection and maintenance reporting requirements of Ohio, New York and California include such items as: a plan for future investment in transmission and distribution facilities to ensure service reliability; a report of the plan's implementation for the previous annual reporting period; and a list and purpose of current inspection, maintenance, repair and replacement plans including goals and achievements. We find portions of these states' reporting requirements to be suitable for Pennsylvania's needs.

We are persuaded to act like Ohio to add minimum intervals of inspection and maintenance standards for EDCs regarding their circuits and equipment. See 2003 OH Reg 4901:1-10-27. Ohio has adopted specific inspection and maintenance standards, i.e., all transmission circuits and equipment must be inspected at least once every year. At least one-fifth of all distribution circuits and equipment shall be inspected annually. All distribution circuits and equipment must be inspected at least once every 5 years. This, taken with the AFL-CIO and PUCA's suggested minimal standards in Pennsylvania, leads this Commission to believe some minimal standards should be in place in Pennsylvania. If an EDC is inspecting or repairing its equipment and lines faster than the minimal intervals, that is to be commended. We do not want to encourage companies that have shorter intervals to expand their existing intervals.

³ Maryland Regulations Title 20, Subtitle 50, Service Supplied by Electric Companies.

⁴ See 2003 OH Reg 4901:1-10-27

⁵ Oregon Administrative Rules, Chapter 860, Public Utility Commission Division, Subchapter 23, Service Standards

⁶ See *In Re: Midamerican Energy Company*, 2003 Iowa PUC Lexis 112, March 14, 2003. 199 IAC 20.18(7)(h)(2).

⁷ 807 KAR 5:041. Electric Regulations

⁸ Delaware Public Service Commission Order No. 5183, Docket No. 99-328, initiating an investigation into causes for electric service outages on January 14, 2003.

⁹ New Jersey Board of Public Utilities made a straw proposal for regulations on vegetation management standards in October, 2003 pursuant to the Electric Discount and Competition Act of 1999, *N.J.S.A. 48:3-49 et seq.*

¹⁰ *In the Matter of the Investigation into Methods to Improve the Reliability of Electric Service in Michigan*, Case No. U-12270, Order, December 20, 2001.

¹¹ *Investigation to Establish Guidelines for Service Quality Standards for Electric Distribution Companies and Local Gas DTE 99-84*, opened October 29, 1999.

¹² See *Public Utilities Commission of the State of California Inspection Cycles for Electric Distribution Facilities*, effective March 1, 1997, D.97-03-070 in I.95-02-015 and R.96-11-004. *In Re Electric Distribution Facility Standard Setting*, 1997 Cal. PUC LEXIS 1243, 7-8; 71 CPUC2d 471 (March 31, 1997).

¹³ *New York Public Service Commission Safety Standards; Proceeding on Motion of the Commission to Examine the Safety of Electric Transmission and Distribution Systems*, Docket No. 04-M-0159, 2005 NY PUC LEXIS 2 (Jan. 5, 2005).

At the same time, EDCs which are violating their reliability indices' standards on a consecutive quarterly basis and which have longer intervals than the ones we recommend here today in the attached Annex A ought to be encouraged to increase their efforts at improving the reliability of their systems. The customers of Pennsylvania have a need for reliable electric service, and the establishment of further reliability regulations with minimal interval standards for inspections and maintenance of EDC systems is crucial to ensuring service does not deteriorate in our state. We propose joining other states in requiring more detailed inspection and maintenance plans from the EDCs and in establishing minimum I & M standards.

Connecticut, for example, has a statute which provides in pertinent part:

§ 16-32g. Electric wire maintenance plans. Regulations

Not later than January 1, 1988, each electric or electric distribution company shall submit to the Department of Public Utility Control a plan for the maintenance of poles, wires, conduits or other fixtures, along public highways or streets for the transmission or distribution of electric current, owned, operated, managed or controlled by such company, in such format as the department shall prescribe. Such plan shall include a program for the trimming of tree branches and limbs located in close proximity to overhead electric wires where such branches and limbs may cause damage to such electric wires. The department shall review each plan and may issue such orders as may be necessary to ensure compliance with this section. The department may require each electric or electric distribution company to submit an updated plan at such time and containing such information as the department may prescribe. The department shall adopt regulations, in accordance with the provisions of chapter 54 to carry out the provisions of this section.

16 Conn. Gen Stat. § 277.16-32g (2004).

In the Commission's judgment, the establishment of regulations governing the filing, review and approval of inspection and maintenance plans by EDCs would be consistent with our statutory duties under section 1501 pertaining to the obligation to ensure "adequate, efficient, safe and reasonable service and facilities," 66 Pa.C.S. §§ 1501, and Section 2802(20) pertaining to the establishment of "inspection, maintenance, repair and replacement standards . . .," 66 Pa.C.S. § 2801(20). Indeed, given the fundamental industry changes brought about by electric restructuring in this state and nationwide, as well as the inadequate regulatory oversight in this area identified in the wake of the 2003 blackout, it would be unwise to not require some additional information and safeguards to ensure electric system reliability for the benefit of Pennsylvania's citizens.

Therefore, we propose to require an initial inspection and maintenance plan for upcoming calendar years due by all electric distribution companies operating within the Commonwealth due by October 1, 2007 and every 2 years thereafter. A deadline of October 1 should allow ample time for Commission staff review and changes to be made before the plan is implemented in the upcoming calendar year.

The plan should be broken down into plans for rural versus urban areas within an EDC's service territory. The definition of an urban area shall be the same as in 67

Pa. Code § 445.2 as follows: "An urbanized area or an urban place designated by the United States Bureau of Census as having a population of 5,000 or more and whose boundaries have been approved by the Secretary of the United States, Department of Transportation." A rural area shall be an area with a population less than 5,000. We invite comment regarding how the rural and urban definitions should be defined.

The plan shall detail a program for the maintenance of poles, wires, conduits or other fixtures, along public highways or streets for the transmission or distribution of electric current, owned, operated, managed or controlled by such company, in such format as Commission staff shall prescribe. The plan shall include a program for the trimming of tree branches and limbs located in close proximity to overhead electric wires where the branches and limbs may cause damage to the electric wires. The plan shall also include an inspection cycle of off-right of way trees and vegetation to curtail the outages which may be caused by off-right-of-way vegetation.

These plans, once submitted, are subject to rejection by Commission staff if the minimum inspection and maintenance intervals as outlined in Annex A, proposed regulation § 57.198(e) are not included in the plans. For example, regarding vegetation management, if the plan does not include 4-year tree trimming cycles for distribution lines, and 5-year tree-trimming cycles for transmission lines, then it will be rejected.

The plans should include but not be limited to the following facilities: poles and towers, conductors, pad-mounted transformers, line reclosers, line capacitors, right-of-way vegetation control, off right-of-way vegetation control if seen to be a cause of outages, and substations. The EDC should further include supporting justification and rationale based upon historical practices and procedures used by the EDC over the past 5 years. Acceptance of the plans will be based upon performance as documented in subsequent quarterly and annual reports. Commission Staff will review the EDCs' performances and shall open investigations if necessary.

If during the 2-year interval between plan submissions, the EDC intends to change its plans from those which were previously submitted and approved, a filing must be made with the Commission requesting approval of the change. Changes requested during the year should be filed at the time of the quarterly reliability reports and an addendum to the plan should be attached to the quarterly reliability report. Prospective and past changes to the plan must be approved by Commission Staff.

Finally, we propose in § 57.198(e) that each plan contain minimum I & M standards, including statewide minimum inspection and treatment cycles for vegetation management of 4 years for distribution facilities and 5 years for transmission facilities. We are aware that some of the EDCs, especially the smaller EDCs may have cycles currently that are longer than four years for their distribution facilities. We invite EDCs to comment as to their current vegetation management and tree-trimming cycles and advocate a position regarding what a reasonable vegetation management standard should be. We further propose a pole inspection standard of distribution poles being visually inspected every 10 years. This is in accordance with the comment from the AFL-CIO. We invite comment regarding this proposal. We further propose monthly inspections of substation equipment, structures and hardware. We propose overhead line inspections and maintenance standards similar to the AFL-CIO's proposal. We believe establishing minimum I & M

standards is in accordance with 66 Pa.C.S. § 2801(2) and it can serve to strengthen reliability across the Commonwealth. Finally, we propose requiring shorter I & M intervals if an individual circuit has SAIDI, SAIFI or CAIDI indices that are above their standards thus indicating a need to increase surveillance of system equipment.

We are not persuaded at this time to impose automatic civil fines or penalties for violation of the minimum standards. Neither are we persuaded to propose automatic rate changes to the companies for failure to meet an I & M standard. Conversely, we do not propose financial incentives for each EDC meeting its I & M standards. Each violation will be reviewed on a case-by-case basis.

The Commission is not persuaded to establish minimum SAIDI, SAIFI and CAIDI reliability indices standards that would be applicable to all EDCs at this time. The Act required the Commission to regulate the EDCs such that performance would not deteriorate. The Act does not require an improvement of service reliability in some EDC territories from their performance prior to the Act. Thus, standards regarding reliability must be tied to the historical performance of each EDC prior to the effective date of the Act.

Accordingly, under 66 Pa.C.S. § 501, § 1501 and § 2801, et seq., and the regulations promulgated thereunder 52 Pa. Code §§ 57.191—57.197; and sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated thereunder 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. This proposed rulemaking docket be opened to consider the regulations as set forth in Annex A.
2. The Secretary submit this proposed rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall submit this order and Annex A for review and comment by the designated standing committees of both Houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.
4. The Secretary certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. Interested parties have 30 days from the date of publication in the *Pennsylvania Bulletin* to file an original and 15 written comments to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P. O. Box 3265, Harrisburg, PA 17105-3265.
6. An electronic copy of the comments should be e-mailed to Elizabeth Barnes, Assistant Counsel, ebarnes@state.pa.us. These comments will be placed on the Commission's website for public viewing at www.puc.state.pa.us.
7. Comments should, when appropriate, address the four issues identified in this order and should include, when applicable, a numerical reference to Annex A which the comments address, proposed language for revision and a clear explanation for the recommendation.

8. EDCs are directed to provide the Commission with their current inspection and maintenance intervals for vegetation management and other intervals mentioned in § 57.198(e).

9. A copy of this order and Annex A be filed at Docket No. M-00991220 and Docket No. L-00030161.

10. A copy of this order and Annex A be served upon EDCs operating in this Commonwealth, the Office of Consumer Advocate, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association and the Energy Association of Pennsylvania.

11. The contact persons for this proposed rulemaking are Blaine Loper, Bureau of Conservation, Economics and Energy Planning, (717) 787-3810 (technical) and Elizabeth Barnes, Law Bureau, (717) 772-5408 (legal).

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-248. No fiscal impact; (8) recommends adoption.

Statement of Commissioner Kim Pizzingrilli

*Public Meeting
April 20, 2006*

Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 Pertaining to Adding Inspection and Maintenance Standards for the Electric Distribution Companies; APR-2006-L-0011; Doc. No. L-00040167*

Today, before the Commission is a Proposed Rulemaking Order that establishes regulations governing the filing, review and approval of inspection and maintenance plans by Electric Distribution Companies (EDCs). The Proposed Rulemaking Order sets forth proposed standards based upon comments filed in response to the Advance Notice of Proposed Rulemaking adopted on November 18, 2004 and published in the *Pennsylvania Bulletin* on December 11, 2004 (34 Pa.B. 6550).

While I concur with the adoption of inspection and maintenance standards to require additional information and safeguards to ensure electric system reliability for all Pennsylvania citizens, I look forward to comments being filed in response to the proposed regulations, as they will aide the Commission in striking the appropriate balance regarding what is necessary to ensure system reliability but also recognizing the differences among our EDCs, their service territories, age of systems and existing inspection and maintenance programs.

Some specific issues of interest include the Office of Consumer Advocate comments that urge the Commission to adopt a broad set of inspection and maintenance standards designed to promote high quality service and a distribution system that is safe and reliable; other parties opposition to the creation of regulations setting prescriptive inspection and maintenance standards and parties' positions on the proposal to include definitions of rural and urban areas and its effect on EDC territories and existing programs. Further, I look forward to comments regarding the proposed requirement to submit inspection and maintenance plans; the frequency of the submission of such plans and the approval process. Finally, I request that commentators address whether the proposed minimum inspection and maintenance intervals for vegetation management; pole inspections; overhead line inspections; and substation inspections are reasonable and whether the specificity is necessary to ensure system reliability or

whether the Commission should provide greater flexibility to the EDCs by enabling them to file such detailed information in its plan.

In reviewing the comments on these issues as well as the others raised in the proceeding, it is my goal to ensure that the Commission adopt inspection and maintenance standards that achieve a fair balance among the affected parties.

Annex A

**TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 57. ELECTRIC SERVICE
Subchapter N. ELECTRIC RELIABILITY
STANDARDS**

§ 57.192. Definitions.

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

* * * * *

Rural area—A rural place designated by the United States Bureau of Census as having a population of less than 5,000 and whose boundaries have been approved by the Secretary of the United States Department of Transportation.

* * * * *

Urban area—An urbanized area or an urban place designated by the United States Bureau of Census as having a population of 5,000 or more and whose boundaries have been approved by the Secretary of the United States Department of Transportation.

§ 57.198. Inspection and maintenance standards.

(a) An EDC shall have a plan for the periodic inspection and maintenance of poles, overhead conductors and cables, wires, transformers, switching devices, protective devices, regulators, capacitors, substations and other facilities critical to maintaining an acceptable level of reliability, in a format the Commission prescribes. The Commission will review each plan and may issue orders to ensure compliance with this section. The Commission may require an EDC to submit an updated plan at any time containing information the Commission may prescribe.

(1) The plan must be based on industry codes, National electric industry practices, manufacturers' recommendations, sound engineering judgment and past experience. The plan must be divided into rural and urban areas. The plan must take into account the broad minimum inspection and maintenance intervals provided for in subsection (e).

(2) An EDC shall reduce the risk of future service interruptions by accounting for the age, condition, design and performance of system components and by providing adequate resources to maintain, repair, replace and upgrade the system.

(3) The plan must include a program for the maintenance of minimum clearances of vegetation from the EDC's overhead transmission and distribution facilities sufficient to avoid contact under design-based conditions. The plan must include a

program for the trimming of tree branches and limbs located in close proximity to overhead electric wires when the branches and limbs may cause damage to the electric wires regardless of whether the trees in question are on or off of a right-of-way.

(4) The plan, or updates to the plan, must form the basis of, and be consistent with, the EDC's inspection and maintenance goals and objectives included in subsequent annual and quarterly reliability reports filed with the Commission.

(b) On or before October 1, 2007, and every 2 years thereafter, an EDC shall submit its whole plan for the following calendar year to the Commission for review.

(1) Within 90 days, the Commission or its designee will accept or reject the plan.

(2) Absent action by the Commission or its designee to reject the plan within 90 days of the plan's submission to the Commission, or by January 1, whichever is later, the plan will be deemed accepted. The acceptance will be conditioned upon the EDC meeting Commission-established reliability performance standards.

(3) If the plan is rejected, in whole or in part, by the Commission or its designee, the EDC shall be notified of the plan's deficiencies and directed to resubmit a revised plan, or pertinent parts of the plan, addressing the identified deficiencies, or submit an explanation why the EDC believes its plan is not deficient.

(c) An EDC may request approval from the Commission for revising an approved plan. An EDC shall submit to the Commission, as an addendum to its quarterly reliability report, prospective and past revisions to its plan and a discussion of the reasons

for the revisions. Within 90 days, the Commission or its designee will accept or reject the revisions to the plan.

(d) An EDC shall maintain records of its inspection and maintenance activities sufficient to demonstrate compliance with its transmission and distribution facilities inspection, maintenance, repair and replacement programs as required by subsection (e). The records shall be made available to the Commission upon request within 30 days.

(e) An EDC shall maintain the following minimum inspection and maintenance intervals:

(1) *Vegetation management.* The Statewide minimum inspection and treatment cycles for vegetation management are 4 years for distribution facilities and 5 years for transmission facilities.

(2) *Pole inspections.* Distribution poles shall be visually inspected every 10 years.

(3) *Overhead line inspections.* Transmission lines shall be inspected aurally twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery. Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. Reclosers shall be inspected and tested at least once per year.

(4) *Substation inspections.* Substation equipment, structures and hardware shall be inspected monthly.

[Pa.B. Doc. No. 06-1969. Filed for public inspection October 6, 2006, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-00051926]

[Correction]

Acquisitions of Water and Wastewater Systems

An error occurred in the document adding a new statement of policy in 52 Pa. Code § 69.711(e) (relating to acquisition incentives) which appeared at 36 Pa.B. 5991, 5998 (September 30, 2006). The phrase “during its next rate filing” was inadvertently omitted from the first sentence.

The correct version of subsection (e) is as follows, with ellipses referring to the existing text of the section:

* * * * *

(e) *Time to submit original cost valuation.* When the acquiring utility elects to request an acquisition adjustment during its next rate filing, it should submit a copy of its newly prepared original cost plant-in-service valuation of the acquired system or a statement of reliance of the existing records of the Commission or the seller to the Commission’s Secretary’s Bureau, the Bureau of Audits, the Bureau of Fixed Utility Services, the Office of Trial Staff, the Office of Consumer Advocate, and the Office of Small Business Advocate at least 4 months prior to the date that the acquiring utility plans to make its next rate case filing with the Commission.

* * * * *

[Pa.B. Doc. No. 06-06-1909. Filed for public inspection September 29, 2006, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Plum Pox Virus

Recitals

A. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted the Department under section 21 of the act (3 P. S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

C. Plum Pox Virus (PPV)—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable.

D. As a result of the presence of PPV in several townships and boroughs, the Department has issued a series of quarantine orders establishing and adjusting a quarantine area.

E. To date, the quarantine orders currently in effect have established a quarantine area for commercial stone fruit orchards covering the following:

Adams County: Huntington Township, Latimore Township, the Borough of York Springs, part of Butler Township, part of Menallen Township and part of Tyrone Township;

Cumberland County: Dickinson Township, the Borough of Mount Holly Springs and South Middleton Township; and

York County: Franklin Township and Monaghan Township.

F. PPV has since been detected on stone fruit trees located in an area of Franklin Township, Adams County. This represents the first confirmed record of PPV in this township.

G. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth.

H. PPV is transmitted from infected trees by aphids and by budding or grafting and can be spread into new areas by movement of infected nursery stock.

I. The movement of PPV-infected fruit trees poses a danger to stone fruit trees in noninfected areas.

J. There is no known control for PPV other than destruction of infected trees.

Order

Under authority of section 21 of the Plant Pest Act (3 P. S. § 258.21), and with the foregoing recitals incorpo-

rated by reference, the Pennsylvania Department of Agriculture hereby orders the following:

1. A quarantine is hereby established with respect to the portion of Franklin Township, Adams County, bounded as follows:

a. Bounded on the Northeast by the Butler/Franklin Township Line, beginning at the intersection with Blue Ribbon Road and continuing to the Cumberland Township Line.

b. Bounded on the Southeast by the Franklin/Cumberland Township Line, and continuing to where it intersects with U. S. Highway 30.

c. Bounded on the Southwest by U. S. Highway 30 continuing to the intersection with Fairview Fruit Road.

d. Bounded on the Northwest by Fairview Fruit Road, continuing to the intersection with Mummasburg Road, and continuing through the intersection on Blue Ribbon Road a short distance until it intersects with the Butler/Franklin Township Line.

2. This quarantine prohibits the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibits the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

3. This quarantine order also prohibits the planting of stone fruit trees (apricot, nectarine, peach and plum) in the quarantined area. This prohibition applies to both fruit-bearing and ornamental varieties of stone fruit trees. Examples of common varieties of ornamental stone fruit trees include purpleleaf plum, flowering almond, flowering peach, purpleleaf sandcherry, flowering cherry, and weeping cherry.

4. The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine Order, as is required under the Plant Pest Act (at 3 P. S. § 258.21(a)). These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

5. This Order applies to commercial orchards, commercial nurseries, homeowners and all persons within the quarantine areas described previously.

6. This quarantine is effective as of September 21, 2006.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 06-1970. Filed for public inspection October 6, 2006, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending September 26, 2006.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-21-06	Graystone Interim Bank, Lancaster, and Graystone Bank, Lancaster Surviving Institution— Graystone Interim Bank, Lancaster, with a change in corporate title to Graystone Bank	Lancaster	Approved

Merger will be effected solely to facilitate the acquisition of Graystone Bank by Graystone Financial Corp., a bank holding company in formation.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-5-06	Allegiance Bank of North America Bala Cynwyd Montgomery County	2960 Skippack Pike Lansdale Montgomery County	Opened
9-21-06	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	The Shops at Garden State Park 2030 Route 70 West Cherry Hill Camden County, NJ	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-15-06	First Commonwealth Bank Indiana Indiana County	Logan Valley Mall West Plank Road Altoona Logan Township Blair County (Drive-Up Facility)	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 06-1971. Filed for public inspection October 6, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062464	Pennsylvania American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701	Stroud Township Monroe County	Sambo Creek 1E	Y

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<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>
PA0070114 Renewal	Melanie Manor Mobile Home Park P. O. Box 550 Elizabethtown, PA 17022	Union Township Schuylkill County	Dark Run 05E	Y

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>
PA0055328 Amendment No. 1 (IW)	New Morgan Landfill Company, Inc. 420 Quarry Road P. O. Box 128 Morgantown, PA 19543-0128	Berks County New Morgan Borough	Conestoga River 7-J	Y
PA0080438 (Sew)	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517-8946	Lancaster County Brecknock Township	Muddy Creek 7-J	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 1770.

<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>
PA0209317 (Nonmunicipal)	Oakridge Personal Care Home 34 Oakridge Lane Mill Hall, PA 17751	Clinton County Colebrook Township	Tangascootack Creek 9B	Y

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

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

PA0055913, Industrial Waste, SIC 2819, **Corco Chemical Corporation**, Tyburn Road and Cedar Lane, Fairless Hill, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Activity: Groundwater remediation system and noncontact cooling water discharge.

The receiving stream, Corco Lake Nos. 1 and 2 is in the State Water Plan Watershed 2E and is classified for WWF. The nearest downstream public water supply intake for Lower Bucks County Joint Municipal Authority is located on Delaware River 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 7,200 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron, Total	Monitor	Monitor	
Benzene	0.001	0.002	0.0025
Chloroform	0.006	0.012	0.015
1,1-Dichloroethylene	Monitor	Monitor	
Ethylbenzene	Monitor	Monitor	
Tetrachloroethylene	0.005	0.01	0.012
Toluene	Monitor	Monitor	
1,2-Trans Dichloroethylene	0.2	0.4	0.5
Trichloroethylene	0.005	0.01	0.012
Vinyl Chloride	0.002	0.004	0.005
Xylenes, Total	Monitor	Monitor	
BETX, Total *	0.1	0.2	0.25
pH	within limits of 6.0 to 9.0 Standard Units at all times		

* BETX is the sum of the concentrations for benzene, ethylbenzene, toluene, and xylenes

The proposed effluent limits for Outfall 002 to Corco Lake No. 2, based on an average flow of 115,000 gpd of noncontact cooling water, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron, Total	Monitor and Report	Monitor and Report	
Tetrachloroethylene	Monitor and Report	Monitor and Report	
Trichloroethylene	Monitor and Report	Monitor and Report	
Temperature			110°F
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Manganese, Total	Monitor and Report	Monitor and Report	

Other Conditions:

The EPA waiver is in effect.

Special Test Methods for certain pollutants.

PA0026662, Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. This application is for renewal of an NPDES permit to discharge treated sewage from the Southeast Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 3.

The receiving stream is classified for the following uses: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 112 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	30	45	60
BOD ₅ (% Removal)	≥86		
CBOD ₂₀	33,600 lbs/day		
Total Suspended Solids	30	45	60
Total Suspended Solids (% Removal)	≥85		
Fecal Coliform	#200/100 ml		#1,000/100 ml
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen	Monitor and Report	Monitor and Report (Daily Max)	Monitor/Report (I-Min.)
Ammonia as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrate as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrite as N	Monitor and Report	Monitor and Report (Daily Max)	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report (Daily Max)	
Phosphorus as P	Monitor and Report		
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Iron, Total	Monitor and Report		
Phenols, Total	Monitor and Report		
Chloroform	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
1,2-Dichloroethane	Monitor and Report		
1,1,2,2-Tetrachloroethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
Benzidine	Monitor and Report		
Bis (2 Ethylhexyl) Phthalate	Monitor and Report		
Alpha BHC	Monitor and Report		
Gamma BHC	Monitor and Report		
Chlordane	Monitor and Report		
4,4' DDE	Monitor and Report		
4,4' DDD	Monitor and Report		
4,4' DDT	Monitor and Report		
Heptachlor	Monitor and Report		
Beta, Total (pci/l)	Monitor and Report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
WET (Chronic)	Monitor and Report (Daily Max)		
WET (Acute)	Monitor and Report (Daily Max)		

The proposed effluent limitation for Outfall 038 (stormwater) are as follows:

<i>Parameter</i>	<i>Concentration Daily Maximum (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen (TKN)	Monitor and Report
Total Phosphorus	Monitor and Report
Fecal Coliform (#/100 ml)	Monitor and Report

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

1. CSOs Requirements.
2. PCBs Requirements.
3. TSS % Removal.
4. BOD₅ % Removal.
5. Operator Training Plan.
6. Chronic WET Test Requirements.
7. Maximize Flows to Treatment Plant.
8. Approved Pretreatment Program.

The EPA waiver is not in effect.

PA0026671, Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. This application is for renewal of an NPDES permit to discharge treated sewage from the Southwest Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 4.

The receiving stream is classified for the following uses WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 200 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
CBOD ₅ (% Removal)	≥89.5		
CBOD ₂₀	35,830 lbs/day		
Total Suspended Solids	30	45	60
Total Suspended Solids (% Removal)	≥85		
Fecal Coliform	#200/100 ml		#1,000/100 ml
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen	Monitor and Report		Monitor and Report (I-Min.)
Ammonia as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrate as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrite as N	Monitor and Report	Monitor and Report (Daily Max)	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report (Daily Max)	
Phosphorus as P	Monitor and Report	Monitor and Report (Daily Max)	
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Iron, Dissolved	Monitor and Report		
Phenols, Total	Monitor and Report		

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<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Cyanide, Free	Monitor and Report		
Nickel, Total	Monitor and Report		
Selenium, Total	Monitor and Report		
Chloroform	Monitor and Report		
1,2-Dichloethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
Benzidine	Monitor and Report		
Dieldrin	Monitor and Report		
Alpha-Endosufan	Monitor and Report		
Beta-BHC	Monitor and Report		
Chlordane	Monitor and Report		
4,4' DDE	Monitor and Report		
4,4' DDD	Monitor and Report		
4,4' DDT	Monitor and Report		
Heptachlor	Monitor and Report		
Lindane	Monitor and Report		
WET (Chronic)	Monitor and Report (Daily Max)		
WET (Acute)	Monitor and Report (Daily Max)		

The facility has one Emergency Relief Outfall 001A. The outfall is located at effluent pumping station, which discharges into Eagle Creek. The proposed effluent limitations are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum</i>	<i>Concentration (mg/l) Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow (mgd)		Monitor and Report	
Duration (Minute)		Monitor and Report Monthly Total	
Fecal Coliform (#/100 ml)		Monitor and Report	Monitor and Report
pH (Standard Units)	Monitor and Report		Monitor and Report

The facility has 16 stormwater outfalls, discharges into Eagle Creek. Since all outfalls are receiving stormwater from facility having similar operations, monitoring of only one outfall (SW1) is required.

The proposed effluent limitation for Outfalls SW1 through SW16 (stormwater) are as follows:

<i>Parameter</i>	<i>Concentration Daily Maximum (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen (TKN)	Monitor and Report
Total Phosphorus	Monitor and Report
Fecal Coliform (#/100 ml)	Monitor and Report

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

1. CSOs Requirements
2. PCBs Requirements
3. TSS % Removal
4. BOD₅ % Removal
5. Operator Training Plan
6. Chronic WET Test Requirements
7. Maximize Flow to Treatment Plant
8. Approved Pretreatment Program

The EPA waiver is not in effect.

PA0026689, Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. This application is for renewal of an NPDES permit to discharge treated sewage from the Northeast Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 3.

The receiving stream is classified for the following uses WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 200 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
CBOD ₅ (% Removal)	≥86		
CBOD ₂₀	71,760 lbs/day		
Total Suspended Solids	30	45	60
Total Suspended Solids (% Removal)	≥85		
Fecal Coliform	#200/100 ml		#1,000/100 ml
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen	Monitor and Report		Monitor and Report (I-Min.)
Ammonia as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrate as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrite as N	Monitor and Report	Monitor and Report (Daily Max)	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report (Daily Max)	
Phosphorus as P	Monitor and Report	Monitor and Report (Daily Max)	
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Iron, Total	Monitor and Report		
Iron, Dissolved	Monitor and Report		
Phenols, Total	Monitor and Report		
Chloroform	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
1,2-Dichloethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
Benzidine	Monitor and Report		
Dieldrin	Monitor and Report		
Endrin	Monitor and Report		
Alpha BHC	Monitor and Report		
Beta BHC	Monitor and Report		
Chlordane	Monitor and Report		
4,4' DDE	Monitor and Report		
4,4' DDD	Monitor and Report		
4,4' DDT	Monitor and Report		
Heptachlor	Monitor and Report		
Lindane	Monitor and Report		
WET (Chronic)	Monitor and Report (Daily Max)		
WET (Acute)	Monitor and Report (Daily Max)		

The proposed effluent limitation for Outfall 061 (stormwater) are as follows:

<i>Parameter</i>	<i>Concentration Daily Maximum (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen (TKN)	Monitor and Report
Total Phosphorus	Monitor and Report
Fecal Coliform (#/100 ml)	Monitor and Report

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

1. CSOs Requirements.
2. PCBs Requirements.
3. TSS % Removal.

4. BOD₅ % Removal.
5. Operator Training Plan.
6. Chronic WET Test Requirements.
7. Maximize Flow to Treatment Plant.
8. Approved Pretreatment Program.

The EPA waiver is not in effect.

PA0027154, Sewage, SIC 4952, **Borough of Phoenixville**, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 4.0 mgd of treated sewage into Schuylkill River.

The receiving stream, Schuylkill River, is in the State Water Plan Watershed 3D—Manatawny and is classified for WWF. The nearest downstream public water supply intake for Philadelphia Suburban Water Company—Pickering Creek Water Filtration Plant is located on Schuylkill River and is 0.75 mile below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.0 mgd.

Parameters	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD ₅	20	30	40
Total Suspended Solids	30	45	6
Ammonia as N	8		16
Fecal Coliform	200 #/100 ml		
Dissolved Oxygen	5.0		
pH	6.0 Standard		9.0 Standard
Total Residual Chlorine	0.5		1.6
Copper	Monitor and Report	Monitor and Report	

In addition to the effluent limits, the permit contains the following major special conditions: The EPA waiver is not in effect.

PA0024651, Sewage, **Atglen Borough Sewer Authority**, 120 West Main Street, P. O. Box 250, Atglen, PA 19310. This existing facility is located in Atglen Borough, **Chester County**.

Description of Proposed Activity: This NPDES application is for a permit amendment to rerate the hydraulic capacity of the Atglen Borough sewage treatment plant to an annual average of 0.1085 mgd from 0.09 mgd.

The receiving stream, Valley Creek, is in the State Water Plan Watershed 7K and is classified for TSF, MF. It is a tributary to East Branch Octoraro Creek. The nearest public water supply intake is Chester Water Authority located on Octoraro Creek approximately 11 river miles downstream from the point of discharge.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.1085 mgd.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Annual	Monthly Average	Weekly Average	Monthly Average	Weekly Average	
CBOD ₅		23	36	25	40	50
Total Suspended Solids		27	41	30	45	60
Fecal Coliform (5-1 to 9-30)				200/100 ml		1,000/100 ml
(10-1 to 4-30)				26,000/100 ml		
Dissolved Oxygen				3.0 (min.)		
pH (Standard Units)				6.0 (min.)		9.0
Total Residual Chlorine				0.5		1.2
Ammonia as N				Report		
Kjeldahl-N				Report		
Nitrate-N				Report		
Nitrite-N				Report		
Total Nitrogen (Years 1—3)	Report	Report		Report		
(Years 4 and 5)	6,570	18		20		
Total Phosphorus (Years 1—3)	Report	Report		Report		
(Years 4 and 5)	876	2.4		2.6		

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.

7. Sludge Disposal Requirement.
8. Total Residual Chlorine Requirement.
9. Imax Requirements.
10. 2/Month Sampling.
11. Certified Operator.

PA0244147, Sewage, SIC 4952, **Wrightstown Township**, 738 Penns Park Road, Wrightstown, PA 18940. This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Proposed Activity: Issuance of a NPDES Permit to discharge treated sewage effluent generated from a 46-unit residential subdivision located at the northeast corner of Wrightstown and Durham Roads. Discharge will be to a stormwater detention basin with constructed wetlands.

The receiving stream, a UNT to Neshaminy Creek is in the State Water Plan Watershed 2F and is classified for WWF, migratory fishes, aquatic life, water supply and recreation. The stream is intermittent for approximately 0.8 mile. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is approximately 12.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.016125 mgp day.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	5	7		10
Total Suspended Solids	5	7		10
Ammonia as N				
(5-1 to 10-31)	1.0			2.0
(11-1 to 4-30)	2.0			4.0
pH (Standard Units)	6.0, I-min			9.0
Fecal Coliform (col/100ml)	50			1,000
Dissolved Oxygen	6.0, I-min.			
(Nitrite + Nitrate) as N	10			20
Phosphorus as P	0.1			0.2

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

1. Notification of Designation of Responsible Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Dry Stream Discharge.
7. Change in Ownership.
8. Proper Sludge Disposal.
9. Instantaneous Maximum Limitations.
10. New Facilities/Not Constructed.
11. Twice per Month Monitoring.
12. Operator Training Plan.

The EPA waiver is not in effect.

NPDES Permit No. PA0054810, Sewage, SIC 4952, **Upper Frederick Township's Perkiomen Crossing Wastewater Treatment Plant**, 3205 Big Road, P. O. Box 597, Frederick, PA 19435. This facility is located on Valley Stream Drive, Upper Frederick Township, **Montgomery County**.

Description of Activity: Renewal of Sewage Treatment Plant's NPDES Permit to discharge treated sewage effluent to Goshenhoppen Creek.

The receiving water, Goshenhoppen Creek is in the State Water Plan Watershed 3E-Perkiomen and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua-PA is located on Perkiomen Creek and is approximately 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.048 mgd and will take effect in the beginning of permit term year 4.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report			
CBOD ₅	10.0	15		20
Total Suspended Solids	10.0	15		20
Ammonia as N				
(5-1 to 10-31)	0.7			1.4
(11-1 to 4-30)	2.1			4.2
Phosphorus as P	0.50			1.0
Fecal Coliform	200 #/100 ml			Monitor and Report
Dissolved Oxygen			6.0 (Min)	
pH (STD Units)			within limits of 6.0 to 9.0	

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report			
NO ₂ -N and NO ₃ -N	10.0			20.0
Total Residual Chlorine	0.10			0.20

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

1. Discharge must not cause nuisance.
2. Intermittent stream discharge if discharge causes health hazard, additional measures may be required.

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

Application No. PA 0248754, Concentrated Animal Feeding Operation (CAFO), **Cory Gress**, 792 Lick Hollow Road, Harrisonville, PA 17228.

Cory Gress has submitted an Individual NPDES permit renewal application for the Cory Gress Farm located in Licking Creek Township, **Fulton County**. The CAFO is situated near UNTs of Owl Creek (Watershed 13-B), which are classified as CWF. The CAFO has a target animal population of approximately 606 animal equivalent units consisting of 4,400 finishing swine, 6 beef cow/calf pairs, 6 steers, 3 heifers, 2 horses and 1 bull. Liquid swine manure is stored in two concrete manure storage structures below the two swine barns. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA No. 0009164, Industrial Waste, SIC Code 3312, **Standard Steel LLC**, 500 North Walnut Street, Burnham, PA 17009. This proposed facility is located in Burnham Borough, **Mifflin County**.

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

The receiving stream, Kishacoquillas Creek is in Watershed 12-A and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Authority located on the Juniata River, >25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 002, 003, 005 and MP 401 based on a design flow of 12.03 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
pH			6 to 9	
Discharge Total Suspended Solids			Monitor and Report	
Intake Total Suspended Solids			Monitor and Report	
Net Total Suspended Solids			15	30
Discharge Oil and Grease			Monitor and Report	
Intake Oil and Grease			Monitor and Report	
Net Oil and Grease			10	20

The proposed effluent limits for Outfall MP 402 based on a design flow of 0.01 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
pH			6 to 9	
Vinyl Chloride				Monitor and Report
TCE				Monitor and Report

The proposed effluent limits for Outfall 500 are:

Cumulative Thermal Discharge Period	Allowable Heat Rejection Rate (10^6 Btu/day)
January	2,060
February	1,872
March	5,244
April	5,970
May	6,000
June	5,450
July	4,075
August	2,547
September	2,119
October	2,055
November	1,880
December	1,798

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

The EPA waiver is not in effect.

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

PA0029971, Sewage, **Avella Area School District**, 1000 Avella Road, Avella, PA 15312. This application is for renewal of an NPDES permit to discharge treated sewage from Avella Area School District STP in Cross Creek Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of South Fork Cross Creek which is classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is in West Virginia.

Outfall 001: existing discharge, design flow of 0.012 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.07			0.16
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0031895, Sewage, **Nemacolin Country Club**, P. O. Box 134, Beallsville PA 15313-0134. This application is for renewal of an NPDES permit to discharge treated sewage from Nemacolin Country Club STP in Centerville Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale to North Branch Fishpot Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Co., Brownsville Plant on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.006 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	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204366, Sewage, **Clear Channel Entertainment**, 125 West Station Square Drive, Pittsburgh PA 15215-1122. This application is for renewal of an NPDES permit to discharge treated sewage from Post Gazette Pavilion in Hanover Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Harmon Creek which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of Wheeling.

Outfall 001: existing discharge, design flow of 0.018 mgd from May 1 to October 31 and 0.03 mgd from November 1 to April 30.

<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)	3.0			6.0
(11-1 to 4-30)	8.5			17.0
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				
(5-1 to 10-31)	0.35			0.9
(11-1 to 4-30)	0.45			1.0
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217042, Sewage, **Game Commission**, 4280 Route 711, Bolivar, PA 15923-2420. This application is for renewal of an NPDES permit to discharge treated sewage from the Game Commission Sewage Treatment Plant in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Loves Hollow 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: Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.004 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	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	8.0			16.0
(11-1 to 4-30)	24.0			48.0
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			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0253219, Sewage, **East Franklin Township**, R. D. 3, Box 211A, Kittanning, PA 16201. This application is for issuance of an NPDES permit to discharge treated sewage from Cowansville Sewage Treatment Plant in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Glade Run 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 Buffalo Township Municipal Authority Freeport located on the Allegheny River.

Outfall 001: new discharge, design flow of 0.029 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	0.4			0.9
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0253383, Sewage, **Anna K. Wright**, 376 North Tower Road, Fombell, PA 16123. This application is for renewal of an NPDES permit to discharge treated sewage from Wright Sewage Treatment Plant in Franklin Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters known as UNT of Hazen Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority on the Beaver River.

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

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

The EPA waiver is in effect.

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

PA0005061-Amendment No. 1, Industrial Waste. **Orion Power Midwest LP, New Castle Plant**, 121 Champion Way, Canonsburg, PA 15317-5817. This proposed facility is located in Taylor Township, **Lawrence County**.

Description of Proposed Activity: existing discharge of noncontact cooling water, treated industrial waste, miscellaneous wastewaters and stormwater runoff.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is Beaver Falls Municipal Authority—Eastvale plant on the Beaver River located approximately 16 miles below point of discharge.

The receiving stream, Beaver River (Outfalls 001—006, 009, 010 and 101), and McKee Run (Outfalls 007, 008 and 011—013), is in Watershed 20-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 004 based on a design flow of 1.0 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Oil and Gas	15	20	30
Iron	3.0	7.0	8.75
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and report.

The EPA waiver is not in effect.

PA0026301, Sewage. **Erie Sewage Authority and the City of Erie**, 68 Port Access Road, Erie, PA 16507-2202. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Pennsylvania/Canadian international boundary located in Lake Erie.

The receiving stream, the Lake Erie (Outer Erie Harbor and Presque Isle Bay), Mill Creek and Garrison Run is in Watershed 15 and classified for WWF, migratory fishes (for Mill Creek), aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 and 001A are based on a design flow of 68.6 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	
Flow	XX				
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average		
Total Residual Chlorine			0.5		1.6

The proposed effluent limits for Suboutfall 101 are based on a design flow of 68.6 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	
Flow (mgd)	XX				
CBOD ₅	14,303	22,885	25	40	50
Total Suspended Solids	17,164	25,746	30	45	60
Phosphorus as "P"	572		1		
pH	6.0 to 9.0 Standard Units at all times				

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

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	
Flow (mgd)*	XX				
Total Residual Chlorine*				1.6	
Fecal Coliform* (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average		

The proposed effluent limits for Suboutfall 201 are based on a design flow of N/A mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	
Flow (mgd)*	XX				

*—Monitor when discharging

XX—Monitor and report on monthly DMRs.

Special Conditions:

1. Total Residual Chlorine Minimization.
2. Federal Pretreatment Program.
3. Stormwater Outfalls.
4. CSO Related Bypass.
5. Combined Sewer Overflows.
6. Whole Effluent Toxicity testing for the renewal.

The EPA waiver is not 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. 3606202, CAFO, **Wanner's Pride-N-Joy Farm**, 5800 Wanner Road, Narvon, PA 17555. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Phase 1 of this project involves the construction of a methane digester system which will include a circular concrete digester tank and a rectangular concrete influent/effluent tank. Phase 2 of this project involves the construction of a manure solids separator and solids stacking area.

WQM Permit No. 6780405, Amendment 06-1, Sewerage, **Manchester Township Municipal Authority**, 3200 Farm Trail Road, York, PA 17402. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Expansion of the Farmbrook Industrial Park pump station.

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

WQM Permit No. 0406401, Sewerage, **Borough of Ambridge Municipal Authority**, 600 Eleventh Street, Ambridge, PA 15003. This proposed facility is located in Ambridge Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station improvement and sewer replacement.

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

WQM Permit No. 6306407, Sewerage, **Hanover Township Sewer Authority**, 116 Steubenville Pike, Paris, PA 15021. This proposed facility is located in Hanover Township, **Washington County**.

Description of Proposed Action/Activity: Application for construction and operation of sanitary sewers.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506072	Phillips Road Associates 202 Phillips Road Exton, PA 19341	Chester	Uwchlan Township	Pine Creek HQ-TSF
PAI011506073	Julie I. Blank 471 Fairmount Drive Chester Springs, PA 19425	Chester	East Nantmeal Township	Beaver Run EV
PAI011506074	James Spotts 1310 Harmonyville Road Pottstown, PA 19465	Chester	South Coventry Township	Pigeon Creek HQ-TSF-MF
PAI011506075	Southdown Homes 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	East Brandywine Township	East Branch Brandywine Creek HQ-TSF

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

Lehigh County Conservation District: Lehigh Ag. Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906027	Rudy Amelio Devonshire Properties, LLC 1348 Hamilton St. Allentown, PA 18102	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806023	Wind-Drift Real Estate Associates Attn: Lewis Ronca 179 Mikron Road Bethlehem, PA 18017	Northampton	City of Bethlehem	Nancy Run (SR 3007 Bridge to Mouth) HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032106007	Members 1st FCU 5000 Louise Drive Mechanicsburg, PA 17055	Cumberland	Hampden Township	UNT Conodoguinet WWF
PAI030506005	Nate Kissell New Enterprise Stone and Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Bedford	Bedford Township	Shober's Run HQ-CWF Raystown Branch Juniata River/TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064206003	Dr. Steven Herrmann and J.A. Luciano & Sons Builders One Ichabod Lane Bradford, PA 16701	McKean	Bradford Township	Minard Run EV

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

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

Application No. 5206504, Public Water Supply.

Applicant **S & S Construction Group**
Dingman Township
Pike County

Responsible Official Xui Quan Shi, President
P. O. Box 1126
Montague, NJ
(973) 293-3546

Type of Facility Community Water System

Consulting Engineer Brian D. Swanson, P. E.
Swanson Engineering, PC
435 Green Ridge Street
Scranton, PA 18509
(570) 558-2727

Application Received Date May 13, 2005

Description of Action Application for construction of a new supply well, along with two 3,000 gallon finished water storage tanks, chemical treatment facilities and distribution to supply expansion of the existing Maple Park Garden residential townhouse development.

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

Permit No. 2806501, Public Water Supply.

Applicant **Waynesboro Borough Authority**

Municipality Waynesboro Borough

County **Franklin**

Responsible Official S. Leiter Pryor
Director of Borough Utilities
57 East Main Street
Waynesboro, PA 17268

Type of Facility Public Water Supply

Consulting Engineer James C. Elliot, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Application Received: 3/15/2006

Description of Action The addition of Well No. 2 to augment the existing sources of supply and treatment. Treatment will consist of nanofiltration and disinfection.

Permit No. 3606510, Public Water Supply.

Applicant Salisbury Township Fire
Company No. 1

Municipality Salisbury Township

County **Lancaster**

Responsible Official John M. Beyer, President
111 White Horse Road
Gap, PA 17527

Type of Facility Public Water Supply

Consulting Engineer Charles A Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George St.
York, PA 17401

Application Received: 6/26/2006

Description of Action Installation of a anion exchange nitrate treatment system to remove elevated levels of nitrate.

Permit No. 0706502, Public Water Supply.

Applicant **Henrietta Mutual Water Association**

Municipality North Woodbury Township

County **Blair**

Responsible Official Edward Barszczowski, President
R. D. 1, Box 603
Martinsburg, PA 16662

Type of Facility Public Water Supply

Consulting Engineer Thomas M. Levine, P. E.
Richard H. Bulger, Jr. &
Associates, Inc.
P. O. Box 331
Martinsburg, PA 16662

Application Received: 8/1/2006

Description of Action The addition of Well No. 1 to replace the existing spring source and the addition of a polyphosphate compound to sequester elevated levels of manganese in the new source water.

Permit No. 2806505, Public Water Supply.

Applicant **D-111 Group, LLC**

Municipality Hamilton Township

County **Franklin**

Responsible Official Eugene R. Strite
Member/President
826 Tallow Hill Road
Chambersburg, PA 17055

Type of Facility Public Water Supply

Consulting Engineer Lance S. Kegerreis, P. E.
Dennis E. Black Engineering
Inc.
2400 Philadelphia Avenue
Chambersburg, PA 17201

Application Received: 8/11/2006

Description of Action This is for a new PWS that will serve the Whiskey Run System. The system will consist of three wells, treatment to consist of disinfection and greensand filtration for iron and manganese removal, finished water storage and distribution.

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

Permit No. 4106502—Construction Public Water Supply.

Applicant **Lycoming County Water and Sewer Authority**

Township or Borough Muncy and Fairfield Townships
County **Lycoming**

Responsible Official Christine Maggi
Executive Director
Lycoming County Water and Sewer Authority
216 Old Cement Road
Montoursville, PA 17754

Type of Facility Public Water
Supply—Construction

Consulting Engineer Brian L. Book, P. E.
Herbert, Rowland & Grubic, Inc.
474 Windmere Drive
State College, PA 16801

Application Received Date September 20, 2006

Description of Action Construction of approximately 20,000 linear feet of waterline, water supply well, treatment facilities and a 300,000 gallon finished water storage tank.

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

Permit No. 0406504, Public Water Supply.

Applicant **Conway Borough**
1208 Third Avenue
Conway, PA 15027

Township or Borough Conway Borough

Responsible Official Greg Ritorto, Council President
Conway Borough
1208 Third Avenue
Conway, PA 15027

Type of Facility Water treatment plant

Consulting Engineer NIRA Consulting Engineers, Inc.
950 Fifth Avenue
Coraopolis PA 15108

Application Received Date September 5, 2006

Description of Action New water storage facility and related appurtenances, construction of a new pumping station, distribution systems upgrades and replacements and construction of an emergency interconnection with Ambridge.

Permit No. 0206511, Public Water Supply.

Applicant **Coraopolis Water & Sewer Authority**
1012 Fifth Avenue
Coraopolis, PA 15108

Township or Borough Coraopolis

Responsible Official Thomas Cellante, Jr.
Coraopolis Water & Sewer Authority
1012 Fifth Avenue
Coraopolis, PA 15108

Type of Facility Water treatment plant

Consulting Engineer Lennon, Smith, Souleret
Engineering, Inc.
846 Fourth Avenue
Coraopolis, PA 15108

Application Received Date September 25, 2006

Description of Action Demolish Fleming Street and cemetery water storage tanks and construct a 0.7 million gallon steel reservoir at Fleming Street and a 0.75 million gallon steel elevated storage tank at cemetery. Installation of pressure reducing stations, cleaning and painting of the School Street water storage tank. Replacement of the existing Fleming Street booster station (pumping and rechlorination).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as

a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Apex on York, City of Philadelphia, **Philadelphia County**. Robert E. Edwards, RETTEW Associates, Inc., 3020 Columbia Ave., Lancaster, PA 17603 on behalf of Greg Pellathy, Pell Parnters, 116 Greenwood Ave., Wyncote, PA 19095 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by releases of SVOC's and metals. The intended future use of the property is student and housing and parking.

Storage Specialists, LLC, City of Philadelphia, **Philadelphia County**. Sony Y. Ward, P. G., ENSR Corp., 2005 Cabot Blvd., West, Suite 100, Langhorne, PA 19047 on behalf of Carl Grigorian, Ph.D., P. E., Storage Specialists, LLC, 111 N. Jackson Street, Suite 200, Glendale, CA 91206 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of lead. The future use of the property is for nonresidential commercial use as a storage facility.

Willow Grove Home Depot, Upper Moreland Township, **Montgomery County**. Justin Lauterbach, RT Env. Services, Purleand Complex, Suite 306, 510 Heron Drive, P. O. Box 521, Bridgeport, NJ 08014 on behalf of Charles Gallub, Develcom, 204 Harding Road, P. O. Box 217, Bellmawr, NJ 08031 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of arsenic and other organics. The proposed future use of the subject property is commercial.

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

Former B & B Equipment Site, Clinton Township, **Lycoming County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Tom Shaheen, Shaheen Auto Sales, 5463 US 15, Montgomery, PA 17752 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with gasoline and diesel fuel. The applicant proposes to remediate the site to meet the Site-Specific Standard. The intended future use of the property will be commercial.

SEDA-Cog Joint Rail Authority Newberry Yard-South Site, City of Williamsport, **Lycoming County**. Marshall Miller & Assoc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of SEDA-COG Joint Rail Authority, 201 Furnace Road, Lewisburg, PA 17837 has submitted a Notice of Intent to Remediate groundwater contaminated with a separate phase liquid. The applicant proposes to remediate the site to meet the Site-Specific Standard. The planned use and future development of the site is strictly for commercial/industrial purposes.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and act June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Cole Care, Inc., 1001 East Second Street, Coudersport, PA 16915, License No. PA-HC 0178. Received on 8/28/06.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836, License No. PA-HC 0221. Received on 8/30/06.

The Pennsylvania State University, 6 Eisenhower Parking Deck, University Park, PA 16802, License No. PA-HC 0153. Received on 9/6/06.

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.

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

15-0010C: ISG Plate, LLC (139 Modena Road, Coatesville, PA 19320) for installation of a replacement dust collector on a manual cutting operation, identified as the ACA Powder Cutting and Baghouse, at their facility in the City of Coatesville, Chester County. This facility is a Title V facility. The ACA powder cutting and baghouse is identified in the facility's Title V Operating Permit as Source ID 182. The existing dust collector is old and needs to be replaced. The new dust collector is expected to reduce PM emissions to less than 0.01 grain per dry standard cubic feet, which will be equivalent to 0.71 lb/hr. The ACA powder cutting and baghouse will be restricted to these emission rates, as well as an annual emission rate of 3.11 tons/year. The ACA Powder Cutting operation will also result in emissions of chromium, lead, manganese, and nickel, totaling 0.181 ton/year. The Plan Approval will contain monitoring and recordkeeping requirements designed to keep Source ID 182 operating within the allowable emissions and all applicable air quality requirements.

46-0005AC: Merck and Company, Inc. (P. O. Box 4, WP20-208, 770 Sumneytown Pike, West Point, PA, 19486-0004) for installation of a new biological manufacturing building 12A, this plan approval will also incorporate previously approved construction of a biological manufacturing 12 (buildings 12 and 12A) at the Merck pharmaceutical manufacturing and research facility in Upper Gwynedd Township, **Montgomery County**. The facility currently has a Title V permit No. TVOP-46-00005. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The air contaminant emitting sources of buildings 12 and 12A under this approval will consist of 4 shell freezers and a natural gas fueled emergency generator. Based on the information provided by the applicant and Depart-

ment of Environmental Protection's (Department) own analysis, the four shell freezers will emit a total of 7.2 tons per year of VOCs and 0.36 ton per year of HAPs. Based on the information provided by the applicant and Department's own analysis, the emergency generator will emit 0.19 ton per year of VOCs, 0.47 ton per year of NOx, 0.44 ton per year of CM, 0.01 ton per year of SOx and 0.01 ton per year of PM10. The Plan Approval and Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements. Further details on the conditions and reasons for their inclusion are available upon request.

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

58-303-006: New Milford Materials, LLC (P. O. Box 324A-1, Montrose, PA, 18801) for construction of a batch asphalt plant at their existing B. S. Quarries New Milford Saw Shop and Quarry in New Milford Township, **Susquehanna County** that will utilize recycled asphalt pavement (RAP) and will be fired on No. 2 fuel oil and waste derived liquid fuel (WDLF). This facility is not a Title V facility. The batch asphalt plant will incorporate no more than 22.0% RAP into the 300 ton per hour facility while any WDLF used will meet all regulatory specifications. The company has elected to take a voluntary production restriction of 400,000 tons of asphalt per year. Emissions from the plant will not exceed 24.0 tpy of NOx, 80.0 tpy of CO, 17.6 tpy of SOx, 1.6 tpy of VOC and 8.4 tpy of PM. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90–60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

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

05-05022B: Bedford Reinforced Plastics, Inc. (264 Reynoldsdale Road, Bedford, PA 15522-7401) for installation of two new fiberglass reinforced plastic pultrusion production lines at their facility in East Saint Clair Township, **Bedford County**. Operation of these pultrusion lines will increase potential HAPs by 6.48 tons per year. The plan approval and subsequent Title V operating permit amendment will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. This project is subject to 40 CFR Part 63, Subpart WWW—National Emission Standards for Hazardous Air Pollutants. Reinforced Plastic Composites Production.

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

24-161A: Greentree Landfill Gas Co., LLC (Tower Road, Brockway, PA 15824) for construction of two natural gas compressors for boosting natural gas production into the custody transfer point in Horton Township, **Elk County**. This is a State-only 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 Best Available Technology for the source:

- These internal combustion engines shall be equipped and operated with control devices that reduce emissions to levels equal to or less than:
 - NO_x at rated brake horsepower and operating at rated speed—2.0 grams per brake horsepower-hour (gms/bhp-hr) for gas fired units;
 - VOC at rated brake horsepower and operating at rated speed—0.4 gms/bhp-hr.;
 - CO at rated brake horsepower and operating at rated speed—2.0 gms/bhp-hr.;
- At operating conditions less than rated capacity, internal combustion engines shall, on a pounds per hour basis, emit no more than they emit at rated brake horsepower and rated speed.
- Visible emissions in excess of the following limitations:
 - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.
 - Equal to or greater than 30% at any time.
- The emission limitations shall apply at all times except during periods of start-up and shut-down, provided, however, that the duration of start-up and shut-down do not exceed 1 hour per occurrence.
- This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.
- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
- The internal combustion engines shall be designed and operated to either reduce NMOC by 98 weight-percent or to reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3% oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the source using the test methods specified in § 60.754(d).
- Within 60 days after achieving the normal production rate at which the affected source will be operated, but not later than 180 days after initial start-up of the control device, a stack test shall be performed in accordance with the provisions of 25 Pa. Code Chapter 139. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted for NO_x, CO and VOC (NMOC).
- The permittee shall maintain comprehensive accurate records which, at a minimum, shall include:
 - The number of hours per calendar year that each engine or piece of equipment operated.
 - The amount of fuel used per calendar year in each engine or piece of equipment.
- When a new internal combustion engine is installed and is required to conduct a performance test, the permittee shall maintain records or report the following:
 - Records including a description of testing methods, results, all engine operating data collected during the tests and a copy of the calculations performed to determine compliance with emission standards.
 - Copies of the report that demonstrates that the engines were operating at rated brake horsepower and rated speed conditions during performance testing.
- These records shall be retained for a minimum of 2 years and shall be made available to the Department upon request. The Department reserves the right to expand the list contained in this condition as it may reasonably prescribe under the provisions of section 4 of the Pennsylvania Air Pollution Control Act (35 P. S. § 4004), and as it may deem necessary to determine compliance with any condition contained herein.
- The permittee shall maintain a record of all preventative maintenance inspections of the source and control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.
- The permittee shall maintain a record of the following from the operational inspections:
 - Pressure drop across the catalyst.
 - Differential temperature across the catalyst.
 - The permittee shall perform a daily operational inspection of the source and control device for any day the source and control device is in operation.
 - The permittee shall install a magnehelic gauge or equivalent to measure pressure drop across the control device. The gauge shall be maintained in good working order at all times. The permittee shall develop the normal operating range for the control device and shall submit the normal operating range to the Department for approval prior to applying for an operating permit.
 - The permittee shall install a thermocouple or equivalent to measure differential temperature across the control device. The gauge shall be maintained in good working order at all times. The permittee shall develop the normal operating range for the control device and shall submit the normal operating range to the Department for approval prior to applying for an operating permit.
 - All gauges employed (inlet/outlet catalyst temperature and pressure drop) shall have a scale such that the expected normal reading shall be no less than 20) of full scale and be accurate within +2% of full scale reading.
 - 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 control practices.

10-0210: Indspec Chemical Corp. (133 Main Street, P. O. Box 307, Petrolia, PA 16050) for replacement of the burners on the Bertrams Units Nos. 1 and 2 (Sources 035 and 036) with Low NO_x burners with the same rated heat input of the existing burners in Petrolia Borough, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (Department) intends to issue a plan approval to Indspec Chemical Corporation in Petrolia Borough, Butler County. The facility was issued a Title V permit No. TV-10-00021 on November 2, 2000. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan approval No. 1 is for the replacement of the burners on the Bertrams Units Nos. 1 and 2 (Sources 035 and 036) with Low NOx burners with the same rated heat input of the existing burners. The NOx emissions will decrease by approximately 4.75 tpy per unit. The CO emissions will increase by approximately 2.7 tpy per unit. The TSP, PM10, SOx and VOC emissions will remain relatively unchanged. The plan approval contains requirements for testing to demonstrate compliance with the CO and NOx emission limitations. The facility will be required to monitor the fuel usage, hours of operation, and use the emission data from AP-42 emission factors and the emission tests to calculate the 12-month rolling emissions. The facility will also be required to perform yearly maintenance on the burners. The Plan Approval and Operating Permit will contain additional monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the applications, Department's analysis and other documents used in the evaluation of the Applications are available for public review during normal business hours at the Northwest Regional DEP Office, 230 Chestnut St., Meadville, PA 16335.

Persons wishing to provide Department with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit Permit No. 10-0210.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines that telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814)-332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Matthew Williams, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for State-only operating permits or 25 Pa. Code §§ 127.521 to 127.524 for Title V operating permits.

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

23-00106: BPG Real Estate Investors—Straw Party 1 LP (3815 West Chester Pike, Newtown Square, PA 19073) for operation of three boilers, one emergency generator and one fire pump located at the Ellis Preserve at Newtown Square in Newtown Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx and SOx to less than major facility thresholds; therefore, the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00253: Valley Forge, Inc. (450 East Valley Forge Road, King of Prussia, PA 19406) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**. Valley Forge, Inc. recycles used concrete, asphalt, brick and block and crushes it for use in road subbase and other construction products; grinds green waste into mulch; and processes compost and topsoil. The facility's major sources of emissions are the engines, from which the main pollutant emitted is NOx. Valley Forge, Inc., will limit the hours of operation in order to limit their facility NOx emissions to less than 11.1 tons per year. The permit will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

21-03004: ADM Milling Co. (P. O. Box 3100, Shiremanstown, PA 17011) for operation of their flour milling facility in Camp Hill Borough, **Cumberland County**. The facility is subject to 40 CFR Part 60, Subpart DD-Standards of Performance for Grain Elevators. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's previous operating permit.

36-03157: Fertrell Co. (P. O. Box 265, Bainbridge, PA 17502) for operation of their fertilizer plant in Conoy Township, **Lancaster County**. Actual emissions are expected to be 10 tons per year of SO, 2 tons per year of NOx and 2 tons per year of PM. The State-only permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

60-00020: Pik Rite, Inc. (60 Pik Rite Lane, Lewisburg, PA 17837) for operation of a steel parts fabricating and surface coating facility in Buffalo Township, **Union County**.

The facility incorporates two spray booths in which farm equipment and other fabricated steel items are painted as well as 15 small propane-fired space heaters and a 300 gallon diesel fuel storage tank. The air contaminant emissions from the facility are not expected to exceed 4.98 tons of VOCs, 1.3 tons of volatile HAPs, 11.28 tons of PM₁₀, .77 ton NO_x, .11 ton of CO and .083 tons of SO_x per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Plan Approval 60-318-011A, issued on November 1, 2005, and modified on May 15, 2006.

The previously-established conditions include:

1. No more than a combined total of 2,248 gallons of coating used in the surface coating operation in any 12-consecutive month period shall contain VOCs in excess of 1.69 pounds per gallon of coating, as mixed for application, and no coating shall contain VOCs in excess of 2.74 pounds per gallon of coating, as mixed for application.

2. No more than a combined total of 1,400 gallons of coating used in the surface coating operation in any 12-consecutive month period, as mixed for application, shall contain any volatile HAPs, of which no more than 500 gallons in any 12-consecutive month period shall contain volatile HAPs in excess of .36 pound per gallon of coating, as mixed for application, and none shall contain volatile HAPs in excess of 1.2 pounds per gallon of coating, as mixed for application.

3. No more than 15 gallons of adhesives shall be used in any 12-consecutive month period and no adhesive shall contain VOCs or volatile HAPs in excess of 5.09 pound per gallon of adhesive, as mixed for application.

4. No more than 696 gallons of cleanup solvent shall be used in any 12-consecutive month period, of which no more than 600 gallons shall contain any VOCs or volatile HAPs. No cleanup solvent shall contain volatile hazardous air pollutants in excess of 3.31 pounds per gallon of solvent.

5. The total combined VOC emissions from the surface coating operation shall not exceed 4.95 tons in any 12-consecutive month period and the total combined volatile HAP emissions shall not exceed 1.5 tons in any 12-consecutive month period.

6. Coatings applied in the surface coating operation shall be applied by brush or wiping cloth or by high volume low pressure (HVLP) spray technology (or an application technique determined by the Department of Environmental Protection to have an equivalent transfer efficiency).

7. Surface coating performed at this site shall take place in spray booths which are exhausted to the atmosphere through spray booth filters except that coatings can be applied by brush or wiping cloth outside of the spray booths. The particulate matter emission rate from the spray booth shall not exceed .01 grain per dry standard cubic foot of exhaust.

8. All coatings used in the surface coating operation shall comply with 25 Pa. Code § 129.52.

9. VOC-containing, volatile HAP-containing and acetone-containing materials used in the surface coating operation shall be stored in closed containers when not in actual use. Spray lines, guns, and the like, shall be cleaned by either flushing a solid liquid stream of solvent into an appropriate container or by soaking equipment in closed containers of liquid solvent. Under no circumstances shall cleaning solvent be sprayed or flushed from a spray gun or line into the air. Under no circumstances shall cleaning solvent be flushed from a spray gun or line into a container in such a manner that it is atomized. Used cleaning solvent and all used cleaning rags or cloths shall be stored in closed containers and shall never be treated in any manner which would unnecessarily promote the evaporative loss of cleaning solvent to the atmosphere.

10. Records shall be maintained of the identity, composition and amount of each coating, coating component, coating additive, adhesive, cleaning solvent, and the like used each month. If a coating is mixed onsite from multiple components or if a coating has an additive (other than water) mixed with it onsite, records shall also be maintained of the identity and composition of each of the coating components mixed together, as well as the mix ratio, for each different batch of coating mix.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0;	less than 9.0
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

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

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

03851303 and NPDES Permit No. PA0213462. McVile Mining Company (301 Market Street, Kittanning, PA 16201-9642). To revise the permit for the Clementine Mine No. 1 in South Buffalo Township, **Armstrong County** to add surface acres to install a new shaft site, borehole and add an NPDES discharge point. Surface Acres Proposed 22.3. Receiving stream: UNT to Pine Run, classified for the following use: TSF. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority at Freeport and intake Allegheny River. Application received August 14, 2006.

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

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

56000102 and NPDES No. PA0235237. Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552). Revision of an existing bituminous surface-auger mine to conduct mining activities including overburden blasting

within 100 feet and up to 25 feet of the outside right-of-way of T-550 in Brothersvalley Township, **Somerset County**, affecting 197.6 acres. Receiving streams: Piney Run tribs to Piney Run; tributaries to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 20, 2006.

56060109 and NPDES No. PA0249645. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541). Commencement, operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 116.3 acres. The application also includes a stream variance request to construct erosion and sedimentation control structures and mine within the 100 foot barrier of a UNT to Glades Creek. Receiving streams: UNT to Glades Creek and Glades Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 11, 2006.

11960202 and NPDES No. PA0234311. Ebensburg Power Company (2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931). Permit renewal for reclamation only of a bituminous surface mine in Cambria Township, **Cambria County**, affecting 29.8 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 14, 2006.

56040105 and NPDES No. PA0249602. Hoffman Mining, Inc. (P. O. Box 130, 118 Runway Road, Friedens, PA 15541). Revision of an existing bituminous surface-auger mine to revise existing Surface Mining Permit No. 56040105 to include a request for a permit boundary correction to add 3.4 acres for extracting coal, an additional 10.3 acres for support facilities; to delete 38.8 acres from the SMP and to revise the Subchapter F abatement plan. Total SMP acres goes to 150.1 in Paint and Shade

Townships, **Somerset County**. Receiving streams: UNTs to Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received September 15, 2006.

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

03960106 and NPDES Permit No. PA0201693. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Renewal application for reclamation only of an existing bituminous surface mine, located in Wayne Township, **Armstrong County**, affecting 33 acres. Receiving streams: UNTs to Camp Run and Scrubgrass Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 18, 2006.

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

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹			
pH ¹			greater than 6.0; less than 9.0

¹ 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.

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

43020302 and NPDES Permit No. PA0242110. White Rock Silica Sand Company, Inc. (331 Methodist Road, Greenville, PA 16125). Revision to an existing sandstone operation in Hempfield Township, **Mercer County** affecting 45.0 acres. Receiving streams: Mathay Run to the Shenango River, classified for the following use: WWF. The first potable water supply intake from the point of discharge is Greenville Municipal Authority. Revision to increase mining and support acreage. Application received: September 14, 2006.

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

58980847. Rowena J. Shager (R. R. 1 Box 330, South Gibson, PA 18842). Stages I and II bond release from a quarry operation in Harford Township, **Susquehanna County** affecting 1.0 acre on property owned by Harold Harris. Application received September 13, 2006.

7475SM10A1C6 and NPDES Permit No. PA0123242. Essroc Cement Corp. (Route 248 and Easton Road, Nazareth, PA 18064). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth and Lower Nazareth Townships and Nazareth Borough, **Northampton County**, receiving stream: Monacacy Creek, classified for the following use: CWFs. Application received September 13, 2006.

49860102R3 and NPDES Permit No. PA224413. Farragut Anthracite Company (100 Lehigh Avenue, Mt. Carmel, PA 17851). Renewal of an existing anthracite surface mine, coal refuse reprocess, refuse disposal and preparation operation in Coal and Zerbe Townships, **Northumberland County** affecting 814.6 acres, receiving stream: Shamokin Creek. Application received September 19, 2006.

54960201R2. Northeastern Power Company (P. O. Box 7, McAdoo, PA 18237). Renewal of an existing anthracite coal refuse reprocessing operation in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties** affecting 429.7 acres, receiving stream: none. Application received September 19, 2006.

Noncoal Applications Received

Effluent Limits

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

Correction

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

The Department of Environmental Protection submitted an incorrect *Pennsylvania Bulletin* entry, which published August 26, 2006. Here is the correction:

4774SM4 and NPDES No. PA0115789. Hanson Aggregates (1900 Sullivan Train, P. O. Box 231, Easton, PA 18040). Renewal of NPDES Permit for continued operation and restoration of a large non-coal (sand and gravel) mining operation in Fairfield Township and Montoursville Borough, **Lycoming County**, affecting 939.3 acres. Receiving streams: Bennett's Run to Tules Run to West Branch Susquehanna River, classified for the following use: WWWF. Application received July 31, 2006.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E55-209. RJ Hoffman & Sons, 1144 Buckwheat Valley Road, Mt. Pleasant Mills, PA 17853. Multiple Culvert Crossing, in Union Township, **Snyder County**, ACOE Baltimore District (Dalmatia, PA Quadrangle N: 14.41 inches; W: 0.19 inch).

The applicant proposes to build a six-cell culvert crossing to cross the WWF of Silver Creek. The stream carries a drainage area of above 5 square miles and the crossing is intended to consist of six 48-inch by 20-foot long culvert pipes. At the center of the crossing the height of the driving surface is intended to be 8 feet above the streambed (4 ft of culvert, 4 ft of fill) and on the side approaches it is intended to be 6 feet (4 ft. of culvert, 2 ft. of fill). The fill above the culverts is stated in the application as to be clean stone with a topping of 6 inches of 2B limestone. This project intends on impacting 40 linear feet of Silver Creek and does not show any impacts to wetlands in the permit application.

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

E65-901. Rostraver Township Commissioners, 201 Port Royal Road, Belle Vernon, PA 15012. To widen Finley Road in Rostraver Township, **Westmoreland County**, Pittsburgh ACOE District. (Donora, PA Quadrangle N: 2.0 inches; W: 13.0 inches and Latitude: 40° 08' 10"—Longitude: 79° 50' 34"). The applicant proposes to construct the following activities for rehabilitation of 1.65 miles of Finley Road from SR 0201 to SR 3011/SR 0070 interchange in Rostraver Township:

1. Remove the existing structure and to construct and maintain a 47.8 foot long box culvert having a normal clear span of 12.0 feet and an underclearance of 7.0 feet in Speers Run Tributary 3 on Finley Road.

2. Remove the existing pipe culvert on Finley Road and to construct and maintain a 92 foot long 48 inch diameter concrete pipe culvert in Speers Run Tributary 2.

3. Extend an existing 54 inch concrete pipe culvert 18.5 linear feet upstream located on the entrance drive to Vesley Moving and Storage in a UNT to Speers Run Tributary 2.

4. Construct and maintain 500 linear feet of rock embankment along the north side of a UNT to Speers Run to accommodate the widening of Finley Road.

5. Impact 0.03 acre of PEM wetland.

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

E04-308, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. I-76 in Big Beaver Borough, **Beaver County**, ACOE Pittsburgh District (Bessemer, New Galilee, Beaver Falls, PA Quadrangles, 40°, 52', 52" N. 80°, 25', 22" W).

The Turnpike Commission is proposing reconstruction of the existing Turnpike at Milepost 1.85 (Lawrence County) to Milepost 9.29 (Beaver County) from two 12-foot travel lanes with 12-foot shoulders to three 12-foot travel lanes, 12-foot shoulders and 3.5-foot shoulder back-ups.

This project includes 1,852.41 linear feet of stream impacts (420.17 linear feet in Beaver County for one stream relocation, as well as one culvert extension and two pipe extensions).

This project also includes placement of fill in 2.09 acre of wetland (1.89 ac. PEM/ 0.20 ac. PSS) wetland with 0.25 acre of wetland (0.246 ac. PEM/ 0.003 ac. PSS) being in Beaver County. Wetland replacement will consist of 2.283 acres of PEM/PSS wetland habitat located adjacent to both the north and southbound lanes of Interstate 76 at Milepost 6.1.

According to 25 Pa. Code Chapter 93, North Fork Little Beaver Creek is classified as HQ-CWF.

E37-172, Shenango Township Supervisors, 1000 Willowbrook Road, New Castle, PA 16101. T-741 (Old Butler Road) Bridge replacement, in Shenango Township, **Lawrence County**, ACOE Pittsburgh District (New Castle South, PA Quadrangle N: 40° 59' 06"; W: 80° 18' 21").

The applicant proposes to install and maintain a precast Con/Span arch culvert with a 48-foot span and a minimum underclearance of 8.5 feet having a length of 35 feet on T-741 (Old Butler Road) approximately 0.75 mile east of the intersection of T-741 and SR 422 (New Castle South, PA Quadrangle N: 40° 59' 06"; W: 80° 18' 21"), over Big Run (WWF) in Shenango Township, **Lawrence County**.

E37-173, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. I-76 in Little Beaver Township, New Beaver Borough, **Lawrence County**, ACOE Pittsburgh District (Bessemer, New Galilee, Beaver Falls, PA Quadrangles, 40°, 52', 52" N. 80°, 25', 22" W).

The Turnpike Commission is proposing reconstruction of the existing Turnpike at Milepost 1.85 (Lawrence County) to Milepost 9.29 (Beaver County) from two 12-foot travel lanes with 12-foot shoulders to three 12-foot travel lanes, 12-foot shoulders and 3.5-foot shoulder back-ups.

This project includes 1,852.41 linear feet of stream impacts (1,432.24 linear feet in Lawrence County) for six stream relocations, six culvert extensions, 10 pipe extensions and the replacement of the following two bridge structures:

To remove the existing structure and to construct and maintain a simple-span bridge having a clear span of 72 feet 6 inches and an underclearance of 22.84 feet across Honey Creek on I-76 Milepost 2.24.

To remove the existing structure and to construct and maintain a simple-span bridge having a clear span of 43.5 feet and an underclearance of 7.93 feet across Beaverdam Run on I-76 Milepost 5.94.

This project also includes placement of fill in 2.09 acre of wetland (1.89 ac. PEM/ 0.20 ac. PSS) wetland with 1.84 acre of wetland (1.64 ac. PEM/ 0.19 ac. PSS) being in Beaver County. Wetland replacement will consist of 2.283 acres of PEM/PSS wetland habitat located adjacent to both the north and southbound lanes of Interstate 76 at Milepost 6.1.

According 25 Pa. Code Chapter 93, North Fork Little Beaver Creek is classified as HQ-CWF.

ENVIRONMENTAL ASSESSMENT

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

EA2909-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Broad Top Township, Bedford County and Wells Township, Fulton County, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,500 linear feet of dangerous highwall. The project will include the backfilling of 3.53 acres of open water that has developed within the open surface mine pits. (Saxton Quadrangle N: 3.0 inches, W: 3.25 inches).

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088650 (Sewage)	Capital Area Christian Church 1775 Lambs Gap Road Mechanicsburg, PA 17050	Cumberland County Hampden Township	UNT Conodoguinet Creek 7-B	Y
PA0084417 (Sewage)	Robert L. Brunner P. O. Box 310 Shermans Dale, PA 17090	Perry County Carroll Township	UNT Sherman Creek 7-A	Y
PA0022233 (Sewage)	Arendtsville Municipal Authority P. O. Box 181 Arendtsville, PA 17303-0181	Adams County Arendtsville Borough	Conewago Creek 7-F	Y

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

<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>
PA0112411 (Nonmunicipal)	Hillside Acres Mobile Home Park 17 Hillside Acres Gillett, PA 16925-9621	Bradford County Ridgebury Township	Buck Creek (SWP 4B)	Y
PA0046159 (Sewage)	Municipal Sewer Authority of Houtzdale Borough 116 Sterling Avenue P. O. Box 277 Houtzdale, PA 16651-0277	Clearfield County Houtzdale Borough	Beaver Run (SWP 8D)	Y
PA0228371 (Stormwater)	SemMaterials, LP 4th and Duke Street P. O. Box 191 Northumberland, PA 17857	Northumberland County Point Township	West Branch Susquehanna River (SWP 10D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0091740 Industrial Waste	West Penn Power Company	Allegheny County Frazer Township	Riddle Run and Tawney Run	Y
PA0093866 Industrial Waste	Southern Alleghenies Landfill, Inc. West Point Corporate Center 1 Suite 200 1550 Coraopolis Heights Rd. Moon Township, PA 15108	Somerset County Conemaugh Township	Stoney creek and an UNT 45265	Y
PA0204145 Industrial Waste	Guttman Realty Company d/b/a Bulk Terminal Storage 200 Speers Street Belle Vernon, PA 15012	Washington County Speers Borough	Monongahela River	Y
PA0205419 Industrial Waste	Carpenter Powder Products, Inc. 600 Mayer Street Bridgeville, PA 15017	Allegheny County Collier Township	UNT to Chartiers Creek	Y
PA0035262 Sewage	James F. Brandt Matthews Mobile Home Park P. O. Box 537 Bainbridge, PA 17502-0537	Cambria County Reade Township	Fallentimber Run	Y
PA0092274 Sewage	Unity Township Municipal Authority P. O. Box 506 Pleasant Unity, PA 15676	Westmoreland County Unity Township	UNT of Sewickley Creek	Y

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

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

NPDES Permit No. PA0050326, Industrial Waste, **ISG Plate LLC**, 900 Conshohocken Road, Conshohocken, PA 19428. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated wastewater into the Schuylkill River in Watershed 3F.

NPDES Permit No. PA0058963 Amendment No. 1, Industrial Waste **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006-1111. This proposed facility is located in Telford Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for an amendment to discharge from the Telford Batch Plant into a UNT to Mill Creek in Watershed 3E-Perkiomen.

NPDES Permit No. PA0244163, Industrial Waste, **Quebecor World Atglen, Inc.** 4581 Lower Valley Road, Atglen, PA 19310. This proposed facility is located in West Sadsbury Township, **Chester County**.

Description of Proposed Action/Activity: Approval for an issuance of a NPDES permit to discharge stormwater to UNTs to Valley Creek in Watershed Octoraro-7K.

NPDES Permit No. PA0050504, Sewage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380. This proposed facility is located in East Goshen Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Ridley Creek STP into to the Ridley Creek (001) and Golf Course Irrigation Pond (002) in Watershed 3G.

NPDES Permit No. PA0053449, Sewage, **Birmingham Township**, 1040 West Street Road, West Chester, PA 19382. This proposed facility is located in Birmingham Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Radley Run in Watershed 3H.

NPDES Permit No. PA0055671, Sewage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490-0767. This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT of Skippack creek in Watershed 3E-Perkiomen.

NPDES Permit No. PA0244180, Sewage, **Timothy and Deborah Connor**, 22 Wayland Road, Berwyn PA 19312. This proposed facility is located in Easttown Township, **Chester County**.

Description of Proposed Action/Activity: Approval for a new NPDES permit to discharge treated sewage into a UNT to Crum Creek in Watershed 3G.

NPDES Permit No. PA0244198, Sewage, **Sang and Hasook Ha**, 2565 Wayland Road, Berwyn, PA 19312. This proposed facility is located in Easttown Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the issuance of a NPDES permit to discharge 500 gpd of treated sewage into a UNT to Crum Creek in Watershed 3G.

NPDES Permit No. PA0026531, Sewage, **Downingtown Area Regional Authority**, 550 South Brandywine Avenue, Downingtown, PA 19335. This proposed facility is located in East Caln Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the East Branch Brandywine Creek Watershed 3H.

NPDES Permit No. PA0057819 Amendment No. 1, Sewage, **New Hanover Township Authority**, 2990 Fagleysville Road, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to increase the annual flow to 1.925 mgd into Swamp Creek in Watershed 3E-Perkiomen.

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

NPDES Permit No. PA0088498, Amendment No. 2, Industrial Waste, **Donald Henrichs**, Veolia ES Lancaster, LLC, 635 Toby Road, Kersey, PA 15846. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit Transfer.

NPDES Permit No. PA0248461, CAFO, **Robert and Karen Gochenaur, Stone Chimney Hollow Farm**, 3449 Delta Road, Airville, PA 17302. This proposed facility is located in Lower Chanceford Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 560-AEU swine, turkey, calf and deer operation in Watershed 7-I.

NPDES Permit No. PA0088234, CAFO, **Franklin Family Farms, Inc., Franklin Family Farms**, 14627 Lurgan Road, Orrstown, PA 17244. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,340-AEU swine operation in Watershed 7-B.

NPDES Permit No. PA0088064, CAFO, **Country View Family Farms, Perry Meadow Farms**, 6360 Flank Road, Harrisburg, PA 17112-2766. This proposed facility is located in Jackson Township, **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,324-AEU swine operation located in Jackson Township, Perry County in Watershed 7-A.

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

NPDES Permit No. PA0014311-A1, Industrial Waste, **Keystone Profiles**, 220 Seventh Avenue, Beaver Falls, PA 15010. This proposed facility is located in Beaver Falls, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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

NPDES Permit No. PA0027227, Sewage, **City of Farrell**, 500 Roemer Boulevard, Farrell, PA 16121. This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River in Watershed 20-A.

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

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

WQM Permit No. WQG02-090620, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18917-1413. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station and force main.

WQM Permit No. WQG02-460622, Sewerage, **Franconia Township**, P. O. Box 128, 671 Allentown Road, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure individual pump station and sewer extension.

WQM Permit No. 0906408, Sewerage, **Villa Building Company**, 3720 Skipview Lane, Colledgeville, PA 19426. This proposed facility is located in West Rockhill Township, **Chester County**.

Description of Action/Activity: Construction and operation of a single residence small flow treatment plant.

WQM Permit No. WQG02-150621, Sewerage, **Chester County School Authority**, Chester County Intermediate Unit, 455 Boot Road, Downingtown, PA 19335. This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station.

WQM Permit No. WQG01-0013, Sewerage, **Sang M. Ha**, 2565 Wayland Road, Berwyn, PA 19312. This proposed facility is located in Easttown Township, **Chester County**.

Description of Action/Activity: Construction and operation of a single residence sewage treatment plant.

WQM Permit No. 4699426 Amendment 1, Sewerage, **New Hanover Township Authority**, 2990 Fagleysville Road, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Modifications to the existing sewage treatment plant.

WQM Permit No. WQG02-090619, Sewerage, **Lower Makefield Municipal Sewer Authority**, 1100 Edgewood Road, Yardley, PA 19067. This proposed facility is located in Lower Makefield Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station and sewer extension.

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

WQM Permit No. WQG022206, Sewerage, **The Atlantic Companies, LLC**, 485 Route 1 North, Suite 310, Iselin, NJ 08830. This proposed facility is located in Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: This project is for the construction of a suction lift pump facility that will serve a total of 30, 750 gpd to the Ringer Run Development that consists of 124 single family residences.

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

WQM Permit No. 2902402, Amendment 06-1, Sewerage, **Robert Cromer, Dublin Township Supervisors**, 29195 Great Cove Road, Fort Littleton, PA 17223. This proposed facility is located in Dublin Township, **Fulton County**.

Description of Proposed Action/Activity: Approval for the construction /operation of sewerage facilities consisting of a change in treatment technology from conventional extended aeration to a Pure Stream Biologically Engineered Single Sludge Treatment Process and pump station T-426 has been eliminated and replaced with a low pressure collection line.

WQM Permit No. 0787402, Amendment 05-1, Sewerage, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16601-7114. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Approval for the re-rating of sewerage facilities consisting of a re-rating to increase the Maximum Monthly Average Hydraulic Capacity to 16.2 mgd and the Maximum Monthly Average Organic Capacity to 11,000 lbs BOD₅/day.

WQM Permit No. 6706408, Sewerage, **Stanley Escher, Springfield Township**, P. O. Box 75, Seven Valleys, PA 17360. This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a 0.146 mgd suction lift pump station and 300 feet of 4-inch force main, Logan's Reserve Phase 4 Pump Station. Wastewater will be conveyed to the Hollow Creek sewage treatment plant.

WQM Permit No. 3602205, Amendment 06-1, Industrial Waste, Donald Henrichs, Vwolia ES Lancaster, LLC, 635 Toby Road, Kersey, PA 15846. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit Transfer.

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

WQM Permit No. 1406406, Sewage 4952, University Area Joint Authority, 1576 Spring Valley Road, State College, PA 16801. This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to reuse their sewage treatment plant effluent by constructing and operating a distribution system to serve Centre Hills Country Club irrigation system.

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

WQM Permit No. 0205412, Sewerage, Pittsburgh Water and Sewer Authority, 441 Smithfield Street, Pittsburgh, PA 15222. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the installation of approximately 1,342 linear feet of 24-inch diameter gravity combined sewer.

WQM Permit No. 0205413, Sewerage, Pittsburgh Water and Sewer Authority, 441 Smithfield Street, Pittsburgh, PA 15222. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of new sewers in the Jacks Run area of the City of Pittsburgh.

WQM Permit No. 0206402, Sewerage, Pittsburgh Water and Sewer Authority, 441 Smithfield Street, Pittsburgh, PA 15222. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for a combined sewer separation project.

WQM Permit No. 0406401, Sewerage, Borough of Ambridge Municipal Authority, 600 11th Street, Ambridge, PA 15003. This proposed facility is located in Ambridge Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the upgrade and expansion of the Bank Street pump station.

WQM Permit No. 6576417-A3, Sewerage, Unity Township Municipal Authority, P. O. Box 506, Pleasant Unity, PA 15676. This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the installation of grit handling and removal facilities at the Pleasant Unity STP.

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

WQM Permit No. WQG018485, Sewerage, Kathleen M. and Richard M. Craig, 29 Goetsch Road, Greenville, PA 16125. This proposed facility is located in Sugar Grove Township, **Mercer County**.

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

WQM Permit No. WQG018488, Sewerage, Jane L. Counasse, 13199 State Line Road, Corry, PA 16407. This proposed facility is located in Wayne Township, **Erie County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505050	SBCM, Inc. P. O. Box 3085 West Chester, PA 19381	Chester	West Chester Borough	UNT Blackhorse Run (TSF, MF)
PAI011506053	Design Associates, Inc. 922 Cedars Grove Road Broomall, PA 19008	Chester	Willistown Township	Ridley Creek (HQ)
PAI011506054	East Coventry Township 855 Ellis Woods Road Pottstown, PA 19465	Chester	East Coventry Township	Pigeon Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906003	Posocco Equities 2610 Walbert Ave. Allentown, PA 18104	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023906004	Fredric P. Kistler 415 Mountain Blvd. Emmaus, PA 18049	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF
PAI023905032	Timothy Fallon 5920 Lori Court Center Valley, PA 18034	Lehigh	Salisbury Township	Cedar Creek HQ-CWF

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Reading Berks County	PAG2000606075	Sylvia Deye Dimensional Architecture 422 Franklin Street Reading, PA 19602	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Centre Township Berks County	PAG2000606073	Richard Snyder Snyder Developers 119 West Lancaster Avenue Shillington, PA 19607	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000606079	Timothy Bitler 3115 Main Street Birdsboro, PA 19508	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Swatara Township Dauphin County	PAG2002206012	Turkey Hill, LP 257 Centerville Rd. Lancaster, PA 17601	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Conewago Township Dauphin County	PAG2002206053	Conewago Municipal Authority 3279 Old Hershey Rd. Elizabethtown, PA 17022	Swatara Creek WWF Conewago Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002206044	Nick Leitner 797 Hill Church Rd. Hummelstown, PA 17036	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

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

Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055605002	Conemaugh Township Supervisors 1120 Tire Hill Road Johnstown, PA 15905	Somerset	Conemaugh Township	Bens Creek, North Fork of Bens Creek, UNT to North Fork of Bens Creek, Mill Creek, Dalton Run and Stonycreek River (CWF-HQ-CWF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
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
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	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Sadsbury Township Chester County	PAG2001506043	Aerzen USA 645 Sands Court Suite 100 Coatesville, PA 19320	Rock Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Oxford Township Chester County	PAG2001506022	Bright Beginnings Child Care, Inc. 2263 State Road Oxford, PA 19363	UNT Tweed Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002305063	Four Sons Enterprises, LLC 387 Cheney Road Glen Mills, PA 19342	Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002306014	Concord Township Sewer Authority 664 Concord Road Glen Mills, PA 19342	West Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAR10T9181	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Sandy Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004606061	Upper Hanover Authority P. O. Box 205 1704 Pillsbury Road East Greenville, PA 18041	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004606089	Borough of Pottstown 100 East High Street Pottstown, PA 19464	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Hanover Township Montgomery County	PAG2004606077	Kane Core, Inc. 4365 Skippack Pike P. O. Box 1301 Skippack, PA 19474	Minister Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Douglas Township Montgomery County	PAG2004606106	W. James Hollenbach 166 Holly Road P. O. Box 507 Boyertown, PA 19512	Swamp Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004606112	Friends' Central School 1101 City Avenue Wynnewood, PA 19096	Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106034	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19103	City of Philadelphia Combined Sewer System	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitehall Township Lehigh County	PAG2003906019	Gary Kaganowich Commerce Bank 9000 Atrium Way Mount Laurel, NJ 08054	Jordan Creek TSF, MF	Lehigh County Cons. Dist. (610) 391-9583
Whitehall Township Lehigh County	PAG2003906028	David Schuermann DVS Enterprises 5285 W. Coplay Rd. Whitehall, PA 18052	Lehigh River TSF	Lehigh County Cons. Dist. (610) 391-9583
Washington Township Wyoming County	PAG2006606001	Leroy Sands 11 Sands Rd. Tunkhannock, PA 18657	Taques Creek CWF	Wyoming County Cons. Dist. (570) 836-2589
Tunkhannock Township Wyoming County	PAG2006606002	May Assoc. 640 Main Rd. Dallas, PA 18612	Tunkhannock Creek CWF	Wyoming County Cons. Dist. (570) 836-2589
Dallas Township Luzerne County	PAG2004005026(1)	Dorchester Land Dev. Cross Creek Pointe, Ste. 307 1065 Hwy. 315 Wilkes-Barre, PA 18702	Toby Creek CWF	Luzerne County Cons. Dist. (570) 674-7991
Palmer Township Northampton County	PAG2004806032	Cahill Properties, LLC Attn: Robert Cahill One South Third St., 8th Floor Easton, PA 18042	Lehigh River WWF	Northampton County Cons. Dist. (610) 746-1971
Smithfield Township Monroe County	PAG2004505006(1)	Mosier Dev., LLC P. O. Box 67 Shawnee on Delaware, PA 18356	Brodhead Creek TSF, MF	Monroe County Cons. Dist. (570) 629-3060
Smithfield Township Monroe County	PAG2004506002	Milford Road, LLC 9091 Franklin Hill Rd. East Stroudsburg, PA 18301	Sambo Creek CWF, MF	Monroe County Cons. Dist. (570) 629-3060
Upper Saucon Township Lehigh County	PAG2003906029	Patrick Flanagan McGrath Homes 1262 Wood Ln., Ste. 207 Langhorne, PA 19047	Saucon Creek CWF	Lehigh County Cons. Dist. (610) 391-9583
Columbia County Berwick Borough	PAG2001906011	Berwick Public Library Richard Miller 205 Chestnut Street Berwick, PA 18603	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road, Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Montour County Mahoning & Valley Townships	PAG2004704002	Todd Stein Calder Square, Box 11172 State College, PA 16805	Kase Run CWF Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Derry Township	PAG2004706005	Patrick Renshaw PPL Montour, LLC Two North Ninth Street GENPL2 Allentown, PA 18101-1179	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Derry Township	PAG2004706008	Gary E. Aurand 363 Diehl Road Danville, PA 17821	UNT to Mud Creek WWF	Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140
Tioga County Charleston Township	PAG2005906009	John Anderegg 6068 Bellwood Avenue Wellsboro, PA 16901	Charleston Creek WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Union County East Buffalo Township	PAG2006006004	Vernon Martin Vernon Martin Poultry Operation 1444 Salem Church Road Lewisburg, PA 17837	Turtle Creek WWF	Union County Conservation District 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Buffalo Township	PAG2006006005	Alan Ard—Ard's Farm Market 4803 Old Turnpike Road Lewisburg, PA 17837	Limestone Run WWF	Union County Conservation District 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County East Buffalo Township	PAG2006006006	James Hostetler Bucknell Univ. Relations Bldg. Bucknell University Physical Plant Lewisburg, PA 17837	UNT to Miller's Run CWF	Union County Conservation District 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County East Buffalo Township	PAG2006006007	James Hostetler Bucknell Univ. W. Field Stadium Bucknell University Physical Plant Lewisburg, PA 17837	UNT to Miller's Run CWF	Union County Conservation District 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Hartleton Township	PAG2006006008	Edwin Martin 865 Davis Road Millmont, PA 17845	Cold Run Tributary to Penns Creek WWF	Union County Conservation District 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Fayette County North Union Township	PAG2002606018	Brenda Keirn 100 Wood Street Building Pittsburgh, PA 15222	UNT Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Indiana County White Township	PAG2003206013	Bruce Moffat Hickory Meadow, LLC 2000 West Henderson Columbus, OH 2466	UNT McKee Run (CWF)	Indiana County CD (724) 463-8547
Washington County South Strabane Township	PAG2006306016 Phase 3	Tanger Factory Outlet Center, Inc. 3200 Northline Avenue Suite 360 Greensboro, NC 27408	Chartiers Creek (WWF)	Washington County CD (724) 228-6774

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Westmoreland County Penn Township	PAG2006505054	Frank Tropiano 13 Barri Drive Irwin, PA 15642	UNT to Byers Run (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield, Sewickley and North Huntingdon Township	PAG2006506001	Hempfield Township Municipal Authority R. D. 6, Box 501 Greensburg, PA 15601	Andrews Run (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006506030	Walnut Capital Acquisitions, Inc. 5500 Walnut Street Suite 300 Pittsburgh, PA 15232	Jacks Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006506036	Turnpike Commission 2200 North Center Avenue New Stanton, PA 15672-5177	UNT to Brush Creek (TSF)	Westmoreland County CD (724) 837-5271
Luzerne County City of Hazleton	PAG2154006001	Hazleton Creek Properties, LLC 580 Third Avenue Kingston, PA 18704	Cranberry Creek CWF	Bureau of Watershed Management 400 Market Street Floor 10 P. O. Box 8775 Harrisburg, PA 17105-8775
Butler County Cranberry Township	PAG2001006019	Haine Freedom Retail Associates, LLC 606 Liberty Avenue Suite 300 Pittsburgh, PA 15222	UNT Slippery Rock Creek WWF	Butler Conservation District (724) 294-5270
Jefferson County Punxsutawney Borough	PAG2003306003	Pennsylvania Army National Guard Stryker Brigade Department of General Services Bureau of Engineering 18th and Herr Street Harrisburg, PA 17125	Mahoning Creek WWF	Jefferson Conservation District (814) 849-7463
Mercer County City of Hermitage	PAG2004306015	Champion Carrier Corporation 2755 Kirila Road Hermitage, PA 16148	Shenango River WWF	Mercer Conservation District (724) 662-2242
Mercer County Greenville Borough and Hempfield Township	PAG2004306016	Francis Connelly Thiel College 175 College Avenue Greenville, PA 16125	Tributary Shenango River WWF	Mercer Conservation District (724) 662-2242
Mercer County Coolspring Township	PAG2004306017	Coolspring Township 852 North Perry Highway Mercer, PA 16137	UNT Munnell Run TSP	Mercer Conservation District (724) 662-2242
Venango County Sandy Creek Township	PAG2006106005	Richard Cauvel, Jr. Franklin Congregation of Jehovah's Witnesses P. O. Box 1026 Franklin, PA 16323	Morrison Run WWF	Venango Conservation District (814) 676-2832

NOTICES

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*General Permit Type—PAG-3**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>
Nazareth Borough Northampton County	PAR142209	C. F. Martin & Co., Inc. 510 Sycamore Street Nazareth, PA 18064-1000	Schoeneck Creek WWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Berks County Ontelaunee Township	PAR803579	BFI Waste Service of PA, LLC 50 Orchard Lane Leesport, PA 19533	Schuylkill River	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Fairview Township	PAR803616	Fed Ex Ground Package System, Inc. 1000 Fed Ex Drive Moon Township, PA 15108	Fishing Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Northumberland County Delaware Township	PAR214814	Watsontown Brick Company P. O. Box 68 Route 405 Watsontown, PA 17777	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Loyalsock Township Lycoming County	PAR124804	Schneider Valley Farms Dairy 1860 E. Third Street Williamsport, PA 17701	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Lawrence Township Tioga County	PAR214830 (Stormwater)	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Mutton Lane Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Milton Borough Northumberland County	PAR204826	Milton Steel, Inc. 6 Canal Street Milton, PA 17847-1599	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Beavertown Borough Snyder County	PAR224846	Conestoga Wood Specialties, Corp. 441 West Market Street Beavertown, PA 17813	Luphers Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*South Bend
Township
Armstrong County

PAR706123

Armstrong Energy
Limited Partnership,
LLP
5000 Dominion
Boulevard
Glen Allen, VA 23060

Crooked Creek

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000City of Sharon
Mercer County

PAR208365

Winner Steel, Inc.
277 Sharpsville Avenue
Sharon, PA 16146

Shenango River

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Concord Township
Delaware County

PAG040058

Thomas W. Connell
167 Concord Meeting
Road
Glen Mills, PA 19342UNT to West Branch of
Chester CreekSoutheast Regional Office
2 East Main Street
Norristown, PA 19401Lawrence Township
Tioga County

PAG045211

Army Corps of Engineers
R. D. 1 Box 65
Tioga, PA 16946-9733Cowanesque Lake
WWFNorthcentral Regional
Office
Water Management
Program
208 West Third Street,
Suite 101
Williamsport, PA 17701
(570) 327-3666East Fallowfield
Township
Crawford County

PAG048370

William H. Thomas
12617 Cole Road
Atlantic, PA 16111UNT to Conneaut Outlet
16DDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Lackawannock
Township
Mercer County

PAG048743

Craig P. Mild
6737 Frogtown Road
Hermitage, PA 16148UNT to the West Branch
Little Neshannock Creek
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Sugar Grove
Township
Mercer County

PAG049277

Kathleen M. and Richard
M. Craig
29 Goetsch Road
Greenville, PA 16125UNT to the Little
Shenango River
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Perry Township
Mercer County

PAG048713

Ronald J. Sarson
439 Fredonia Road
Greenville, PA 16125UNT to Neshannock
Creek
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Wayne Township
Erie County

PAG049280

Jane L. Counasse
13199 State Line Road
Corry, PA 16407UNT to Hare Creek
16-BDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

General Permit Type—PAG-6

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Carnegie Borough Allegheny County	PAG066126	Borough of Carnegie One Veterans Way Carnegie, PA 15106	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Borough of McKees Rocks Allegheny County	PAG066112	Borough of McKees Rocks 340 Bell Avenue McKees Rocks, PA 15136	Chartiers Creek and Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0606501, Public Water Supply.

Applicant	New Morgan Properties, LP
Municipality	New Morgan Borough

County	Berks
Type of Facility	System upgrades to allow existing system to become a community water system.
Consulting Engineer	R. Scott Hughes, P. E. Gannett Fleming, Inc. P. O. Box 80794 Valley Forge, PA 19484-0794
Permit to Construct Issued:	9/22/2006

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

Permit No. 5606503MA, Public Water Supply.

Applicant	Conemaugh Township Municipal Authority 113 South Main Street Davidsville, PA 15928-0429
Borough or Township	Conemaugh Township
County	Somerset
Type of Facility	Water storage tanks
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive P. O. Box 837 Somerset, PA 15501
Permit to Construct Issued	September 25, 2006

Operations Permit issued to **Dunkard Valley Joint Municipal Authority**, P. O. Box 193, Greensboro, PA 15338, (PWS ID 5300007) Monongahela Township, **Greene County** on September 25, 2006, for the operation of facilities approved under Construction Permit No. 3005501.

Operations Permit issued to **Pennsylvania-American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033, (PWS ID 5320025) White Township, **Indiana County** on September 25, 2006, for the operation of facilities approved under Construction Permit No. 3205501MA.

Operations Permit issued to **Pennsylvania-American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033, (PWS ID 5020039) Glassport Bor-

ough, **Allegheny County** on September 25, 2006, for the operation of facilities approved under Construction Permit No. 0205504MA.

Operations Permit issued to **Jackson Township Water Authority**, 2949 William Penn Avenue, Johnstown, PA 15909, (PWS ID 4110021) Jackson Township, **Cambria County** on September 25, 2006 for the operation of facilities approved under Permit No. 1104504A1C1.

Permit No. 5046492, Minor Amendment. Public Water Supply.

Applicant	Creekside Springs 667 Merchant Street Ambridge, PA 15003
Borough or Township	Ambridge Borough
County	Beaver
Type of Facility	Bottled water facility
Consulting Engineer	
Permit to Operate Issued	September 25, 2006

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

Permit No. 6206501, Public Water Supply

Applicant	Miracle Mountain Ranch Mission, Inc.
Township or Borough	Spring Creek Township
County	Warren County
Type of Facility	Public Water Supply
Permit to Construct Issued	09/26/2006

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA30-1000, Water Allocations. Dunkard Valley Joint Municipal Authority, P. O. Box 193, Greensboro, PA 15338, Greensboro Borough, **Greene County**. The right to withdraw, for public water supply purposes, 105,000 gpd, based on a 30-day average, with a 1-day maximum of 150,000 gpd from the Monongahela River in Greene County.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

Borough or Township	Borough or Township Address	County
Limestone Township	Limestone Township Supervisors 6253 South Rt. 44 Hwy. Jersey Shore, PA 17740	Lycoming

Plan Description: The approved plan provides for the adoption and implementation of an Ordinance Governing Municipal Management of Onlot Subsurface Sewage Disposal Facilities. The ordinance, scheduled to be implemented in January 2007, requires the pumping and inspection of all septic systems in Limestone Township every three years. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Crozer Chester Medical Ctr., Upland Borough, **Delaware County**. Matthew Miller, IES Engineers 1720 Walton Rd., Blue Bell, PA 19422 on behalf of Brian Crimmins, Crozer-Keystone Health System, 100 W. Sproul Rd., Springfield, PA 19064 has submitted a Remedial Investigation and Final Report concerning remedia-

tion of site soil and groundwater contaminated with no. 6 fuel oil. The Remedial Investigation and Final Report is intended to document remediation of the site to meet the Site-Specific Standard.

Chatham Park Elem. School, Haverford Township, **Delaware County**. Mark T. Smith, P. G., Spotts, Stevens & McCoy, Inc., 1047 N. Park Rd., P. O. Box 6307, Reading, PA 19610 on behalf of Rick Henny, Haverford Township School District, 2537 Haverford Rd., Ardmore, PA 1003 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Village Penrose Park PHA Dev., City of Philadelphia, **Philadelphia County**. James A. Stynchula, Pennoni Associates, 3001 Market Street, Philadelphia, PA 19104 on behalf of Philip L. Hinerman, Fox Rothschild, LLP, 200 Market Street, 10th Floor, Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Background Health Standards.

Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Rosahn Residence (125 Frenchtown Road), Shohola Township, **Pike County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of their client, Eve Rosahn, West 22nd Street, New York, NY) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release during delivery. The report was submitted to demonstrate attainment of the Statewide Health Standard.

Slate Bowl, Washington Township, **Lehigh County**. Chris Kotch, P. G., Barry Isett & Associates, 85 South Route 100 and Kressler Lane, P. O. Box 147, Trexlertown, PA 18087 has submitted a Final Report (on behalf of Harleysville National Bank and Trust, c/o Ed Cressman, P. O. Box 195, Harleysville, PA 19438) concerning the remediation of soil and groundwater found or suspected to be contaminated with constituents related to heating oil petroleum products. The report was submitted to demonstrate attainment of the Statewide Health Standard.

Betty Brite Cleaners—Plaza 1500 Shopping Center, Blakely Borough, **Lackawanna County**. Gilbert J. Marshall, Consultant, Marshall Geoscience, Inc. has submitted a combined Remedial Investigation Report and Final Report (on behalf of his client, William and Lorraine Alaimo, Linair Farm Road, Waverly, PA 18471) concerning the remediation of soils and groundwater found or suspected to have been contaminated with chlorinated solvents. The reports were submitted to document attainment of the Site-Specific Standard.

F. L. Smidth Property, Catasauqua Borough, **Lehigh County**. Mark Fortna Sr., Environmental Scientist, DelVal Soils and Environmental Consultants, Inc. Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901 has submitted a combined Remedial Investigation/Final Report (on behalf of his client Kane Core, Inc., 4365 Skippack Pike, P. O. Box 1301, Skippack, PA 19474-1301) concerning the characterization and remediation of soils

impacted with metals and polycyclic aromatic hydrocarbons (PAHs) as the result of historic site operations. The report was submitted in order to demonstrate attainment of the Site-Specific Standard under Act 2 through pathway elimination.

Lehigh Valley Industrial Park VII—Brandenburg Industrial Services Property (part of the Bethlehem Commerce Center—former Bethlehem Steel Property), City of Bethlehem, **Northampton County**. Lehigh Valley Industrial Park, Inc., c/o Kerry Wrobel, 1805 East 4th Street, Bethlehem, PA 18015 has submitted a Final Report concerning the characterization and remediation of soils found or suspected to have been contaminated as a result of the property's former use as the Bethlehem Steel facility. The report was submitted in order to demonstrate attainment of the Site-Specific Standard through pathway elimination under Act 2.

Lehigh Valley Industrial Park VII—Brandenburg Industrial Services Property (part of the Bethlehem Commerce Center—former Bethlehem Steel Property), City of Bethlehem, **Northampton County**. Lehigh Valley Industrial Park, Inc., c/o Kerry Wrobel, 1805 East 4th Street, Bethlehem, PA 18015 has submitted a Remedial Investigation Report and Cleanup Plan concerning the characterization and remediation of soils and groundwater found or suspected to have been contaminated as a result of the property's former use as the Bethlehem Steel facility. The reports were submitted in partial fulfillment of the Site-Specific Standard under Act 2.

Neal Residence (Lake Roy Circle), Franklin Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., P. O. Box 565, Emmaus, PA 18049 has submitted a Final Report (on behalf of his clients, Betty and Armstrong Neal, Homosassa Springs, FL) concerning the remediation of soils and/or groundwater impacted by an accidental release of No. 2 fuel oil from an aboveground heating oil tank. The report was submitted in order to demonstrate attainment of the residential Statewide Health Standard.

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

Boeshore Property, Union Township, **Lebanon County**. SECOR International, Inc., 102 Pickering Way, Suite 200, Exton, PA 19341, on behalf of Eugene Boeshore, 3095 State Route 72, Jonestown, PA 17038, and Atlantic Richfield Company, One West Pennsylvania Avenue, Suite 440, Towson, MD 21204, submitted a final report concerning remediation of site soils and groundwater contaminated with gasoline and kerosene. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Clark's Moving and Storage SR 3032 Accident, Troy Township, **Bradford County**. Custard Insurance Adjusters, Inc., 4895 Avalon Ridge Parkway, Norcross, GA 33071 on behalf of Clark's Moving and Storage and Vanliner Insurance Co., 4560 Northgate Ct., Sarasota, FL, 34334 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

1925-194 West Allegheny Ave., Site, City of Philadelphia, **Philadelphia County**. Jim Zentmeyer, Civil & Env., Consultants, Inc., 300 Park 42 Dr., Suite

130B, Cincinnati, OH 45241 on behalf of John Wexler, 1925 W. 636 Old York Rd., Jenkintown, PA 19046 has submitted a Final Report concerning the remediation of site soil contaminated with PAH's. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 12, 2006.

Union Cleaners Service, City of Philadelphia, **Philadelphia County**. Jason Free, RT Env., Svcs., Suite, 306, Pureland Complex, 510 Heron Drive, P. O. Box 521, Bridgeport, NJ 08014 on behalf of John Capoferri, Leverington Holdings, LP, 8038 Crittenden, Philadelphia, PA 19118 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 18, 2006.

Aztec Site, Hilltown Township, **Bucks County**. Michael Christie, Penn Env., & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Anthony Cino, Mnop, Inc., 301 Oxford Valley Rd., Yardley, PA 19067 has submitted a Final Report concerning the remediation of soil and groundwater contaminated with solvents, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 19, 2006.

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

C & C Automotive, East Hempfield Township, **Lancaster County**. Liberty Environmental, Inc., 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Nelson Burkholder Trucking, Inc., 2089 Robert Fulton Highway, Peach Bottom, PA 17563, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report was submitted within 90 days of the release and demonstrated attainment of the residential Statewide Health Standard. The report was approved by the Department on September 19, 2006.

Defense Depot Susquehanna PA, Former Aircraft Maintenance Shop (SWMU 42), Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning remediation of groundwater contaminated with solvents. The Final Report demonstrated attainment of the non-residential Site-Specific Standard, and was approved by the Department on September 21, 2006.

Patrick Klose Property, Londonderry Township, **Dauphin County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Patrick Klose, 2892 Foxianna Road, Middletown, PA 17057 and Peggy's Fuel Oil, 590 Hershey Road, Hummelstown, PA 17036, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on September 22, 2006.

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

Former Metal Wire Driftwood Site, Driftwood Borough, **Cameron County**. Environmental Resources Management, 350 Eagleview Blvd., Suite 200, Exton, PA 19341 on behalf of Nassau Metals Corporation, 101 Crawford Corner Road, Room 1D-101E, Holmdel, NJ 07733-3030 has submitted a Final Report concerning

remediation of site soil contaminated with chlorinated solvents, diesel fuel, lead, other organics, inorganics, PAHs, PCBs and unleaded gasoline and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs and unleaded gasoline. The Final report demonstrated attainment of the Site-Specific Standard and Statewide Health Standard and was approved by the Department on September 19, 2006.

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

Crossett Spill Site Allegheny National Forest, Corydon Township, **McKean County**. Environmental Remediation and Recovery, 5719 Rt. 6N, Edinboro, PA 16412, on behalf of Crosett Inc., P. O. Box 946, Warren, PA 16365 has submitted a Remedial Investigation Report concerning the Crossett Trucking Spill along SR 59, Allegheny National Forest which, contaminated the soil with Stoddard Solvent. Remediation of soil and groundwater impacted with Stoddard Solvent will be performed under the Site Specific Standard of Act II.

Titusville Wax Plant, Titusville Borough, **Crawford County**. Mactec, 700 N. Bell Ave., Suite 200, Pittsburgh, PA 15106 on behalf of International Waxes, Inc. 1100 East Main St., Titusville, PA 16354 has submitted a Site-Specific Remedial Investigation and Risk Assessment Report concerning the remediation of soil contaminated with arsenic, lead, VOCs and polychlorinated biphenyls; groundwater contaminated with aluminum, arsenic, iron manganese, lead, nickel antimony, benzene, cis-1,2-dichloroethene, trichloroethene, tetrachloroethene, vinyl chloride, chrysene, benzo(a)anthracene, benzo(a)-pyrene, benzo(b)fluoranthene and benzo(ghi)perylene. The reports were received by the Department on September 15, 2006.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Bed Rock, Inc. d/b/a TSMTCO, P. O. Box 113, Joplin, MO 64802, License No. PA-AH 0697. Effective 8/31/06.

Gary W. Gray Trucking, Inc., P. O. Box 48, Delaware, NJ 07833, License No. PA-AH 0474. Effective 9/6/06.

Pollution Control Industries, Inc., 4343 Kennedy Avenue, East Chicago, IN 46312, License No. PA-AH 0537. Effective 9/8/06.

Ameritech Environmental Services, Inc., P. O. Box 539, Eliot, ME 03903, License No. PA-AH 0677. Effective 9/14/06.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836, License No. PA-HC 0221. Issued on 8/31/06.

The Pennsylvania State University, 6 Eisenhower Parking Deck, University Park, PA 16802, License No. PA-HC 0153. Issued on 9/7/06.

MUNICIPAL WASTE GENERAL PERMITS

Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.

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

General Permit Application No. WMGM007-NWD01. Buerk Septic Service, 1039 Brusselles Street, St. Marys, PA 15857, St. Marys, **Elk County**. The application was for determination of applicability for temporary storage of residential septage prior to land application. The permit was issued by the Northwest Regional Office on September 12, 2006.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 100172. Arden Landfill, Inc., 200 Rangos Lane, Washington, PA 15301. Operation of a municipal waste landfill in Chartiers Township, **Washington County**. Permit renewal issued in the Regional Office on September 22, 2006.

AIR QUALITY

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

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

GP1-06-03103: ARAMARK Uniforms and Career Apparel, Inc. (424 Blair Avenue, Reading, PA 19612) on September 21, 2006, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in City of Reading, **Berks County**. This is a renewal of the GP 1 permit.

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

GP-10-281: II-VI, Inc. (375 Saxonburg Boulevard, Saxonburg, PA 16056) on September 20, 2006, for a KatoLight No. 2 Engine in Clinton Township, **Butler County**.

GP-62-179: AB Resources (6 Mile Road, Warren, PA 16365) on September 15, 2006, for two natural gas fired compressor engines in Mead Township, **Warren County**.

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

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

09-0134C: Reed Minerals (905 Steel Road Soith, Fairless Hills, PA 19030) on September 22, 2006, to operate a boiler slag processing plant in Falls Township, **Bucks County**.

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

05-05022A: Bedford Reinforced Plastics, Inc. (264 Reynoldsdale Road, Bedford, PA 15522-7401) on September 19, 2006, to install a new fiberglass reinforced plastic pultrusion production line in East Saint Clair Township, **Bedford County**.

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

43-270E: CCL Container (One Llodio Drive, Hermitage, PA 16148-9015) on September 22, 2006, to remove SOx testing requirement and the addition of temporary total enclosures (TTE) testing for control efficiency on Can Line No. 8 established in plan approval 43-270B in Hermitage City, **Mercer County**. This is a Title V 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.

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

09-0105B: Naceville Materials (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 23, 2006, to operate a 20,000 gallon storage tank in Springfiled Township, **Bucks County**.

46-0161B: Reading Materials, Inc. (2052 Lucon Road, P. O. Box 1467, Skippack, PA 19474) on September 22, 2006, to operate a hot asphalt plant in Lower Pottsgrove Township, **Montgomery County**.

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

22-05034D: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) on September 21, 2006, to modify an existing hot mix asphalt plant at Hummelstown Quarry, South Hanover Township, **Dauphin County**. This plan approval was extended.

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

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on September 22, 2006, two boilers at their Monessen Coke Works Station in Monessen Township, **Westmoreland County**. This plan approval was extended.

32-00040B: Reliant Energy Seward, LLC (121 Champion Way, Canonsburg, PA 15317) on September 22, 2006, to complete installation of the circulating Fluidized Bed Boiler at their Seward Power Station in East Wheatfield Township, **Indiana County**. This plan approval was extended.

32-00385: CQ Hardwood Finishers, LLC (12 Kendall Road, Homer City, PA 15748) on September 22, 2006, to complete construction of their hardwood finishing facility in Burrell Township, **Indiana County**. This plan approval was extended.

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

62-017G: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) on September 30, 2006, to construct a delayed coker and ancillary refinery units in Warren, **Warren County**.

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

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

11-00332: Cambria Cogen Co. (243 Rubisch Road, Ebensburg, PA 15931-4500) on September 26, 2006, to operate two 560 million Btu/hour recirculation fluidized bed boilers burning waste coal, for the generation of electricity and space heating, equipment for processing the waste coal onsite and supporting the boilers at their Cambria Cogen facility located in Cambria Township, **Cambria County**. This is a Title V Permit renewal.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Thomas Huynh, Chief, (215) 685-9476.

V06-006: Catalyst International—Gasket Material Corp. (80-88 Morris Street, Philadelphia, PA 19148) on September 26, 2006, to issue a Title V Operating Permit in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two adhesive coaters, a hot melt coater, two water-based laminators and a solvent cleaning process.

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

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

23-00015: BMR-145 King of Prussia Road, LP (1205 Westlakes Drive, Suite 240, Berwyn, PA 19312) on September 21, 2006, to operate the sources of emissions include boilers and emergency generators of a Natural Minor Operating Permit in Radnor Township, **Delaware County**.

46-00112: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on September 21, 2006, to operate the manufactures resins and friction particles operations of a Natural Minor Operating Permit in Skippack Township, **Montgomery County**.

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

65-00871: Opco, Inc. (P. O. Box 101, Latrobe, PA 15650) on September 19, 2006, for a synthetic minor State-only operating permit for their expandable polystyrene manufacturing in Latrobe Borough, **Westmoreland County**.

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

N04-002: Kingsbury, Inc. (10385 Drummond Road, Philadelphia, PA 19154) on September 25, 2006, to operate a bearing manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two gas-fired pot furnaces, an 800,000 Btu/hr gas-fired oven and an 1,100 hp gas turbine that burns kerosene.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

46-00010: Montenay Montgomery, LP (1155 Conshohocken Road, Conshohocken, PA 19428) on September 22, 2006, to add or amend the following conditions of Title V Operating Permit: (a) Source 104—PAC Silo, Conditions No. 001 and No. 002; (b) Source Group 1—Combustors, Conditions Nos. 015, 021, 023, 026 and 034 in Plymouth Township, **Montgomery County**.

23-00030: Swarthmore College (500 College Avenue, Swarthmore, PA 190814) on September 22, 2006, for an administrative amendment to the renewed Title V Operating Permit at their campus in Swarthmore Borough, **Delaware County**. The air pollution sources at the campus include 18 boilers, 10 backup emergency generators, and a liquid chilling unit. The boilers are used to provide heat and hot water for the academic and residential buildings. The permit is being amended to incorporate changes approved under Plan Approval No. PA-23-0030 (3 boilers). The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility

operating within all applicable air quality requirements. The facility is not subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64.

The following conditions have been addressed in the amended Title V Operating Permit, as outlined as follows:

i. Source IDs: 031 and 032, Condition No. 002—The total, combined 12-month NO_x emission limit for both boilers has been changed to 27.085 tons per year, as a 12-month rolling sum.

ii. Source IDs: 031 and 032, Condition No. 002—The total, combined 12-month SO_x emission limit for both boilers has been changed to 23.225 tons per year, as a 12-month rolling sum.

iii. Source IDs: 031 and 032, Condition No. 004—The cumulative total amount of fuel (No. 6 oil) used by both boilers has been changed to 600,000 gallons per year, as a 12-month rolling sum.

23-00014: Kimberly-Clark Pennsylvania, LLC (Front and Avenue of the States, Chester, PA 19013) on September 22, 2006, to incorporate plan approvals PA-23-0014D and PA-23-0014E into the Title V Permit. The facility is in the City of Chester, **Delaware County**. The permit was revised for the addition of a venturi scrubber to Paper Machine No. 12 and the replacement of two dryer burners in Paper Machine No. 16 with two Low-NO_x Burners. Monitoring and recordkeeping requirements have been added to the permit to demonstrate compliance with applicable permit limits. The changes made to this permit do not result in an increase of emissions from this facility.

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

63-00016: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on September 7, 2006, to issue a Minor Permit Modification to the Title V Operating Permit for Mitchell Station in South Bend Township, **Armstrong County**. Compliance with the allowable particulate emission limit of 0.1 pound per rmbtu for No. 2 oil-fired Units Nos. 1—3 will be demonstrated using material balance calculations instead of stack testing. These are not coal-fired units; they only fire No. 2 fuel oil. There will be no change in emissions resulting from this Minor Permit Modification.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

30031301 and NPDES Permit No. PA0235610. Dana Mining Company of PA, Inc. (P. O. Box 1170, Morgantown, WV 26507). To revise the permit for the 4 West Mine in Dunkard and Perry Townships, **Greene County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 150.0, SCP Acres Proposed 150.0. No additional discharges. Application received: January 6, 2006. Permit issued: September 20, 2006.

30841307 and NPDES Permit No. PA0213438. Emerald Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** to add underground permit and subsidence control plan area acres for development mining. No additional discharges. Application received: January 9, 2006. Permit issued: September 21, 2006.

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

11850103 and NPDES No. PA0597112. L & J Energy Company, Inc. (P. O. Box J, Grampian, PA 16838). Permit renewal for reclamation only of a bituminous surface-auger mine in Susquehanna Township, **Cambria County**, affecting 98.0 acres. Receiving stream: West Branch of Susquehanna classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 8, 2006. Permit issued: September 18, 2006.

32010104 and NPDES No. PA0248967. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Permit renewal for reclamation only of a bituminous surface-auger mine in West Mahoning Township, **Indiana County**, affecting 66.1 acres. Receiving streams: UNTs to Carr Run to Carr Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 5, 2006. Permit issued: September 19, 2006.

32010111 and NPDES No. PA0249050. Alverda Enterprises, Inc. (P. O. Box 87, Alverda, PA 15710). Revision of an existing bituminous surface mine to add 9.2 acres of which 1.2 acres are projected for coal removal in Pine Township, **Indiana County**, affecting 34.8 acres. Receiving stream: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2006. Permit issued: September 20, 2006.

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

30960101 and NPDES Permit No. PA0201626. C. J. & L Coal (P. O. Box 133, Jefferson, PA 15344). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in Morgan Township, **Greene County**, affecting 136.0 acres. Receiving streams: UNT to South Fork of Ten Mile Creek. Application received: June 21, 2006. Renewal permit issued: September 22, 2006.

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

10040104 and NPDES Permit No. PA0242594. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revisions to an existing bituminous surface strip operation to add crossing culverts for new haul road no. 4, revise the design of collection ditch CD-6, and add a new stream in Concord Township, **Butler County**. Receiving streams: UNTs to South Branch Slippery Rock Creek. Application received: July 10, 2006. Permit Issued: September 15, 2006.

1475-10040104-E-3. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to construct a temporary stream crossing over UNT No. 1 to South Branch Slippery Rock Creek located on the Donald E. Stewart property. The purpose of the stream crossing is to place a culvert in UNT No. 1 to South Branch Slippery Rock Creek to allow for the construction of a haul road over the UNT. Receiving streams: Three UNTs to South Branch Slippery Rock Creek. Application received: July 10, 2006. Permit Issued: September 15, 2006.

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

14050101 and NPDES No. PA0256242. R. H. Carmen, LLC (94 Spruce Street, Indiana, PA 15701). Commencement, operation, and restoration of a bituminous surface mine/coal ash disposal and coal refuse reprocessing in Rush Township, **Centre County**, affecting 34.0 acres. Receiving streams: Wolf Run, UNT to Moshannon Creek, Moshannon Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 7, 2005. Permit issued: September 13, 2006.

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

54950201R. Gilberton Coal Company (10 Gilberton Road, Gilberton, PA 17934). Renewal of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 15.0 acres; receiving stream: none. Application received: December 29, 2005. Renewal issued: September 18, 2006.

54851601R4. Superior Coal Preparation Co-Op, LLC (59 Main Street, Joliett-Tremont, PA 17981). Renewal of an anthracite coal preparation plant operation in Hegin and Hubley Townships, **Schuylkill County** affecting 19.0 acres; receiving stream: none. Application received: March 6, 2006. Renewal issued: September 21, 2006.

40663026R4. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701). Renewal of an existing anthracite surface mine, coal refuse disposal and coal preparation operation in Hazle Township, **Luzerne County** affecting 285.0 acres; receiving stream: none. Application received: February 22, 2006. Renewal issued: September 22, 2006.

54020201C. Stoudt's Ferry Preparation Co., Inc. (P. O. Box 279, St. Clair, PA 17970). Correction to an existing anthracite coal refuse reprocessing operation to include coal preparation plant in Mahanoy Township, **Schuylkill County** affecting 66.0 acres; receiving stream: none. Application received: January 30, 2006. Correction issued: September 22, 2006.

Noncoal Permits Actions

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

17060801. Tim J. Smith (22423 Shawville-Frenchville Highway, Frenchville, PA 16836). Commencement, operation and restoration of a small noncoal industrial minerals (spoil) surface mining permit in Girard Township, **Clearfield County**, affecting 4.0 acres. Receiving streams: UNT, tributary to Susquehanna River. Application received: May 19, 2006. Permit issued: September 6, 2006.

17062802. Cynthia E. Russell (208 Laurel Run Road, Curwensville, PA 16833). Commencement, operation and restoration of a small noncoal industrial minerals (sandstone) surface mining permit in Pike Township, **Clearfield County**, affecting 5.0 acres. Transferred from Johnson Brothers Coal Company (R. D. 1, Box 580, Mahaffey, PA 15757). Receiving streams: Roaring Run, tributary to Anderson Creek. Application received: February 16, 2006. Transfer issued: August 28, 2006.

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

6175SM3C2. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034). Depth correction for a quarry operation in Coal Township, **Northumberland County** affecting 176.2 acres; receiving stream: none. Application received: February 15, 2006. Correction received: September 21, 2006.

6476SM6C6 and NPDES Permit No. PA0595365. Union Quarries, Inc. (P. O. Box 686, Carlisle, PA 17013). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Middleton Township, **Cumberland County**; receiving stream: Letort Spring Run. Application received: August 3, 2006. Renewal issued: September 25, 2006.

7574SM2A1C8 and NPDES Permit No. PA0614343. Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Allen Township, **Cumberland County**; receiving stream: Yellow Breeches Creek. Application received: August 4, 2006. Renewal issued: September 25, 2006.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. 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.

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

27064005. Appalachian Geophysical Services, LLC (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity for gas and oil exploration in Green Township, **Forest County**. This blasting activity permit will expire on October 30, 2006. Application received: September 20, 2006. Application issued: September 21, 2006.

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

14064018. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Blasting for a home foundation for Marsalla Homes, Canterbury Crossing located in College Township, **Centre County**. Permit issued: September 18, 2006. Permit expires on: December 30, 2006.

14064019. Paradise Contacting (223 Paradise Road, Bellefonte, PA 16823). Construction blasting for the Centre County Emergency Training Facility located in Spring Township, **Centre County**. Permit issued: September 21, 2006. Permit expires: January 19, 2007.

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

09064129. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for Quakertown Airport in Milford Township, **Bucks County** with an expiration date of September 14, 2007. Permit issued: September 18, 2006.

13064104. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Boulder Creek Resort in Kidder Township, **Carbon County** with an expiration date of October 31, 2007. Permit issued: September 18, 2006.

21064181. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for Winding Hills in Upper Allen Township, **Cumberland County** with an expiration date of December 30, 2007. Permit issued: September 18, 2006.

52064132. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Saw Creek Estates in Lehman and Middle Smithfield Townships, **Pike and Monroe Counties** with an expiration date of October 31, 2007. Permit issued: September 18, 2006.

64064115. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Widco Industrial Park in Texas Township, **Wayne County** with an expiration date of October 31, 2007. Permit issued: September 18, 2006.

67064134. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for Codorus Estates in Codorus Township, **York County** with an expiration date of September 15, 2007. Permit issued: September 18, 2006.

06064134. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for Arrow International in Bern Township, **Berks County** with an expiration date of September 17, 2007. Permit issued: September 19, 2006.

35064118. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a single dwelling in South Abington Township, **Lackawanna County** with an expiration date of December 31, 2006. Permit issued: September 20, 2006.

36064192. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for Countryside Development in East Earl Township and Terre Hill Borough in **Lancaster County** with expiration date of December 30, 2006. Permit issued: September 20, 2006.

36064193. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507). Construction blasting for Willowene Farms in Pequea and West

Lamparter Township, **Lancaster County** with an expiration date of September 20, 2007. Permit issued: September 21, 2006.

66064104. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for a stream stabilization project in Monroe Township, **Wyoming County** with an expiration date of September 17, 2007. Permit issued: September 21, 2006.

45064159. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Castle Rock Acres in Middle Smithfield Township, **Monroe County** with an expiration date of September 21, 2007. Permit issued: September 22, 2006.

64064116. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for a single dwelling on Daniels Road in Paupack Township, **Wayne County** with an expiration date of December 31, 2006. Permit issued: September 22, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-889. Delaware River Joint Toll Bridge Commission, 110 Wood Street, Morrisville, PA 19067, Morrisville Borough, **Bucks County**, ACPE Philadelphia District.

To perform the following activities associated with the rehabilitation of Trenton-Morrisville Toll Bridge Project located between the Borough of Morrisville, Bucks County, PA and the City of Trenton, Mercer County, NJ (Trenton West, PA-NJ USGS Quadrangle N: 15.2 inches; W: 2.5 inches):

1. To rehabilitate and widen the superstructure of the existing US 1 bridge and its approach roadways over Delaware River (WWF, MF).
2. To rehabilitate and widen the existing US 1 bridge over the Pennsylvania Canal (TSF), on the east side, impacting 0.003 acre of wetlands (PEM/PFO).

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)).

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

E06-597: Grande Construction, Inc., 108 South Hull Street, Sinking Spring, PA 19608 in Lower Heidelberg Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a triple cell concrete box culvert to serve as a road crossing over Little Cacoosing Creek (CWF) to improve traffic safety within Green Valley Estates residential subdivision (Sinking Spring, PA Quadrangle N: 16.15 inches; W: 4.55 inches; Latitude: 40° 20' 22"; Longitude: 76° 01' 54") in Lower Heidelberg Township, Berks County. The project will permanently impact 0.50 acre of PEM wetland. The applicant is required to provide 0.60 acre of replacement wetland at a previously approved site upstream of the proposed crossing. 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)).

E22-498: Old Reliance Partnership, 627 South 26th Street, Harrisburg, PA 17111 in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a crossing of a UNT to Swatara Creek (WWF) with an 84-foot long, 73-inch by 55-inch corrugated metal arch pipe with riprap rock apron scour protection at the downstream side of the crossing that will permanently impact 0.20 acre of associated PEM wetlands, to install and maintain an 8-inch PVC sanitary sewer line above the proposed culvert,

install and maintain 55 linear feet of 8-inch PVC sanitary sewer line impacting (temporary) 0.01 acre of PEM wetlands, and construct and maintain 0.20 acre of replacement PEM wetlands all at a site (Steelton, PA Quadrangle, N: 20.9 inches, W: 1.6 inches, Latitude: 40° 14' 28", Longitude: 76° 45' 44") west of Powderhorn Road approximately 0.75 mile northwest of the intersection of Oberlin Road (PA Route 441) and I-283 in Lower Swatara Township, Dauphin County.

E21-379: Williams Grove Associates LP, 20 Erford Road, Suite 215, Lemoyne, PA 17043 in Monroe Township, **Cumberland County**, ACOE Baltimore District.

To replace and maintain mobile homes and associated utilities in the Williams Grove Mobile Home Park located within the 100-year floodway of the Yellow Breches (CWF). The project is located immediately upstream of Williams Grove Road Bridge (Mechanicsburg, PA Quadrangle N: 4.5 inches; W: 4.2 inches; Latitude: 40° 08' 59"; Longitude: 77° 01' 49") in Monroe Township, Cumberland County.

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

E17-419. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. SR 0453, Section A01 Bridge Replacement Project, Curwensville Borough, Clearfield County, ACOE Baltimore District (Curwensville, PA Quadrangle N: 17.6 inches; W: 3.8 inches).

To remove an existing single span structure and to construct, operate and maintain a two span prestressed concrete spread box beam bridge that will carry SR 0453 across Anderson Creek for improved public highway safety. The two span bridge shall be constructed with a minimum clear span of 129 feet, underclearance of 15.2 feet and curb-to-curb width of 32 feet. Construction of the bridge shall be completed during stream low flow. The SR 0453 Bridge Replacement Project is located along the southern right-of-way of SR 0879 approximately 1,300 feet south of SR 0453 and SR 0879 intersection. This permit also authorizes construction, operation, maintenance and removal of temporary causeways, cofferdams or stream diversions for the construction of the SR 0453 Bridge. All temporary structures shall be constructed with clean durable rock free of fines. Upon completion of bridge construction, all temporary structures shall be removed and disturbed areas being restored to original contours and elevations.

E59-478. Signor Brothers, Box 98, Arnot, PA 16911. Water Obstruction and Encroachment Joint Permit, in Bloss Township, **Tioga County**, ACOE Susquehanna River Basin District (Blossburg, PA Quadrangle N: 6.54 inches; W: 13.98 inches).

To construct and maintain a metal culvert 9 feet in diameter, 40 feet long and a CMP overflow culvert 4 feet in diameter, 35 feet long on a skew of 90° in Johnson Creek, 0.7 mile north of the intersection of SR 2016 and proposed access road. This project proposes to permanently impact 40 linear feet of Johnson Creek, which is designated a CWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-1530. Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To replace an access ramp in Bridgeville Borough and South Fayette Township, **Allegheny County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 19.6 inches; W: 16.6 inches and Latitude 40° 21' 30"—Longitude: 80° 07' 05"). To construct and maintain an approximately 575 ft. long, 35 ft. wide elevated, replacement access ramp to SR 79 from SR 8003 over Chartiers Creek (WWF) with a drainage area of 163.7 square miles for the purpose of meeting roadway standards. The access ramp will be elevated approximately 40 ft. above the 100 year flood elevation of Chartiers Creek. A roadway support pier will be placed in the northern floodway fringe and a total of approximately 250 ft. of associated scour protection will be placed from both banks through the floodway fringe of Chartiers Creek. The project is associated with ongoing improvements to SR 79 and is located on the border of Bridgeville Borough and South Fayette Township.

E63-578. Borough of California, 225 Third Street, California, PA 15419. To construct a new sewer line and pump station in California Borough, **Washington County**, Pittsburgh ACOE District. (California, PA Quadrangle N: 12.5 inches; W: 3.75 inches and Latitude: 40° 04' 07"—Longitude: 79° 54' 06"). To construct and maintain a new pump station on the left bank of Pike Run (TSF) and to construct and maintain a sewer line under the bed and across the channel of Pike Run (TSF) and Gorby's Run (TSF) and in various wetlands at various locations (as per attached list) for the purpose of upgrading the existing Granville Area Sanitary Sewer Extension. The project is located approximately 700.0 feet northwest from the intersection of Mechanic Street and 3rd Street and will impact 0.1 acre of wetlands and 454.0 linear feet of stream channel. The applicant has made a contribution to the Pennsylvania Wetland Replacement Fund.

E65-892. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. To replace an existing culvert and extend it in New Stanton Borough, **Westmoreland County**, Pittsburgh ACOE District. (Mount Pleasant, PA Quadrangle N: 19.1 inches; W: 16.8 inches and Latitude: 40° 10' 0"—Longitude: 79° 37' 13"). To replace and maintain an existing 140 foot long 48-inch diameter RCP culvert and extend the inlet 30 feet, and extend the outlet 30 feet, to replace and maintain an existing 60 foot long 24 inch diameter RCP culvert and extend and maintain the inlet 50 feet and the outlet 13 feet, relocate and maintain 200 feet of channel, and place and maintain fill in 0.02 acre of PEM wetland. Wetland impact mitigation shall occur in the mainline (I-76 milepost 67-75) section. All impacts are in the drainage area of a UNT to Sewickley Creek (WWF) that has a total of less than 100 acres. The project is located at the Glenn Fox Road overpass of the Turnpike Commission's I-76. The project provides for replacing the Glenn Fox Road overpass and increasing the underclearance by raising the road, which requires widening the base of both sides of the approach to I-76. The overpass clearance is being increased to conform to national transportation standards and provide for future improvements to I-76.

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—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and 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>
06-21-006	Harrisburg Energy Alternatives 2850 Appleton St., Suite E Camp Hill, PA 17011 Attn: Timothy Miller	Cumberland	Lower Allen Township	Two ASTs storing Recycled Oil	40,000 gallons total

SPECIAL NOTICES**Special Notice Under The Clean Streams Law****Special Notice Under The Clean Streams Law (35 §§ 691.1—691.702)**

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

Project Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Girard Borough	34 Main Street West Girard, PA 16417	Erie
Girard Township	10140 Ridge Road Girard, PA 16417	Erie

Project Description: A Consent Order and Agreement (CO&A) was executed by and between the Department of Environmental Protection (Department) and the Borough of Girard and Girard Township on September 19, 2006. This document lays out tasks Girard Borough and Girard Township must complete to address ongoing noncompliance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001) at Girard Borough's Sewage Treatment Plant and Girard Township's Imperial Point Sewage Treatment Plant. Copies of the executed CO&A are available in the Department's Meadville Regional Office, 230 Chest Street, Meadville, PA 16335 for public review.

Program Award Information

Program:	Stormwater Planning and Management
Amount:	\$12,000
Recipient:	Luzerne County Planning Commission
County:	Luzerne County
Municipalities:	Ashley Borough, Avoca Borough, Bear Creek Township, Bear Creek Village Borough, Black Creek Township, Buck Township, Butler Township, Conyngham Borough, Conyngham Township, Courtdale Borough, Dallas Borough, Dallas Township, Dennison Township, Dorrance Township, Dupont Borough, Duryea Borough, Edwardsville Borough, Exeter Borough, Exeter Township, Fairmount Township, Fairview Township, Forty Fort Borough, Foster Township, Franklin Township, Freeland Borough, Hanover Township, Harveys Lake Township, Hazle Township, Hazleton City, Hollenback Township, Hughestown Borough, Hunlock Township, Jackson Township, Jeddo Borough, Jenkins Township, Kingston Borough, Kingston Township, Laflin Borough, Lake Township, Larksville Borough, Laurel Run Borough, Lehman Township, Luzerne Borough, Nanticoke City, Nescopeck Borough, Nescopeck Township, New Columbus Borough, Newport Township, Nuangola Borough, Penn Lake Park Borough, Pittston City, Plains Township, Plymouth Borough, Plymouth Township, Pringle Borough, Rice Township, Ross Township, Salem Township, Shickshinny Township, Slocum Township, Sugar Notch Borough, Sugarloaf Township, Swoyersville Borough, Union Township, Warrior Run Borough, West Hazleton Borough, West Pittston Borough, West Wyoming Borough, White Heaven Borough, Wilkes Barre City, Wilkes Barre Township, Wright Township, Wyoming Borough, Yatesville Borough.
Contact:	Adrian Merolli, Luzerne County Planning Commission, Penn Place, 20 North Pennsylvania Avenue, Wilkes-Barre, PA 18711. DEP: Barry A. Newman, M. S., P. E., (717) 772-5661
Purpose:	Complete Phase I "Scope of Study" report required for preparation of an Act 167 Storm Water Management Plan for the entire Luzerne County except Nescopeck Creek Watershed.

[Pa.B. Doc. No. 06-1972. Filed for public inspection October 6, 2006, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance

DEP ID: 012-5500-001. Title: 2007 Environmental Education Grants Program Manual and Forms. Description: The 2007 Environmental Education Grants Program Manual and Forms is a guide for eligible organizations interested in applying for the Department's Environmental Education (EE) grants program. The manual provides information on program eligibility, including instructions for how to apply for a grant and details on the requirements and procedures that must be followed if a grant is awarded. The Pennsylvania Environmental Education Act (act) (35 P. S. §§ 7521—7528) was signed into law on June 22, 1993. The act established a policy that EE is critically important to all citizens in this Commonwealth; created an EE Fund from 5% of the Department's pollution fine moneys; and created the EE grants program for the distribution of the EE fund money. A notice requesting public comment on the draft version of this manual was published at 36 Pa.B. 4791 (August 26, 2006). A 30-day public comment period was provided on the draft manual that concluded on September 25, 2006. No public comments were received on the draft guidance document. Contact: Lisa Zell, Department of Environmental Protection, Environmental Education and Information Center, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 705-4086 or lzell@state.pa.us. Effective Date: October 2, 2006

Draft Technical Guidance—Substantive Revision

DEP ID: 381-5511-014. Title: Guidance on the Utilization of Disadvantaged Business Enterprise Firms for Participation under the Clean Water and Drinking Water State Revolving Fund Loan Programs. Description: This guidance provides Department staff and loan program borrowers specific information on steps to be taken to meet mandated Federal procedures for the solicitation of Minority and Women's Business enterprise firms for

participation in the construction of sewage, stormwater and drinking water projects funded under the Clean Water and Drinking Water State Revolving fund loan programs. Substantive revisions were made to the guidance to update Disadvantaged Business Enterprise (DBE) firm source list website addresses, to add several forms to assist construction contractors with DBE firm solicitation efforts and to revise the Department's review checklist. Written comments: The Department is seeking comments on the substantive revisions to draft technical guidance #381-5511-014. Interested persons may submit written comments on this draft technical guidance document by November 6, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Tony Maisano, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467 or amaisano@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Tony Maisano at (717) 787-0122 or amaisano@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

Draft Technical Guidance:

DEP ID: 257-3120-003 Title: Guidelines for Conducting Underground Storage Tank Facility Operations Inspections. Description: The Storage Tank Regulations require periodic inspection of the operation of underground storage tank facilities. The purposes of the inspections are to determine if a facility's underground storage tanks have been installed and are being operated and maintained in accordance with storage tank regulations. Third-party inspectors, certified by the Department, perform routine facility operations inspections. This guidance clarifies the procedures certified inspectors should follow when completing an underground storage tank facility operations inspection. Written comments: The Department is seeking comments on draft technical guidance #257-3120-003. Interested persons may submit written comments on this draft technical guidance document by November 6, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Charles M. Swokel, Department of Environmental Protection, Bureau of Waste Management, Division of Storage Tanks, Rachel Carson State Office Building—14th Floor, P. O. Box 8762, Harrisburg, PA 17105-8762 or cswokel@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Charles Swokel at (717) 772-5806 or cswokel@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-1973. Filed for public inspection October 6, 2006, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for Ozone for the Franklin County Ozone Nonattainment Area; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife.

The Franklin County ozone nonattainment area has met the health-based National ambient air quality standard for ozone based on 2003—2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this area to attainment. The Department is seeking public comment on this request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan demonstrating that the area can maintain the standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at www.depweb.state.pa.us (choose "Air Topics") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Wednesday, November 8, 2006, at 1 p.m. at the offices of the Borough of Chambersburg, Council Chambers, 100 South Second Street, Chambersburg, PA 17201. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, yhouse@state.pa.us to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House, (717) 787-9495 or yhouse@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than November 10, 2006. Written comments should be sent to the attention of Wick Havens, Chief of the Division of Air Resource Management, Bureau of Air Quality, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468. Comments may also be sent by electronic mail to jhavens@state.pa.us. Use "Franklin SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-1974. Filed for public inspection October 6, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No.14) (35 P. S. § 6204), will hold a public meeting on Friday, October 20, 2006, from 10 a.m. to 3 p.m. The meeting will be held in Conference Room 327, Health and Welfare Building, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information, contact Carolyn S. Cass, Director, Division of Child and Adult Health, Department

of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 772-2762. Persons wishing to attend this meeting or if you are a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Carolyn Cass at the previous number. Speech and/or hearing impaired persons may contact TDD (717) 783-6514 or TT (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-1975. Filed for public inspection October 6, 2006, 9:00 a.m.]

Request for Exception Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

LGAR Health and Rehabilitation Center
800 Elsie Street
Turtle Creek, PA 15145

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address 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).

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

[Pa.B. Doc. No. 06-1976. Filed for public inspection October 6, 2006, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization; and reauthorization) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2006, through December 31, 2006, 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>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.14
12 oz. Evaporated Milk	\$0.98
16 oz. Dry Milk	\$5.26
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.69
4 oz. Kosher Infant Juice	\$.56
8 oz. Kosher Infant Cereal	\$1.64
1 doz. Grade A Eggs	\$1.24
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$6.45
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$1.64
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.02
6 oz. Cans Juice	\$1.38
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.56
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.34
16 oz. Alimentum Advance Powder Formula	\$23.89
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.03
13 oz. Isomil Advance Concentrate Formula	\$4.25
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.21
12.9 oz. Isomil Advance Powder Formula	\$13.17
12.9 oz. Isomil 2 Advance Powder Formula	\$12.01
13 oz. Isomil with Iron Concentrate Formula	\$5.21
12.9 oz. Isomil with Iron Powder Formula	\$11.72
32 oz. Isomil DF Ready-to-Feed Formula	\$4.85
13 oz. Nutramigen Lipil Concentrate Formula	\$6.38
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.00
16 oz. Nutramigen Lipil Powder Formula	\$22.65
8 oz. Pediasure Ready-to-Feed Formula	\$1.82
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.85
13 oz. Similac Advance Concentrate Formula	\$3.91
32 oz. Similac Advance Ready-to-Feed Formula	\$5.51
12.9 oz. Similac Advance Powder Formula	\$12.23
12.9 oz. Similac 2 Advance Powder Formula	\$11.59

Description

13 oz. Similac with Iron Concentrate Formula	\$3.60
32 oz. Similac with Iron Ready-to-Feed Formula	\$4.86
12.9 oz. Similac with Iron Powder Formula	\$11.63
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.26
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.34
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.10
12.8 oz. Similac Neosure Advance Powder Formula	\$13.96

Maximum Allowable Price

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, 2006, through December 31, 2006, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.81
12 oz. Evaporated Milk	\$0.87
16 oz. Dry Milk	\$5.24
1 doz. Grade A Eggs	\$1.06
1 lb. Fresh Carrots	\$0.99
14 to 16 oz. Canned Carrots	\$0.99
1 lb. Cheese	\$5.12
1 lb. Dry Beans or Peas	\$1.12
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.64
15 to 18 oz. Peanut Butter	\$2.20
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$1.70
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.86
4 oz. Gerber Infant Juice	\$0.56
13 oz. Isomil Advance Concentrate Formula	\$4.25
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.21
12.9 oz. Isomil Advance Powder Formula	\$13.17
13 oz. Similac Advance Concentrate Formula	\$3.91
32 oz. Similac Advance Ready-to-Feed Formula	\$5.51
12.9 oz. Similac Advance Powder Formula	\$12.23

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 publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2006, through December 31, 2006, 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>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.14
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.26
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.69
4 oz. Kosher Infant Juice	\$.57
8 oz. Kosher Infant Cereal	\$1.67
1 doz. Grade A Eggs	\$1.24
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$6.45
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.35
8 oz. Gerber Infant Cereal	\$1.67
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.14
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.57
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.57
16 oz. Alimentum Advance Powder Formula	\$24.59
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.03
13 oz. Isomil Advance Concentrate Formula	\$4.25
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.23
12.9 oz. Isomil Advance Powder Formula	\$13.33
12.9 oz. Isomil 2 Advance Powder Formula	\$12.67
13 oz. Isomil with Iron Concentrate Formula	\$5.23
12.9 oz. Isomil with Iron Powder Formula	\$12.23
32 oz. Isomil DF Ready-to-Feed Formula	\$5.08
13 oz. Nutramigen Lipil Concentrate Formula	\$6.53
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.00
16 oz. Nutramigen Lipil Powder Formula	\$23.65
8 oz. Pediasure Ready-to-Feed Formula	\$2.00
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.03
13 oz. Similac Advance Concentrate Formula	\$3.97
32 oz. Similac Advance Ready-to-Feed Formula	\$5.59
12.9 oz. Similac Advance Powder Formula	\$12.45
12.9 oz. Similac 2 Advance Powder Formula	\$11.70

Description

13 oz. Similac with Iron Concentrate Formula	\$3.69
32 oz. Similac with Iron Ready-to-Feed Formula	\$4.86
12.9 oz. Similac with Iron Powder Formula	\$11.63
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.31
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.34
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.30
12.8 oz. Similac Neosure Advance Powder Formula	\$14.06

Maximum Allowable Price

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, 2006, through December 31, 2006, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.81
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.24
1 doz. Grade A Eggs	\$1.06
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00
1 lb. Cheese	\$5.30
1 lb. Dry Beans or Peas	\$1.16
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.67
15 to 18 oz. Peanut Butter	\$2.20
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$1.85
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.86
4 oz. Gerber Infant Juice	\$0.57
13 oz. Isomil Advance Concentrate Formula	\$4.25
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.23
12.9 oz. Isomil Advance Powder Formula	\$13.33
13 oz. Similac Advance Concentrate Formula	\$3.97
32 oz. Similac Advance Ready-to-Feed Formula	\$5.59
12.9 oz. Similac Advance Powder Formula	\$12.45

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 publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2006, through December 31, 2006, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.14
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.26
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.89
4 oz. Kosher Infant Juice	\$.69
8 oz. Kosher Infant Cereal	\$1.95
1 doz. Grade A Eggs	\$1.36
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$6.45
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.95
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.24
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.00
16 oz. Alimentum Advance Powder Formula	\$26.24
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.79
13 oz. Isomil Advance Concentrate Formula	\$4.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.76
12.9 oz. Isomil Advance Powder Formula	\$14.55
12.9 oz. Isomil 2 Advance Powder Formula	\$13.23
13 oz. Isomil with Iron Concentrate Formula	\$5.76
12.9 oz. Isomil with Iron Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$6.09
13 oz. Nutramigen Lipil Concentrate Formula	\$7.17
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.25
16 oz. Nutramigen Lipil Powder Formula	\$25.32
8 oz. Pediasure Ready-to-Feed Formula	\$2.11
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.30
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.08
12.9 oz. Similac Advance Powder Formula	\$13.76
12.9 oz. Similac 2 Advance Powder Formula	\$12.60

Description

13 oz. Similac with Iron Concentrate Formula	\$4.24
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.41
12.9 oz. Similac with Iron Powder Formula	\$13.30
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.81
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.80
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.54
12.8 oz. Similac Neosure Advance Powder Formula	\$15.48

Maximum Allowable Price

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, 2006, through December 31, 2006, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.83
12 oz. Evaporated Milk	\$1.02
16 oz. Dry Milk	\$5.24
1 doz. Grade A Eggs	\$1.29
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00
1 lb. Cheese	\$5.59
1 lb. Dry Beans or Peas	\$1.16
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.95
15 to 18 oz. Peanut Butter	\$2.36
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.10
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.96
4 oz. Gerber Infant Juice	\$0.69
13 oz. Isomil Advance Concentrate Formula	\$4.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.76
12.9 oz. Isomil Advance Powder Formula	\$14.55
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.08
12.9 oz. Similac Advance Powder Formula	\$13.76

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 publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2006, through December 31, 2006, 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>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.23
12 oz. Evaporated Milk	\$0.98
16 oz. Dry Milk	\$5.56
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$2.94
4 oz. Kosher Infant Juice	\$0.63
8 oz. Kosher Infant Cereal	\$1.77
1 doz. Grade A Eggs	\$1.44
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$6.45
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.77
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.22
6 oz. Cans Juice	\$1.38
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.63
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.69
16 oz. Alimentum Advance Powder Formula	\$25.18
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.61
13 oz. Isomil Advance Concentrate Formula	\$4.54
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.21
12.9 oz. Isomil Advance Powder Formula	\$13.95
12.9 oz. Isomil 2 Advance Powder Formula	\$12.85
13 oz. Isomil with Iron Concentrate Formula	\$5.61
12.9 oz. Isomil with Iron Powder Formula	\$12.76
32 oz. Isomil DF Ready-to-Feed Formula	\$6.04
13 oz. Nutramigen Lipil Concentrate Formula	\$6.66
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.40
16 oz. Nutramigen Lipil Powder Formula	\$24.34
8 oz. Pediasure Ready-to-Feed Formula	\$2.05
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.01
13 oz. Similac Advance Concentrate Formula	\$4.24
32 oz. Similac Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Advance Powder Formula	\$13.26
12.9 oz. Similac 2 Advance Powder Formula	\$12.41

Description

13 oz. Similac with Iron Concentrate Formula	\$4.07
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.25
12.9 oz. Similac with Iron Powder Formula	\$12.73
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.49
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.07
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.80
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

Maximum Allowable Price

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, 2006, through December 31, 2006, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.98
12 oz. Evaporated Milk	\$0.87
16 oz. Dry Milk	\$5.43
1 doz. Grade A Eggs	\$1.27
1 lb. Fresh Carrots	\$0.99
14 to 16 oz. Canned Carrots	\$0.99
1 lb. Cheese	\$5.20
1 lb. Dry Beans or Peas	\$1.12
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.77
15 to 18 oz. Peanut Butter	\$2.24
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$1.90
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.96
4 oz. Gerber Infant Juice	\$0.63
13 oz. Isomil Advance Concentrate Formula	\$4.54
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.21
12.9 oz. Isomil Advance Powder Formula	\$13.95
13 oz. Similac Advance Concentrate Formula	\$4.24
32 oz. Similac Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Advance Powder Formula	\$13.26

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 publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2006, through December 31, 2006, 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>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.23
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.56
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$2.94
4 oz. Kosher Infant Juice	\$.63
8 oz. Kosher Infant Cereal	\$1.77
1 doz. Grade A Eggs	\$1.44
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.78
1 lb. Kosher Cheese	\$6.78
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.77
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.28
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.63
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.90
16 oz. Alimentum Advance Powder Formula	\$25.24
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.17
13 oz. Isomil Advance Concentrate Formula	\$4.54
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.49
12.9 oz. Isomil Advance Powder Formula	\$13.95
12.9 oz. Isomil 2 Advance Powder Formula	\$13.08
13 oz. Isomil with Iron Concentrate Formula	\$5.61
12.9 oz. Isomil with Iron Powder Formula	\$13.01
32 oz. Isomil DF Ready-to-Feed Formula	\$6.04
13 oz. Nutramigen Lipil Concentrate Formula	\$6.95
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.54
16 oz. Nutramigen Lipil Powder Formula	\$24.34
8 oz. Pediasure Ready-to-Feed Formula	\$2.05
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.03
13 oz. Similac Advance Concentrate Formula	\$4.28
32 oz. Similac Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Advance Powder Formula	\$13.26
12.9 oz. Similac 2 Advance Powder Formula	\$12.41

Description

13 oz. Similac with Iron Concentrate Formula	\$4.07
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.25
12.9 oz. Similac with Iron Powder Formula	\$12.73
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.59
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.07
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.80
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

Maximum Allowable Price

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, 2006, through December 31, 2006, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.98
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.43
1 doz. Grade A Eggs	\$1.27
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00
1 lb. Cheese	\$5.68
1 lb. Dry Beans or Peas	\$1.16
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.77
15 to 18 oz. Peanut Butter	\$2.24
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.05
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.96
4 oz. Gerber Infant Juice	\$0.63
13 oz. Isomil Advance Concentrate Formula	\$4.54
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.49
12.9 oz. Isomil Advance Powder Formula	\$13.95
13 oz. Similac Advance Concentrate Formula	\$4.28
32 oz. Similac Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Advance Powder Formula	\$13.26

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 publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2006, through December 31, 2006, 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>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.23
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.56
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$2.94
4 oz. Kosher Infant Juice	\$.69
8 oz. Kosher Infant Cereal	\$2.01
1 doz. Grade A Eggs	\$1.52
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.78
1 lb. Kosher Cheese	\$6.78
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.01
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.31
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.48
16 oz. Alimentum Advance Powder Formula	\$27.18
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.34
13 oz. Isomil Advance Concentrate Formula	\$4.80
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.98
12.9 oz. Isomil Advance Powder Formula	\$14.81
12.9 oz. Isomil 2 Advance Powder Formula	\$13.37
13 oz. Isomil with Iron Concentrate Formula	\$5.98
12.9 oz. Isomil with Iron Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$6.18
13 oz. Nutramigen Lipil Concentrate Formula	\$7.17
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.25
16 oz. Nutramigen Lipil Powder Formula	\$25.33
8 oz. Pediasure Ready-to-Feed Formula	\$2.12
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.30
13 oz. Similac Advance Concentrate Formula	\$4.46
32 oz. Similac Advance Ready-to-Feed Formula	\$6.23
12.9 oz. Similac Advance Powder Formula	\$14.03
12.9 oz. Similac 2 Advance Powder Formula	\$12.86

Description

13 oz. Similac with Iron Concentrate Formula	\$4.24
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.54
12.9 oz. Similac with Iron Powder Formula	\$13.35
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.78
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.07
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.54
12.8 oz. Similac Neosure Advance Powder Formula	\$16.20

Maximum Allowable Price

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, 2006, through December 31, 2006, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.07
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.43
1 doz. Grade A Eggs	\$1.45
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00
1 lb. Cheese	\$5.71
1 lb. Dry Beans or Peas	\$1.24
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.01
15 to 18 oz. Peanut Butter	\$2.38
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.26
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.01
4 oz. Gerber Infant Juice	\$0.69
13 oz. Isomil Advance Concentrate Formula	\$4.80
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.98
12.9 oz. Isomil Advance Powder Formula	\$14.81
13 oz. Similac Advance Concentrate Formula	\$4.46
32 oz. Similac Advance Ready-to-Feed Formula	\$6.23
12.9 oz. Similac Advance Powder Formula	\$14.03

Maximum Allowable Prices for Above-50-Percent-Vendors

According to the Child Nutrition and WIC Reauthorization Act of 2004, and the USDA-FNS regulations published November 29, 2005, State WIC agencies are required to demonstrate that established "competitive price

criteria and allowable reimbursement levels . . . do not result in average payments per voucher to [above-50-percent-vendors] that are higher than average payments per voucher to comparable vendors other than [above-50-percent-vendors].” See, 42 U.S.C.A. § 1786(h)(11)(E).

Effective October 1, 2006, through December 31, 2006, the maximum allowable prices the Department of Health will pay Above-50-Percent-Vendors for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.54
12 oz. Evaporated Milk	\$0.75
16 oz. Dry Milk	\$3.83
1 qt. Lactose Reduced Milk	\$1.55
1/2 gal. Kosher Milk	\$2.03
4 oz. Kosher Infant Juice	\$0.51
8 oz. Kosher Infant Cereal	\$1.47
1 doz. Grade A Eggs	\$1.05
1 lb. Fresh Carrots	\$0.74
14 to 16 oz. Canned Carrots	\$0.74
1 lb. Cheese	\$4.68
1 lb. Kosher Cheese	\$4.68
1 lb. Dry Beans or Peas	\$1.06
1 oz. Adult WIC Cereal	\$0.26
8 oz. Gerber Infant Cereal	\$1.47
15 to 18 oz. Peanut Butter	\$1.94
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$1.59
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.76
4 oz. Gerber Infant Juice	\$0.51
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.10
16 oz. Alimentum Advance Powder Formula	\$23.82
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.79
13 oz. Isomil Advance Concentrate Formula	\$4.35
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.23
12.9 oz. Isomil Advance Powder Formula	\$13.21
12.9 oz. Isomil 2 Advance Powder Formula	\$12.82
13 oz. Isomil with Iron Concentrate Formula	\$5.68
12.9 oz. Isomil with Iron Powder Formula	\$13.12
32 oz. Isomil DF Ready-to-Feed Formula	\$6.18
13 oz. Nutramigen Lipil Concentrate Formula	\$6.10
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$7.85
16 oz. Nutramigen Lipil Powder Formula	\$22.60
8 oz. PediaSure Ready-to-Feed Formula	\$1.90
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$1.96
13 oz. Similac Advance Concentrate Formula	\$4.04
32 oz. Similac Advance Ready-to-Feed Formula	\$5.37

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Advance Powder Formula	\$12.37
12.9 oz. Similac 2 Advance Powder Formula	\$12.54
13 oz. Similac with Iron Concentrate Formula	\$3.73
32 oz. Similac with Iron Ready-to-Feed Formula	\$4.96
12.9 oz. Similac with Iron Powder Formula	\$11.69
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.21
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.35
12.9 oz. Similac Lactose Free Advance Powder Formula	\$12.66
12.8 oz. Similac Neosure Advance Powder Formula	\$14.71

A store must permit purchase of WIC allowable foods that exceed the Maximum Allowable Price for Above-50-Percent-Vendors to WIC participants using WIC checks; however, any WIC check that exceeds the Maximum Allowable Price for Above-50-Percent-Vendors will be rejected by the bank.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of Women, Infants and Children, Room 604 Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120, or (717) 783-2189 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1977. Filed for public inspection October 6, 2006, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Pennsylvania WIC Store Peer Group System

Under Federal law, the Pennsylvania WIC Program (Program) is required to establish a store peer group system and additional cost containment provisions. See 7 CFR 246.4 and 246.12 (relating to state plan; and food delivery service). The Program has been working with the United States Department of Agriculture, Food Nutrition Service (USDA-FNS) to develop the Pennsylvania WIC Store Peer Group System and recently received certification from USDA-FNS of this system under 7 CFR 246.4 and 246.12. Accordingly, beginning October 1, 2006, all WIC authorized stores, and stores seeking WIC authorization or reauthorization, must adhere to the following requirements to remain in compliance with State and Federal law. See 28 Pa. Code § 1105.3(a)(1) (relating to terms and conditions of participation).

The Program will separate stores into one of six distinct “peer groups.” These peer groups have been developed in accordance with 7 CFR 246.12(g)(4)(ii). The Commonwealth has elected to create peer groups based on geography, store size, number of stores owned and number of registers in each store.

A store will be required to maintain WIC food prices and inventories within the parameters set for the store's peer group. New Maximum Allowable Prices and Competitive Prices for the six peer groups will be published in the *Pennsylvania Bulletin* and individually provided to each store.

Under 28 Pa. Code § 1105.2 (relating to price adjustment), the Program will require store to reimburse the Program for any overpayments. Furthermore, all stores will be required to maintain the minimum inventory of the WIC food items on the competitive price list at, or below, the competitive prices listed for the store's peer group to receive or maintain authorization or reauthorization as a WIC store. Failure to comply with these requirements, or other requirements in the State or Federal regulations, could be cause for the Program to deny authorization or reauthorization to a store or to disqualify or terminate a WIC authorized store.

The Pennsylvania WIC store peer groups, with qualifying criteria, are as follows:

<i>Peer Group</i>	<i>Description</i>
Type 1—Regular Cost Counties	Retail stores that are greater than 10,000 square feet in store size and the owner owns more than one retail store.
Type 2—Regular Cost Counties	Retail stores that are greater than 10,000 square feet in store size and the owner owns only one retail store.
Type 3—Regular Cost Counties	Retail stores that are less than 10,000 square feet in store size and they have less than four cash registers.
Type 1—High Cost Counties	Retail stores located in Allegheny, Dauphin, Lackawanna, Luzerne, Lycoming or Philadelphia Counties that are greater than 10,000 square feet in store size and the owner owns more than one retail store.
Type 2—High Cost Counties	Retail stores located in Allegheny, Dauphin, Lackawanna, Luzerne, Lycoming or Philadelphia Counties that are greater than 10,000 square feet in store size and the owner owns only one retail store.
Type 3—High Cost Counties	Retail stores located in Allegheny, Dauphin, Lackawanna, Luzerne, Lycoming or Philadelphia Counties that are less than 10,000 square feet and they have less than four cash registers.

The store will be individually notified by the Program of the peer group applicable to the store. Under 7 CFR 246.18(a)(1)(iii)(B) (relating to administrative review of State agency actions), the Program may not provide review of the validity or appropriateness of the Pennsylvania peer group system criteria.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Chris Harr, Department of Health, Division of Women, Infants and Children, Room 604 Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120 or for speech and/or hearing im-

paired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1978. Filed for public inspection October 6, 2006, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program hereby publishes notice of the minimum inventory requirements. Effective on the date of the publication of this notice, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC authorized store, the following foods at shelf prices equal to or less than the competitive prices or maximum allowable prices as applicable:

Formula

Thirty-one 13 ounce cans of Similac Advance liquid concentrate.

Twenty-five 32 ounce cans of Similac Advance ready-to-feed.

Nine 12.9 ounce cans of Similac Advance powdered.

Thirty-one 13 ounce cans of Isomil Advance liquid concentrate.

Twenty-five 32 ounce cans of Isomil Advance ready-to-feed.

Nine 12.9 ounce cans of Isomil Advance powdered.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for the formula.

Milk

Fluid Whole, Vitamin D Fortified: Ten 1/2 gallons.

Fluid Skim, Low Fat or Reduced Fat: Four 1/2 gallons.

Nonfat Dry: Four pounds in 1 or 2 pound containers.

Evaporated: Twenty-four 12 ounce cans.

Eggs

Grade "A" Eggs: Three 1 dozen containers large or smaller raw shell eggs.

Cheese

Three WIC allowable varieties prepackaged in 8 or 16 ounce containers, totaling at least 4 pounds of cheese.

Juices

Two WIC allowable single strength varieties with a total of seven 46 ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of seven 11.5 to 12 ounce containers.

Infant, three Gerber varieties with a total of fifteen 4 ounce individual containers.

Cereal

Adult, five WIC allowable varieties in 8 ounce or larger packages totaling at least 40 ounces. Infant, two Gerber varieties in 8 ounce packages, totaling at least 24 ounces.

Peanut Butter

One 15 to 18 ounce WIC allowable container.

Dried Peas and Beans

Two varieties WIC allowable, 1 pound each.

Tuna

Four 6 to 6.5 ounce cans, chunk, light, packed in water.

Carrots

Two pounds of whole, unpeeled fresh carrots in 1 or 2 pound cello pack, or two cans of sliced carrots in 14 to 20 ounce cans.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Chris Harr, Department of Health, Division of Women, Infants and Children, Room 604, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120 or (717) 783-1289 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1979. Filed for public inspection October 6, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$1 Million Holiday Gold 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 \$1 Million Holiday Gold.

2. *Price:* The price of a Pennsylvania \$1 Million Holiday Gold instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1 Million Holiday Gold 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), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 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), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Stocking symbol (STKNG), Tree symbol (TREE) and a 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$1MILL (MILLION).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$1,000,000. The \$1,000,000 top prize is a lump sum cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,360,000 tickets will be printed for the Pennsylvania \$1 Million Holiday Gold 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 \$1MILL (MILLION) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(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 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 \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) 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 HUN) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$5,000.

(e) 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 under the matching "YOUR NUMBERS" play symbol, 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 Stocking symbol (STKNG), and a prize symbol of \$1,000 (ONE THO) appears under the Stocking symbol (STKNG) 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 is a Tree symbol (TREE), and a prize symbol of \$500 (FIV HUN) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$1,000.

(h) 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 under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(i) 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 under the matching "YOUR NUMBERS" play symbol, 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 Stocking symbol (STKNG), and a prize symbol of \$500 (FIV HUN) appears under the Stocking symbol (STKNG) on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$500.

(l) 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 \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$200 (TWO HUN) appears under the Stocking symbol (STKNG) on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$100 (ONE HUN) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$200.

(p) 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 under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$100 (ONE HUN) appears under the Stocking symbol (STKNG) on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$50\$ (FIFTY) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$100.

(s) 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 under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$100.

(t) 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 \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$50\$ (FIFTY) appears under the Stocking symbol (STKNG) on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$25\$ (TWY FIV) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$50.

(w) 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 \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$40\$ (FORTY) appears under the Stocking symbol (STKNG) on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$20\$ (TWENTY) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$40.

(z) 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 \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$25\$ (TWY FIV) appears under the Stocking symbol (STKNG) on a single ticket, shall be entitled to a prize of \$25.

(bb) 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 \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$20\$ (TWENTY) appears under the Stocking symbol (STKNG) on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$20.

(ee) 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 under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

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 1 In:</i>	<i>Approximate No. Of Winners Per 3,360,000 Tickets:</i>
\$10 × 2	\$20	30	112,000
\$10 w/TREE	\$20	30	112,000
\$20 w/STOCKING	\$20	30	112,000
\$20	\$20	60	56,000
\$25 w/STOCKING	\$25	30	112,000
\$25	\$25	30	112,000
\$10 × 4	\$40	75	44,800
\$20 × 2	\$40	75	44,800
\$20 w/TREE	\$40	75	44,800
\$40 w/STOCKING	\$40	75	44,800
\$40	\$40	75	44,800
\$10 × 5	\$50	150	22,400
\$25 × 2	\$50	150	22,400
\$25 w/TREE	\$50	150	22,400
\$50 w/STOCKING	\$50	150	22,400
\$50	\$50	150	22,400
\$10 × 10	\$100	300	11,200
\$10 w/10X	\$100	300	11,200
\$50 w/TREE	\$100	300	11,200
\$100 w/STOCKING	\$100	300	11,200
\$100	\$100	300	11,200
\$10 × 20	\$200	2,400	1,400
\$20 × 10	\$200	2,400	1,400
\$25 × 8	\$200	2,400	1,400
\$20 w/10X	\$200	2,400	1,400
\$100 w/TREE	\$200	2,400	1,400
\$100 × 2	\$200	2,400	1,400
\$200 w/STOCKING	\$200	2,400	1,400
\$200	\$200	2,400	1,400
\$25 × 20	\$500	3,429	980
\$50 × 10	\$500	3,429	980
\$100 × 5	\$500	3,429	980
\$50 w/10X	\$500	3,429	980
\$500 w/STOCKING	\$500	4,800	700
\$500	\$500	3,429	980
\$50 × 20	\$1,000	20,000	168
\$100 × 10	\$1,000	20,000	168
\$200 × 5	\$1,000	20,000	168
\$100 w/10X	\$1,000	20,000	168
\$500 × 2	\$1,000	20,000	168
\$500 w/TREE	\$1,000	20,000	168
\$1,000 w/STOCKING	\$1,000	20,000	168
\$1,000	\$1,000	20,000	168
\$500 × 10	\$5,000	120,000	28
\$1,000 × 5	\$5,000	120,000	28
\$500 w/10X	\$5,000	120,000	28
\$5,000	\$5,000	120,000	28
\$500 × 20	\$10,000	168,000	20
\$10,000	\$10,000	168,000	20
\$1,000,000	\$1,000,000	420,000	8

STOCKING (STKNG) = Win prize under it automatically.

TREE (TREE) = Win double the prize under it automatically.

10X (10TIMES) = Win 10 times the prize under it automatically.

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 \$1 Million Holiday Gold instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1 Million Holiday Gold, prize money from winning Pennsylvania \$1 Million Holiday Gold 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 \$1 Million Holiday Gold 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), the regulations contained in 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 \$1 Million Holiday Gold or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-1980. Filed for public inspection October 6, 2006, 9:00 a.m.]

Pennsylvania Tic-Tac Mistletoe 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 Tic-Tac Mistletoe.

2. *Price:* The price of a Pennsylvania Tic-Tac Mistletoe instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Tic-Tac Mistletoe instant lottery game ticket will contain four play areas designated as "Game 1," "Game 2," "Game 3" and "Game 4." The play symbols appearing in the four play areas are a variable selection from 35 distinctive play symbols. Each Pennsylvania Tic-Tac Mistletoe instant lottery game ticket will also contain a "YOUR SYMBOLS" area consisting of 20 of the 35 distinctive play symbols in a 5 × 4 grid. The play symbols located in the four play areas and in the "YOUR SYMBOLS" area are: Snowman symbol, Mitten symbol, Wreath symbol, Ear-muff symbol, Hat symbol, Tree symbol, Drum symbol, Sleigh symbol, Candle symbol, Ornament symbol, Trumpet symbol, Gingerbread Man symbol, Bag of Toys symbol, Holly symbol, Bell symbol, Reindeer symbol, Scarf symbol, Star symbol, Boot symbol, Candy Cane symbol,

Snowflake symbol, Package symbol, Santa symbol, Snow Shovel symbol, Coat symbol, Jingle Bell symbol, Lights symbol, Stocking symbol, Angel symbol, Money Bag symbol, Coins symbol, Moon symbol, Dollar Sign symbol, Horse Shoe symbol and Bar symbol.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$9, \$15, \$30, \$90, \$300, \$3,000, \$30,000 and \$60,000. The player can win up to four times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,480,000 tickets will be printed for the Pennsylvania Tic-Tac Mistletoe instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in "Game 4," appearing in a diagonal line and having a corresponding prize arrow with a prize amount of \$60,000 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2" or "Game 3," appearing in a diagonal line and having a corresponding prize arrow with a prize amount of \$30,000 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2" or "Game 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$3,000 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 3" or "Game 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$300 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 2," "Game 3" or "Game 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$90 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$90.

(f) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in "Game 4," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$30 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1" or "Game 2," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$30 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in "Game 4," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$15 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1" or "Game 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$15 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$15.

(j) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2," or "Game 3," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$9 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$9.

(k) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2," or "Game 3," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$6 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$6.

(l) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2," "Game 3" or "Game 4," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$3 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When You Match All Of The Symbols In A Complete Horizontal, Vertical Or Diagonal Line, Win Prize Shown In The Arrow Pointing To That Line.

Game 1	Game 2	Game 3	Game 4
\$3			
	\$3		
		\$3	
			\$3
\$6			
	\$6		
		\$6	
\$3	\$3		
\$9	\$9		
		\$9	
\$3	\$6		
\$15		\$15	
			\$15
\$3	\$3	\$9	
\$30	\$30		
			\$30
\$15	\$6	\$9	
	\$90		
		\$90	
\$30	\$30	\$15	\$15
		\$300	
			\$300
\$3,000			
	\$3,000		
			\$3,000
\$30,000			
		\$30,000	
\$30,000	\$30,000		
			\$60,000

Win:	Approximate Odds of 1 in:	Approximate No. Of Winners Per 6,480,000 Tickets
\$3	25	259,200
\$3	50	129,600
\$3	50	129,600
\$3	50	129,600
\$6	66.67	97,200
\$6	66.67	97,200
\$6	66.67	97,200
\$6	66.67	97,200
\$9	100	64,800
\$9	100	64,800
\$9	100	64,800
\$9	100	64,800
\$15	200	32,400
\$15	200	32,400
\$15	200	32,400
\$15	200	32,400
\$30	500	12,960
\$30	500	12,960
\$30	250	25,920
\$30	500	12,960
\$90	1,200	5,400
\$90	2,553	2,538
\$90	2,553	2,538
\$90	2,609	2,484
\$300	20,000	324
\$300	30,000	216
\$3,000	360,000	18
\$3,000	360,000	18
\$3,000	360,000	18
\$30,000	1,080,000	6
\$30,000	2,160,000	3
\$60,000	2,160,000	3
\$60,000	2,160,000	3

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

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell

Pennsylvania Tic-Tac Mistletoe instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Tic-Tac Mistletoe, prize money from winning Pennsylvania Tic-Tac Mistletoe 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 Tic-Tac Mistletoe instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Tic-Tac Mistletoe or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-1981. Filed for public inspection October 6, 2006, 9:00 a.m.]

Realty Transfer Tax Revised 2005 Common Level Ratio Real Estate Valuation Factor

The following real estate valuation factor is based on sales data compiled by the State Tax Equalization Board in 2005. This factor is the mathematical reciprocal of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, this factor is applicable for documents accepted from July 1, 2006, to June 30, 2007. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

	<i>Revised Common Level Ratio Factor</i>
<i>County</i>	
* Indiana	5.88

*Revised by the State Tax Equalization Board. Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2006.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-1982. Filed for public inspection October 6, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

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

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

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-405	Environmental Quality Board Standards for Contaminants; Mercury	8/26/06	9/25/06

36 Pa.B. 3185 (June 24, 2006)

**Environmental Quality Board
Regulation #7-405
(IRRC #2547)**

**Standards for Contaminants; Mercury
September 25, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the June 24, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

- 1. General—Legislative intent; Policy decision requiring legislative review; Comments of a Committee; Protection of public health; Effect on natural resources; Economic impact; Adverse effects on prices, productivity and competition; Consistency with other regulations and statutes; Reasonableness; Implementation procedure; Need; Clarity.**

Mercury is a dangerous neurotoxin that needs to be reduced in our environment. Accordingly, Pennsylvania is required to reduce mercury emissions by the published directives of the U. S. Environmental Protection Agency (EPA) as authorized by the federal Clean Air Act (CAA). These points are not disputed by supporters or opponents of the EQB's proposed regulation.

EPA offered two approaches to reducing mercury. States can either participate in a model rule developed by the EPA which establishes a national cap-and-trade program, or submit a program that meets their mercury budget cap. The EQB has made a policy decision not to participate in national trading of allowances and instead proposes to cap Pennsylvania emissions independently. The decision to take a different path from the EPA model has generated a variety of questions and issues that relate directly to our criteria. The following paragraphs will identify and explain these questions and issues.

Legislative action and intent

Both the House and Senate Environmental Resources and Energy Committees (House and Senate Committees) held several hearings and meetings related to this regulation. Legislation was introduced in both chambers to require implementation of the EPA model (federal Clean Air Mercury Rule (CAMR)) and allow emissions trading in Pennsylvania. Senate Bill 1201 passed the Senate on June 20, 2006, by a vote of 40 to 10. Additionally, a similar bill (HB 2610) with 106 cosponsors was introduced in the House of Representatives. As of the date of these comments, the House of Representatives has not yet voted on either bill. The EQB also received individual legislative comments both in support of this regulation and in opposition.

In the Preamble of the proposed regulation, the EQB cites Section 5(a)(1) of the Air Pollution and Control Act (APCA) (35 P. S. § 4005(a)(1)) as its statutory authority for proposing this regulation. Section 5(a)(8) of the APCA reads:

(a) The board [EQB] shall have the power and *its duty shall be to*—

* * * * *

(8) Adopt rules and regulations to implement the provisions of the Clean Air Act. The rules and regulations adopted to implement the provisions of the Clean Air Act shall be *consistent* with the requirements of the Clean Air Act and the *regulations* adopted thereunder. [Emphasis added.]

The EQB also discusses Section 6.6 of the APCA in the Preamble and states:

Because these standards were established under section 111 of the CAA, rather than section 112 of the CAA, the “no more stringent than” provision under section 6.6(a) of the APCA is inapplicable.

However, the EQB also states in its Preamble:

The Department strongly opposes a cap-and-trade approach under the CAMR . . . the Department believes that the EPA does not have the legal authority to regulate an HAP [hazardous air pollutant] like mercury under the less stringent provisions of section 111 of the CAA, as opposed to the more stringent provisions under section 112 of the CAA.

While Section 6.6(a) of the APCA refers to Section 112 of the CAA, it also includes the statement that the EQB “may not establish a more stringent performance or emissions standard for hazardous air pollutant emissions from existing sources, except as provided in subsection (d).” Subsection 6.6(d)(1) of the APCA (35 P. S. § 4006.6(d)(1)) reads:

When needed to protect public health, welfare and the environment from emissions of hazardous air pollutants from new and existing sources, the department may impose health risk-based emission standards or operating practice requirements. In developing such health risk-based emission standards or operating practice requirements, the department *shall provide an explanation and rationale* for such standards or requirements and provide for public review and comments on plan approvals, operating permits, guidelines and regulations which contain health risk-based emission standards or operating practice requirements. [Emphasis added.]

Hence, the statutory provisions of the APCA require that EQB regulations be consistent with federal regulations promulgated under the CAA and that Department of Environmental Protection (DEP) provide “an explanation and rationale” for health risk-based emission standards. Given these statutory provisions, the record of significant legislative support for the federal CAMR regulation, and the EQB’s position that the EPA should regulate mercury under Section 112 of the CAA, the EQB needs to specify in detail how the proposed regulation and the explanation, rationale and supporting information for this proposed regulation are consistent with the intent of the General Assembly.

The EPA allows states to modify their approach to mercury reduction. However, the EQB needs to explain and justify its decision to exceed the federal requirements. Since the EQB has opted to achieve “greater reductions than EPA’s CAMR in a shorter period of time,” there is an obligation to explain how and why exceeding the federal regulations was determined to be necessary. The Preamble does not contain sufficient information. For each point in the proposed regulation where a state provision is more stringent than its federal counterpart, the EQB must fully explain and document the evidence and findings for each determination that exceeding federal rules is reasonable and necessary. This information needs to accompany the final-form regulation for each exception that is retained.

Comments, objections and recommendations from the Senate Committee

In a letter dated September 22, 2006, Senators Mary Jo White and Raphael J. Musto, Senate Committee Majority and Democratic Chairmen, submitted extensive comments on this proposed regulation on behalf of their Senate Committee. Their areas of concern include “hot spots,” need for the proposed regulation, protections or preferences for Pennsylvania coal, electric generation costs and pricing, impacts on competition and compliance with Executive Order 1996-1. Consistent with our criterion (71 P. S. § 745.5b(b)(5)), we will thoroughly review the EQB’s response to the comments, objections and recommendations of the Senate Committee in our consideration of whether the final-form regulation is in the public interest.

Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review

The EQB’s policy decision to independently cap emissions within Pennsylvania carries with it the obligation to document why the incremental difference between its regulation and the federal cap-and-trade program is a necessity. Several public commentators, including the Pennsylvania Chamber of Business and Industry, Pennsylvania Coal Association and Electric Power Generation Association, oppose the EQB decision to deny national trading of allowances under EPA’s CAMR. We are con-

cerned by estimates of the costs of this decision and its effect on electric generators, electric utilities, electric ratepayers, coal operations, coal miners, competition between states at many levels and economic development within Pennsylvania. The EQB must explain whether the incremental benefits of this proposed regulation outweigh the associated fiscal impacts and whether this regulation is a policy decision requiring legislative review.

Protection of the public health

In the Preamble published in the June 24, 2006 *Pennsylvania Bulletin*, the EQB states:

A recent study released by the Centers for Disease Control and Prevention (CDC) found that approximately 8% of women of childbearing age in the United States had mercury levels exceeding the level considered safe by the United States Environmental Protection Agency (EPA) for protecting the fetus. In the United States, this translates into approximately 600,000 babies born each year at risk of developmental harm due to mercury exposure in the womb.

The Preamble did not include a cite to the CDC study used. However, a CDC study, dated November 5, 2004, summarizes results for 1999 to 2002 and includes the following:

- “The findings confirmed that blood Hg [mercury] levels in young children and women of childbearing age usually are below levels of concern. However, approximately 6% of childbearing-aged women had levels at or above a reference dose, an estimated level assumed to be without appreciable harm (≥ 5.8 $\mu\text{g/L}$.)”

- “Among childbearing-aged women, for the 4-year period 1999–2002, estimates of the GM of blood Hg and the proportion with levels ≥ 5.8 $\mu\text{g/L}$ were lower than estimates for the 2-year period 1999–2000. . . the percentage of women with blood Hg levels ≥ 5.8 $\mu\text{g/L}$ was 3.9% in 2001–2002 (CI = 2.40–6.43), compared with 7.8% in 1999–2000 (CI = 4.70–12.83).”

- “The EPA RfD [reference dose] is based on measures of Hg in cord blood and is a level assumed to be without appreciable harm. . . . All women and children in the 1999–2002 NHANES [National Health and Nutrition Examination Survey] survey period had blood Hg levels below 58 $\mu\text{g/L}$. The harm to a fetus from levels of exposure as measured by cord blood levels between 5.8 $\mu\text{g/L}$ and 58 $\mu\text{g/L}$ is uncertain.”

(Emphasis added.)

(See “Blood Mercury Levels in Young Children and Childbearing-Aged Women—United States, 1999–2002” (November 5, 2004 / 53(43); 1018-1020) available on the CDC’s website at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5343a5.htm>)

These CDC findings vary significantly from those cited in the EQB’s Preamble and lead to a different conclusion. In judging whether this regulation is in the public interest, we need further support for the EQB’s statements in the Preamble and an explanation of whether it considered these findings by the CDC, which were available before the EQB published the Preamble. The EQB also needs to explain how the incremental difference between this regulation and EPA’s CAMR will better protect the public health.

Economic impact

In the Preamble’s “Compliance Costs” section, the EQB estimates that “the total annualized cost (capital and operating) of mercury-specific control technology that EGUs [electric generating units] must install beyond CAIR [Clean Air Interstate Rule] to comply with the Pennsylvania-specific mercury rule” would be \$15.7 million for Phase 1 and \$16.7 million for Phase 2. The Electric Power Generation Association (EPGA) believes the EQB estimates have no factual basis. EPGA cited a study done for the Center for Energy and Economic Development and the Pennsylvania Coal Association which states the Pennsylvania rule would:

- Increase Pennsylvania’s compliance cost by \$1.7 billion.
- Cost \$161 million per year from 2009 to 2018 over the CAIR/CAMR.
- Could displace 85.1 million tons of Pennsylvania coal.
- Expose 5,797 Megawatts of electric generating capacity to premature retirement.

The EQB needs to reconcile its cost figures with those of the affected industries, and provide comprehensive support for its estimates of the economic impact of this regulation on the electric industry, coal industry and electric ratepayers in this Commonwealth.

Technical feasibility

Commentators have stated that the technology to meet the limits of this regulation either does not yet exist, or has not been proven to be effective and reliable. The EQB should explain what technology is currently available to meet the requirements set forth in this regulation. If the technology is not yet developed or its reliability is not fully tested, the EQB should explain why it believes effective, dependable technology will be available in time to meet the requirements of this regulation.

Other states

Most of the states with significant electric generation by coal are either adopting the CAMR or a similar rule that allows trading. These states include Ohio, West Virginia, Kentucky, Missouri, North Carolina, Texas and possibly Indiana. The only exception is Illinois. On the other hand, states such as New York, New Jersey, Maryland, Michigan and many in the New England region are adopting state rules that do not allow trading and are similar to the EQB proposed regulation. However, the coal-fired segment of the electric industry is not as large in these states as it is in Pennsylvania, West Virginia, Ohio and Texas. New York and the other states in this second group use other resources, which may include oil, natural gas, hydro-electric power or nuclear power, to generate electricity. Hence, the impact of their mercury rules will not be as great on their economies.

When it comes to coal and electricity, Pennsylvania has more in common with states such as Ohio, West Virginia, Kentucky and Texas. However, unlike Pennsylvania, the coal-fired electric plants in these states will be able to use CAMR to trade to meet emissions requirements and gain financially by investing in mercury emissions control technologies. The same flexibility will not be available to the Pennsylvania industry. It appears there will be no economic incentive to increase reductions in mercury

emissions because Pennsylvania EGUs will not be allowed to sell emission credits. The EQB and DEP should carefully consider whether this situation will place Pennsylvania at a competitive disadvantage when compared to the electric and coal industries in the states that allow trading.

2. Comments of the U. S. Environmental Protection Agency—Protection of public health; Effect on natural resources; Consistency with other regulations; Reasonableness; Implementation procedure; Need; Clarity.

In letters dated August 24 and 26, 2006, Judith M. Katz, Director, Air Protection Division, EPA Region III, submitted written comments on this proposed regulation to the EQB. The EPA Region III comments raised several issues directly related to our criteria. EPA Region III conveyed serious concerns in its comments and warned that it may be prohibited from approving portions of this proposed regulation. We share the same comments, questions and concerns expressed by the EPA Region III and incorporate them into the Commission's comments on this proposed regulation.

3. Section 123.202. Definitions.—Clarity.

Bituminous coal

Paragraph (ii) of this definition includes anthracite coal. It is confusing to include anthracite coal within the definition of bituminous coal. For clarity, we recommend deleting anthracite coal from this definition, defining it separately and adding that term where it is needed in the regulation.

EGU—Electric generating unit

Commentators requested the addition of integrated gasification combined cycle units and units that burn synthetic gas to this definition. Why weren't these included?

SCR—Selective catalytic reduction

Commentators believe the end of this definition should state "molecular" nitrogen. The EQB should consider this clarification.

4. Section 123.205. Emission standards for coal-fired EGUs.—Economic impact; Reasonableness; Clarity.

As fired

Each of the provisions for EGUs in this section include an option for a percentage "control of total mercury as measured from the mercury content in the coal as fired." The phrase "as fired" generates two concerns. First, it is confusing because this appears to be a different standard than the measurement of mercury content specified in Section 123.214 (relating to coal sampling and analysis for input mercury levels). Second, it would exclude the beneficial processes described by commentators that can reduce mercury before the coal is fired. Therefore, the phrase "as fired" should be replaced with a reference to the measurements required by Section 123.214.

Clarification of terms and cross references

Subsection (a)(2)(i) needs two clarifications. First, the defined term "coal refuse" should be used instead of "waste coal." Second, the cross reference to 40 CFR Part 60 Subpart D appears to be incorrect since Subpart D does not contain a mercury emission standard. The reference should be to Subpart Da.

EGUs burning 100% bituminous coal

Sections (a)(2)(i) and (ii) are limited to "EGUs burning 100% bituminous coal." Commentators observed that fuel oil and natural gas are needed to start the coal units and stabilize the flame. We recommend amending these provisions to accommodate the use of start up fuels.

Two phases for existing CFB EGUs

Subsection (c) sets identical limits for circulating fluidized bed (CFB) EGUs for Phases 1 and 2. This is confusing because the limits for these units do not vary after January 1, 2010. The limits for existing CFB EGUs should be shown as a single phase.

5. Section 123.206. Compliance requirements for the emission standards for coal-fired EGUs.—Feasibility; Effects on competition; Reasonableness; Clarity.

Facility-wide emissions averaging

Subsection (a)(2) should clearly specify how "facility-wide emissions averaging" would be calculated. Absent the details of this calculation, we cannot evaluate it. For example, could a relatively large unit be averaged with a smaller unit or is a weighted average required? Could inactive units be included in the average?

Presumed to be in compliance

Subsection (b) exempts EGUs that use certain emission controls and states they "will be presumed to be in compliance." We have four concerns. First, why is this presumption reasonable, particularly under Paragraphs (1) and (2) which do not require "any additional compliance demonstrations"?

Second, it is not clear how this exemption affects Pennsylvania's overall compliance with the EPA cap or how it affects other provisions within this regulation including Section 123.207. What happens if an exempted unit emits a disproportionate share of mercury?

Third, why weren't coal refuse facilities included?

Finally, why didn't the EQB include other processes such as activated carbon injection?

EGUs burning 100% bituminous coal

The same as our comment on Section 123.205, the provisions in Subsection (b) are limited to "EGUs combusting 100% bituminous coal." Commentators observed that fuel oil and natural gas are needed to start the coal units and stabilize the flame. We recommend amending these provisions to accommodate the use of start up fuels.

Economically or technologically infeasible

Subsection (c) allows alternative standards and compliance schedules where mercury reduction requirements are economically or technologically infeasible. We see a need for this provision, but we question how other units in Pennsylvania will be affected by a competitor who does not have to meet the same mercury reduction requirements. Also, how would the approval of an alternate plan be counted toward allowances set aside in Section 123.207?

Other information

Subparagraph (c)(2)(x) requires "other information which the Department requests that is necessary for the approval of the application." This provision is vague. The EQB should specify in regulation the information needed for approval of the application.

12-month rolling period

In Subsection (d), a 12-month rolling period is used to calculate the actual emission rate for the EGU. Why is a rolling period used rather than a fixed 12-month period?

6. Section 123.207. Annual emission limitations for coal-fired EGUs.—Economic impact.*Effect on the Pennsylvania Coal Industry*

The Electric Power Generation Association and the Pennsylvania Coal Association believe the limits in this section could force many Pennsylvania high-mercury coals out of the market and that some generating units will be in jeopardy of retirement. The EQB should explain how this regulation will affect Pennsylvania's coal industry and whether coal units will be forced to retire as a result of this regulation. If they are, what will be the economic impact on ratepayers?

Set-aside and set aside

We found the terms "set aside" and "set-aside" to be confusing. The Department is clearly and directly setting emission limits by allocating allowances to meet the EPA cap. The regulation would be clearer by describing allocation of allowances rather than "set-aside" of allowances.

Notice of the maximum number of allowances

Subsections (h) and (i) require publication of the allowances just six months before compliance is required. We recommend that this publication date be moved to the earliest date possible so that owners of EGUs have the opportunity to plan and adjust for this allocation. Similarly, under Subsection (j) notice by March 31 could come too late for the owner to make any needed adjustments.

Nontradable mercury allowances

Commentators have stated that there is no incentive to over comply, since the allowances created by this investment would not return to the investor who over complied. We agree. Since there is benefit for all concerned to encourage over-compliance, the EQB should provide incentives for over compliance and increased mercury emissions reductions.

In addition, Subsection (j)(2) requires unused allowances to go back into the supplement pool rather than allowing the owner to use them at another unit. This would discourage owners from balancing their emissions and using their allowances to maximum benefit. Subsection (j)(2) should allow an owner or system to use extra allowances at other facilities.

Except as provided under Section 123.209

Subsection (j)(5) allows the exception of allowances through the petition process in Section 123.209. It would appear that the supplement pool described in Section 123.208 should also be allowed as an exception. Why wasn't it included?

Standby units

Subsection (k) states that allowances will not be set aside for standby units. Commentators stated that standby unit owners will need to know if the unit can

return to service, or the unit would have to retire. Why didn't the EQB set aside allowances for standby units?

Future emission limitations

This subsection allows the DEP to revise the percentage of set-aside allowances. We are concerned that adjustments of this percentage will affect all existing EGUs. The EQB needs to explain why the DEP should have this discretion, further establish standards for the DEP to make these adjustments and explain how the affected existing EGUs can participate in this decision.

Facility-wide emissions averaging

In Subsection (o)(2), it is not clear how "facility-wide emissions averaging" would be calculated. As stated in our comment on Section 123.206(a)(2), the regulation should clearly specify how this calculation must be done.

7. Section 123.208. Annual emission limit supplemental pool.—Fiscal impact; Reasonableness; Feasibility; Need.

In this section, the EQB establishes a supplemental pool to monitor nontradable allowances which have been either created or not used. The goals of this process are two-fold. First, it may provide help to EGUs with excessive mercury emissions if the DEP decides to give these EGUs allowances or credits which will enable the EGUs to meet their applicable mercury caps. Second, it is hoped that this process will allow the Commonwealth on a statewide basis to achieve the CAMR mercury budget for the state. Commentators identified two problems.

First, this pool does not provide any financial incentive for an EGU to invest in technologies that will exceed the required reduction in mercury. Hence, very few, if any, allowances or credits for meeting the mercury cap will be available.

Second, since there is no certainty that allowances will be available or that DEP will award them to a petitioner via Section 123.209, EGUs will either need to find other means to meet the mercury cap or shutdown. In addition, the lack of certainty will hinder EGUs and electric wholesalers who need to persuade financial institutions to invest in their operations.

The DEP and EQB need to explain the usefulness and feasibility of this section and the process for creating, documenting and providing allowances.

8. Section 123.209. Petition process.—Fiscal impact; Reasonableness; Feasibility.

This section outlines the application process for EGUs to petition DEP for allowances. Many of the concerns expressed by commentators with this section are similar to their concerns with Section 123.208. The primary concern is that the allowance and petition process will not provide any certainty for EGUs regarding what relief from the mercury cap might be available. EGUs will be forced to find other means to meet the caps.

Another concern is that it is not clear how this allowance process will work. It should be noted that this section contains a detailed list of the required contents for petitions filed by owners or operators of EGUs. In addition, Subsection (g) identifies an order of preference for distributing allowances to different types of EGUs

that successfully petition for credits or allowances. However, neither this section nor any other provision in the proposed regulation identifies the criteria or factors that DEP will use in evaluating petitions. There is no indication of what conditions or elements might result in a successful petition.

The proposed regulation should identify how DEP will determine which circumstances justify awarding allowances to EGUs. This could be accomplished by listing examples of the conditions, circumstances or situations that would warrant allowances. The final-form regulation should identify a list of criteria or factors that DEP will use in evaluating petitions and determining when allowances should be given.

Two commentators suggested adding the phrase “as the only solid fuel” to provisions in Subsection (g) that describe EGUs “combusting 100% bituminous coal.” They contend that this is necessary to account for EGUs that may use fuel oil or natural gas to initiate combustion in waste coal facilities. The EQB should address this concern in the final-form regulation.

9. Section 123.214. Coal sampling and analysis for input mercury levels.—Fiscal impact; Reasonableness; Feasibility; Need.

Commentators question the need and expense of requiring daily sampling. They complained it would not provide any information necessary for the success of the mercury reduction program. These commentators also asked for greater flexibility in the processes for gathering this data. For one commentator, the requirement was duplicative because this information is already obtained via the purchase of the coal. The supplier will provide the information to verify the quality of the coal. The DEP and EQB need to examine the need for and feasibility of this requirement. Specifically, DEP and EQB should consider broadening the variety of sampling methods and the conditions or options for obtaining samples, and removing the “daily” sampling requirement.

ALVIN C. BUSH,
Secretary

[Pa.B. Doc. No. 06-1983. Filed for public inspection October 6, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market St., 14th Floor, in Harrisburg at 10:30 a.m. Note that the time and date of the meeting is tentative and interested parties are encouraged to contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us to confirm that information. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-398	Environmental Quality Board Pennsylvania Clean Vehicles Program	9/21/06	11/2/06
18-377	Department of Transportation Alcohol Highway Safety Schools and Driving Under the Influence Program Coordinators	9/26/06	11/2/06

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-1984. Filed for public inspection October 6, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate

Harleysville Insurance Company, a Minnesota stock casualty insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of Minnesota to this Commonwealth. The filing was made under the requirements set forth under 15 Pa.C.S. §§ 1101—4162 (relating to the Business Corporation Law of 1988). Persons wishing to comment on the redomestication 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 the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Straw-

berry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1985. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of The Buckeye Union Insurance Company, an admitted stock casualty insurance company organized under the laws of the State of Illinois, with and into The Continental Insurance Company, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relat-

ing to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1986. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Commercial Insurance Company of Newark, NJ, an admitted stock casualty insurance company organized under the laws of the Commonwealth, with and into Firemen's Insurance Company of Newark, NJ, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1987. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Continental Reinsurance Corporation, an admitted stock casualty insurance company organized under the laws of the Commonwealth, with and into Firemen's Insurance Company of Newark, NJ, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the the Insurance Holding

Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1988. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of The Fidelity and Casualty Company of New York, an admitted stock casualty insurance company organized under the laws of the Commonwealth, with and into The Continental Insurance Company, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1989. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Firemen's Insurance Company of Newark, NJ, an admitted stock property insurance company organized under the laws of the Commonwealth, with and into The Continental Insurance Company, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on

August 14, 2006, and was made under the requirements set forth under the the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1990. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of The Glens Falls Insurance Company, an admitted stock casualty insurance company organized under the laws of the State of Illinois, with and into Firemen's Insurance Company of Newark, NJ, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1991. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Kansas City Fire and Marine Insurance Company, an admitted stock property insurance company organized under the laws of the Commonwealth, with and into The Continental Insurance Company, an admitted stock property insurance company organized under the

laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1992. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of National-Ben Franklin Insurance Company of Illinois, a nonadmitted stock insurance company organized under the laws of the State of Illinois, with and into The Continental Insurance Company, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1993. Filed for public inspection October 6, 2006, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Pacific Insurance Company, a nonadmitted stock insurance company organized under the laws of the State of Illinois, with and into The Continental Insurance

Company, an admitted stock property insurance company organized under the laws of the Commonwealth. The initial filing was received on August 14, 2006, and was made under the requirements set forth under the the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1994. Filed for public inspection October 6, 2006, 9:00 a.m.]

Insurance Services Office, Inc.; Homeowners Loss Cost Revision; Rate Filing

On September 20, 2006, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 5.6% decrease in loss costs effective March 1, 2007.

Unless formal administrative action is taken prior to November 19, 2006, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1995. Filed for public inspection October 6, 2006, 9:00 a.m.]

Pennsylvania National Mutual Casualty Insurance Company; Homeowners Program; Rate Filing

On September 22, 2006, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a rate revision for homeowners insurance.

The company requests an overall 1.2% increase amounting to \$266,000 annually, to be effective January 1, 2007, for new business and renewal business.

Unless formal administrative action is taken prior to November 21, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "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 regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-1996. Filed for public inspection October 6, 2006, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Lancaster County, Wine & Spirits Shoppe #3604, 31 W. Main Street, Ephrata, PA 17522.

Lease Expiration Date: September 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,300 to 4,300 net useable square feet of new or existing retail commercial space. The location must be within Ephrata Borough or adjacent municipality.

Proposals due: October 27, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

Monroe County, Wine & Spirits Shoppe #4507, Routes 115 and 940, Blakeslee, PA 18610.

Lease Expiration Date: October 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,500 net useable square feet of new or existing retail commercial space. The location must be within 1/3 mile of the intersection of SRs 115 and 940 in Tobyhanna Township.

Proposals due: November 3, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

Tioga County, Wine & Spirits Shoppe #5905, 181 N. Main Street, Mansfield, PA 16933.

Lease Expiration Date: October 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,300 to 3,400 net useable square feet of new or existing retail commercial space. The location must be within the Borough of Mansfield or adjacent municipality.

Proposals due: October 27, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228
 JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 06-1997. Filed for public inspection October 6, 2006, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Cancellation of Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), enacted on March 20, 2002, announces cancellation of a meeting of the Authority's 11 member Board of Directors scheduled for Tuesday, October 10, 2006, at the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 06-1998. Filed for public inspection October 6, 2006, 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 30, 2006. 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-00123113. Ultimate Medical Services, Inc. (10 Valley Lane, Annville, Lebanon County, PA 17003) a corporation of the Commonwealth, persons in paratransit service, from points in the Counties of Lebanon, Dauphin and Berks, to points in Pennsylvania, and return.

A-00123106. Fornet Enterprises, Inc. (218 Locust Drive, Milford, Pike County, PA 18337) a corporation of the State of New Jersey—persons in limousine service, from points in the County of Pike, to points in Pennsylvania, and return.

A-00123114. Fernando Cruz (34 Chestnut Street, New Hope, Bucks County, PA 18938)—persons, upon call or demand in the Borough of New Hope and the Townships of Solebury and Buckingham, Bucks County.

A-00123118. Homestead Transportation, LLC (P. O. Box 1506, Lansdale, Montgomery County, PA 19446), a Pennsylvania Limited Liability Company—persons, upon call or demand in the Borough of Doylestown, Bucks County, and within an airline distance of 5 statute miles of the limits of said borough.

A-00123117. Columbia Taxi, LLC (640 Chestnut Street, Columbia, Lancaster County, PA 17512), a Pennsylvania Limited Liability Company—persons, upon call or demand in the Borough of Columbia, Lancaster County, and within an airline distance of 10 statute miles of the limits of said borough.

A-00108503. F.3. A Limousine Service, Inc. (30 Prager Street, Pittsburgh, Allegheny County, PA 15215)—a corporation of the Commonwealth, for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Westmoreland and Butler, to points in Pennsylvania and return, and from points in the County of Allegheny to other points in Pennsylvania and return. *Attorney:* John A. Pillar, Esquire, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

A-00123112. Mary E. Russell (39 Chickadee Circle, Leola, Lancaster County, PA 17540)—persons, in paratransit service, in the County of Lancaster, and from points in said county to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

A-00123110. Harold Leroy Shipman (R. R. 1, Box 185-S, Dornsife, Northumberland County, PA 17823)—persons, in group and party service, in the Counties of Northumberland, Union, Snyder and Dauphin, limited to the use of vehicles seating 11 to 15 persons, including the driver.

A-00123128. Racing Limos of Harrisburg, LLC (708 Spruce Drive, Hanover, York County, PA 17331), a Pennsylvania Limited Liability Company—persons, in limousine service, from points in the Counties of Cumberland, Dauphin, Lebanon and Perry, to points in Pennsylvania, and return.

A-00123101. Larry E. McQueen (17023 Beaver Center Road, Linesville, Crawford County, PA 16424)—persons in paratransit service, limited to persons whose

personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Crawford, Erie and Mercer, to points in Pennsylvania, and return.

A-00123095. An Affair to Remember, LLC, t/a A Special Occasion Limousine Service (833 Seneca Park Road, Baltimore, MD 21220)—persons, in limousine service, from points in the County of York, to points in Pennsylvania, and return.

A-00123134. Edward Shinski (P. O. Box 32, Gordonville, Lancaster County, PA 17529-0032)—persons, in paratransit service, in the County of Lancaster, and from points in said county to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

A-00123135. Juan Oriach t/d/b/a Hazleton Transport Co. (1056 North Locust Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from points in the County of Luzerne, to points in Pennsylvania, and return. Attorney: Joseph D. Ustynoski, 101 West Broad Street, 205 HNB Building, Hazleton, PA 18201.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-00118810, F.1, Am-D. Felix Szczepanski t/d/b/a J. B. Taxi (7 Seventh Street, Midland, Beaver County, PA 15059) inter alia—persons upon call or demand in the County of Beaver: *So As To Permit* the transportation of persons upon call or demand in the County of Allegheny.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00108743, F.4. Airlines Acquisition Co., Inc. t/d/b/a Airlines Transportation Company (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth—additional right—persons in group and party service, in vehicles seating 11 to 15 persons, including the driver, from points in the County of Allegheny, to points in Pennsylvania, and return. Attorney: Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

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-00121228. Glenn E. Hurst (100 Delancy Place, Lancaster, Lancaster County, PA 17601)—discontinuance of service—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in the said county, to points in Pennsylvania, and return.

A-00088129, F.2, Am-B. Wheary's Transportation, LLC (4417 Oregon Pike, Ephrata, Lancaster County, PA 17522) a corporation of the Commonwealth—discontinuance of service—persons, (a) in paratransit operations, from the Township of Paradise, Lancaster County, and within a 5-mile radius of the Post Office of said Township, to points in Pennsylvania and vice versa; subject to the following conditions: (1) that the service herein autho-

rized is limited to transportation in vehicles having a seating capacity of not more than 15 persons, including the driver; (2) that the service herein authorized is limited to transportation for which advanced reservations are made in a vehicle not reserved for individual use; and (3) that the service herein authorized shall exclude all rights, powers, and privileges to render group and party service and service in special excursions, tour or sight-seeing trips, all as currently defined in the rules and regulations of the Pennsylvania Public Utility Commission; and (b) in paratransit service, between points in the Township of Paradise, Lancaster County, and within an airline distance of 25 statute miles of the Post Office of said township, and from points in said territory, to points in Pennsylvania, and return; subject to the following conditions: (i) that the service authorized herein shall be limited to transportation arranged through the Lancaster Integrated Specialized Transportation System (LISTS); and (ii) that no right, power or privilege is granted to transport from points in Chester County.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Horvath, Christopher, Sr. t/a Hometown Transportation Sol, 678 Elmwood Avenue, Sharon Hill, PA 19079; Doc. No. A-00116897 C0601

COMPLAINT

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

1. That all authority issued to Horvath, Christopher, Sr. (respondent) is under suspension effective 05/24/2006 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at Horvath, Christopher, Sr., t/a Hometown Transportation Sol, 678 Elmwood Avenue, Sharon Hill, PA 19079.
3. That respondent was issued a Certificate of Public Convenience by this Commission on 1/08/2004 at Application Docket No. A-00116897.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00116897 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a

fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

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

VERIFICATION

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

Date: _____
Wendy J. Keezel

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. Acord certificates of insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-1999. Filed for public inspection October 6, 2006, 9:00 a.m.]

Sewer Service

A-230053F2000. Township of Falls. Application of the Township of Falls for the approval of the transfer of the township's sewer system to the township of Falls Authority and the abandonment of sewer service to the public in portions of Bristol Township, Lower Makefield and Middletown Townships, Bucks 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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 23, 2006. 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: Township of Falls

Through and By Counsel: Edward Rudolph, Esquire, Rudolph, Pizzo and Clark, LLC, Four Neshaminy Interplex, Suite 105, Trevoese, PA 19053

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2000. Filed for public inspection October 6, 2006, 9:00 a.m.]

Telecommunications

A-311140F7001. Verizon North, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC. Joint petition of Verizon North, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC for approval of adoption of an amendment no. 2 to the interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC, by its counsel, filed on September 21, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC, joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2001. Filed for public inspection October 6, 2006, 9:00 a.m.]

Telecommunications

A-311324F7001. Verizon North, Inc. and New Horizons Communications Corp. Joint petition of Verizon North, Inc. and New Horizons Communications Corp. for approval of an interconnection agreement and amendment no. 1 to the Interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and New Horizons Communications Corp., by its counsel, filed on September 22, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and New Horizons Communications Corp., joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2002. Filed for public inspection October 6, 2006, 9:00 a.m.]

Telecommunications

A-311140F7000. Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC for approval of adoption of an amendment no. 2 to the interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC, by its counsel, filed on September 21, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an

amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC f/k/a AT&T Broadband Phone of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2003. Filed for public inspection October 6, 2006, 9:00 a.m.]

Telecommunications

A-311324F7000. Verizon Pennsylvania, Inc. and New Horizons Communications Corp. Joint petition of Verizon Pennsylvania, Inc. and New Horizons Communications Corp. for approval of an interconnection agreement and amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and New Horizons Communications Corp. by its counsel, filed on September 22, 2006, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an interconnection agreement and amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and New Horizons Communications Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2004. Filed for public inspection October 6, 2006, 9:00 a.m.]

Wastewater Service

A-230240F0032. Little Washington Wastewater Company. Application of Little Washington Wastewater Company for approval of: 1) the acquisition of The Greens at Penn Oaks Homeowners Association and Baker Residential of Pennsylvania, LLC and certain real estate

rights from Penn Oaks Estates, Inc.; and 2) the right of Little Washington Wastewater Company to begin to offer, render, furnish and provide wastewater service to the public in The Greens at Penn Oaks, situated within Thornbury Township, Chester County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 23, 2006. 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: Little Washington Wastewater Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2005. Filed for public inspection October 6, 2006, 9:00 a.m.]

Water Service

A-220005F2000. Township of Falls. Application of the Township of Falls for the approval of the transfer of the township's water system to the Township of Falls Authority and the abandonment of water service to the public in a portion of Bristol Township and a portion of Middletown Township, Bucks County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 23, 2006. 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: Township of Falls

Through and By Counsel: Edward Rudolph, Esquire, Rudolph, Pizzo and Clark, LLC, Four Neshaminy Interplex, Suite 105, Trevoise, PA 19053

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2006. Filed for public inspection October 6, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-135.9, Maintenance Dredging at Various PRPA Piers, until 2 p.m. on Thursday, November 2, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available October 17, 2006. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-2007. Filed for public inspection October 6, 2006, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Michelle Brady; Doc. No. 1410-45-06

On August 25, 2006, Michelle Brady, of Philadelphia, Philadelphia County, license nos. CO220753L and CB108189, had her license suspended for failure to pay a civil penalty issued by the Board.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

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

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 06-2008. Filed for public inspection October 6, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

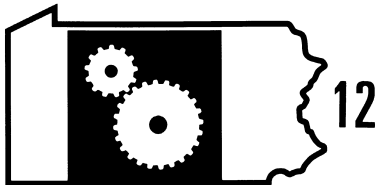
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

SERVICES

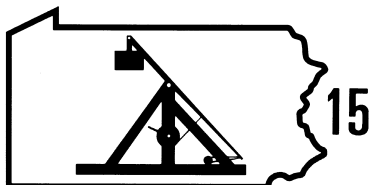


12

Drafting and Design Services

RFP-643 Clarion University is seeking proposals to provide professional design services for provide design services to the University for construction of a new Dining Hall on the Clarion campus which would include, but not necessarily be limited to, detailed plans and specifications, cost estimate(s), and services during the construction. The University encourages responses from small firms, minority business enterprises and women's business enterprises capable of performing the work solicited by this RFP to submit Proposals. The University will consider joint ventures which will enable these firms to participate. Pre-bid Meeting October 3, 2006 10:00am at 248 Gennell Complex. Proposal Due Date is 2:00 pm October 27, 2006 RFP information will be posted to the website by September 28, 2006 and bid packets may be requested at that time. The web address will be <http://www.clarion.edu/admin/facilitiesmanagement/planning/rfp643info.htm>

Department: Education
Location: Exit 64 I-80 Rt 66 North to Clarion off Greenville Avenue
Duration: 120 days from Notice to Proceed
Contact: Ruth Wolfong, 814-393-2365



15

Environmental Maintenance Service

BOGM 06-16 Please Note The Change In Issue Date. Cleaning Out and Plugging Four (4) Abandoned Oil Wells. (Mr. and Mrs. Martin Smith, Mr. and Mrs. Francis Rose, Mr. and Mrs. Patrick Harrington and Mr. and Mrs. Patrick Thompson Properties). The principal items of work include cleaning out and plugging four (4) abandoned oil wells, estimated to be 1,200 feet each in depth, to Department specifications, preparing and restoring well sites, and mobilizing and demobilizing plugging equipment. This project issues on October 6, 2006 and bids will be opened on November 7, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

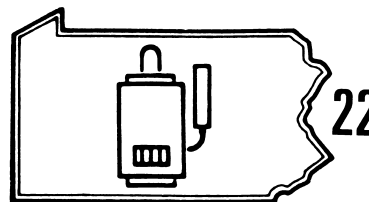
Department: Environmental Protection
Location: Bradford Township, McKean County
Duration: 35 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BF 445-202.1 Abandoned Mine Land Reclamation Project, Glacial Minerals, Inc. The principal items of work and approximate quantities include Removal and Disposal of Structures, Facilities and Equipment, 43,635 cubic yards of Grading, 3,872 square yards of Impervious Lining (PVC), 11,645 tons of various types and sizes of Aggregate, 1,350 linear feet of various types and sizes of Polyvinyl Chloride (PVC) Pipe, 6 Gate Valves, 4,640 linear feet of various types and sizes of Corrugated Polyethylene (CPE) Pipe, 8,000 cubic yards of Limestone Buffered Organic Substrate (LBOS), 7 Inline Water Level Control Structures and 7,500 cubic yards of Special Material Handling. This project issues on October 6, 2006 and bids will be opened November 7, 2006 at 2:00 p.m. Bid documents cost \$15.00 per set and will not be mailed until payment has been received.

Department: Environmental Protection
Location: Clarion Township, Clarion County
Duration: 540 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BF 445-203.1 Abandoned Mine Land Reclamation Project, Glacial Minerals, Inc., Mining Permit No. 1679125. The principal items of work and approximate quantities include Dewatering and Diversion and Care of Water, 17,850 cubic yards of Grading, 2,100 cubic yards of Ditch Excavation, 15,380 square yards of Impervious Lining (PVC), 3,350 square yards of High Velocity Erosion Control Mulch Blanket, 1,500 tons of Aggregate, 650 square yards of R-4 Rock Lining with Filter Material, 374 linear feet of Concentrated Alkaline Recharge Pond, 1 Twelve (12) Inch Pinch Valve, 7 Inline Water Level Control Structures, 553 linear feet of Polyvinyl Chloride (PVC) Pipe, 4,798 linear feet of Corrugated High Density Polyethylene Pipe (CPEP), 1,000 cubic yards of Special Material Handling, 16,690 cubic yards of Limestone Buffered Organic Substrate, 252 linear feet of Subsurface Drain, and 7 acres of Seeding. This project issues on October 6, 2006 and bids will be opened on November 7, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been set.

Department: Environmental Protection
Location: Clarion Township, Clarion County
Duration: 520 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

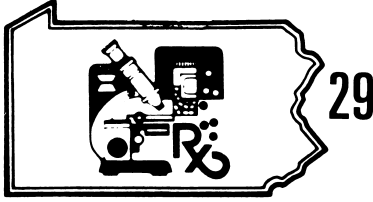


22

HVAC Services

W-052-0502 - REBID Extend the Heating System to Replace Natural Gas Heat

Department: Public Welfare
Location: POLK CENTER, 15 Coal Street, P. O. Box 94, Polk, PA 16342
Duration: October 2006 - December 2006
Contact: Marty DuPont, Purchasing Agent, 814-432-0326



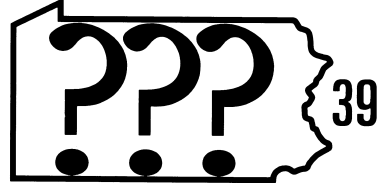
Medical Services

CN00023101 Vision Stimulation: Contractor will provide on site assessment, formal plan development and detailed instructions for implementation of programs to be carried out by facility staff for individuals with visual disabilities at Polk Center.

Department: Public Welfare
Location: POLK CENTER, Main Street, P. O. Box 94, Polk, PA 16342
Duration: January 1, 2007 thru June 30, 2009
Contact: Marty DuPont, Purchasing Agent, 814-432-0326

CN0002304 RE-BID Supply Oxygen Cylinders: M6 & E-Tanks/Refills; Concentrators and Service bid due date: 10/04/2006 2:00 PM.

Department: Aging
Duration: November 1, 2006 through September 30, 2009
Contact: Marilyn Cartwright; Purchasing Agent 3, 814-472-0259



Miscellaneous

CN00023104 Flannel Blanket - 82% cotton; 18% polyester; 70" X 100" heavy napping; tight weave. Blanket "must have" heavy napping to prevent piling, used for patients with PICA behavior issues. The blanket "cannot" be able to be picked apart as the patient will ingest. Reference: MEDLINE #MDT218147WHI. "Product bid must meet or exceed the referenced thermal blanket." Vendor will need to submit sample with bid package. Proposed Bid Opening Date: 10/17/2006.

Department: Public Welfare
Location: Ebensburg Center, 4501 Admiral Peary Highway, Rt. 22 West; PO Box 600, Ebensburg, PA 15931
Duration: commodity bid
Contact: Marilyn A. Cartwright, Purchasing Agent 3, 814-472-0259

[Pa.B. Doc. No. 06-2009. Filed for public inspection October 13, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

